



**Far North  
District Council**



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

# **AGENDA**

## **Ordinary Council Meeting**

**Thursday, 23 September 2021**

**Time: 10.00 am**

**Location: Held virtually via Microsoft TEAMS**

**Membership:**

Mayor John Carter - Chairperson  
Cr 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
	District Licensing	N/A	N/A	N/A
	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 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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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 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,		

Name	Responsibility Chairperson etc)	(i.e.	Declaration of Interests	Nature Potential Interest	of Member's Proposed Management Plan
			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		
	Vision Kerikeri		Financial Member		
<b>Rachel Smith (Partner)</b>	Property Owner		Kerikeri		
	Friends who work at Far North District Council				
	Kerikeri Cruising Club		Subscription Member and Treasurer		
	Vision Kerikeri		Financial Member		
	Town and General Groundcare Limited		Director, Shareholder		
<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



Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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
	He Puna Aroha Putea Whakapapa	Trustee	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Kawakawa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Whangaroa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	National Emergency Management Advisor Committee	Member		Case by case basis
	Te Rūnanga ā Iwi o Ngāpuhi	Tribal affiliate member	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 should there appear to be one

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Te Rūnanga ā Iwi o Ngāti Hine	Tribal affiliate member	Could have a perceived conflict of interest	Declare a perceived conflict should I determine there is a conflict
	Kawakawa Business and Community Association	Member		Will declare a perceived conflict should there appear to be one
<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
	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

<b>Name</b>	<b>Responsibility Chairperson etc)</b> (i.e.	<b>Declaration of Interests</b>	<b>Nature Potential Interest</b> of	<b>Member's Proposed Management Plan</b>
	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
	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 virtually via Microsoft TEAMS on:**  
**Thursday 23 September 2021 at 10.00 am**

**Te Paeroa Mahi / Order of Business**

<b>1</b>	<b>Karakia Timatanga – Opening Prayer.....</b>	<b>11</b>
<b>2</b>	<b>Ngā Whakapāha Me Ngā Pānga Mema / Apologies and Declarations of Interest.....</b>	<b>11</b>
<b>3</b>	<b>Ngā Tono Kōrero / Deputations .....</b>	<b>11</b>
<b>4</b>	<b>Ngā Kōrero A Te Koromatua / 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>25</b>
6.1	Vehicle Crossings Bylaw - Recommendations for Making New Bylaw.....	25
6.2	Treated Water Supply Bylaw - Recommendations for Making New Bylaw.....	64
6.3	Appointed Member Allowances Policy.....	119
6.4	Update of Policy - Appointment of Directors to Council Organisations.....	126
6.5	Housing for the Elderly, Oxford Street, Kaitaia .....	135
6.6	Exemption to be Granted - Section 7 of the Local Government Act 2002 - Council Controlled Organisations .....	161
6.7	Update Alternate on Northland Regional Council Civil Defence Emergency Management Group .....	165
6.8	2021 Meeting Schedule Amendment.....	168
<b>7</b>	<b>Information Reports.....</b>	<b>172</b>
7.1	Community Board Updates September 2021 .....	172
7.2	Council Action Sheet Update September 2021 .....	204
7.3	CEO Report to Council 01 May 2021 - 30 June 2021 .....	212
<b>8</b>	<b>Te Wāhanga Tūmataiti / Public Excluded.....</b>	<b>254</b>
8.1	Confirmation of Previous Minutes - Public Excluded .....	254
8.2	Rating Sale Te Hiku .....	254
8.3	Coopers Beach Youth Camp - Remission Request .....	254
8.4	Kaitaia Water Project.....	255
<b>9</b>	<b>Karakia Whakamutunga – Closing Prayer.....</b>	<b>256</b>
<b>10</b>	<b>Te Kapinga Hui / Meeting Close.....</b>	<b>256</b>



**1 KARAKIA TIMATANGA – OPENING PRAYER****2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / 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 NGĀ TONO KŌRERO / DEPUTATIONS**

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

**4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS**

## **5 CONFIRMATION OF PREVIOUS MINUTES**

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

**File Number:** A3052385

**Author:** Kim Hammond, Meetings Administrator

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

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

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

#### **RECOMMENDATION**

**That Council confirms the minutes of the Council meeting held 12 August 2021 as a true and correct record.**

#### **1) BACKGROUND**

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

#### **2) DISCUSSION AND OPTIONS**

The minutes of the meetings are attached.

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

#### **Reason for the recommendation**

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

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

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

#### **ATTACHMENTS**

- 1. 2021-08-12 Council Unconfirmed Minutes - A3334394**  



**Compliance schedule:**

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

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

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications 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  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON THURSDAY, 12 AUGUST 2021 AT 10.00 AM**

**PRESENT:** Mayor John Carter (HWTM), Deputy Mayor Cr 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:** Emma Davis (Kaikohe-Hokianga Community Board Deputy Chair), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board), Frank Owen (Bay of Islands-Whangaroa Community Board Deputy Chair)

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

**1 KARAKIA TIMATANGA – OPENING PRAYER**

His Worship the Mayor declared the meeting open and Councillor Dave Collard commenced the meeting with a prayer.

**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

No apologies or declarations of interest.

**3 DEPUTATION**

- Kerry Shanta – Footpath from Ahipara to Kaitaia – document number A13368132 refers.
- Dennis Corbett – Brownlie Project – document number A13368134 refers.

**4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS**

Bravery Awards Ceremony

- Kohukohu Masonic Hotel – Kohukohu Volunteer Fire Fighters Neil Mathieson, Lindsey Davidson and Eva Walker, and local residents Shannon and Malcolm Tindall, Brian Crooks and Sean Butler.
- Pawarenga Floods – Macca Proctor.

Deputy Mayor Ann Court left the meeting at 10:55 am.

**5 NOTICE OF MOTION**

**5.1 NOTICE OF MOTION - KAIMAUMAU ROAD**

Agenda item 5.1 document number A3310921, pages 12 - 12 refers

**MOTION**

Moved: Cr Mate Radich  
Seconded: Mayor John Carter

That the Far North District Council:

- a) place speed bumps on the tar seal in the village of Kaimaumau.
- b) remove all illegal obstacles (road tyres, signs, rocks) obstructing this road immediately.

**AMENDMENT**

Moved: Cr Felicity Foy  
Seconded: Cr Dave Collard

- c) agree that traffic calming measures on the metal portion of Kaimaumau Road, along with sealing of the short section of road to the Kaimaumau toilets, be initiated and
- d) approve an unbudgetted figure of \$50k towards this project.

**CARRIED**

AGAINST: Cr Rachel Smith

The amendment becomes the substantive motion.

**RESOLUTION 2021/58**

Moved: Cr Mate Radich  
Seconded: Mayor John Carter

That the Far North District Council:

- a) place speed bumps on the tar seal in the village of Kaimaumau.
- b) remove all illegal obstacles (road tyres, signs, rocks) obstructing this road immediately.
- c) agree that traffic calming measures on the metal portion of Kaimaumau Road, along with sealing of the short section of road to the Kaimaumau toilets, be initiated and
- d) approve an unbudgetted figure of \$50k towards this project.

**CARRIED**

## **6 CONFIRMATION OF PREVIOUS MINUTES**

### **6.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 6.1 document number A3052380, pages 14 - 34 refers

**RESOLUTION 2021/59**

Moved: Mayor John Carter  
Seconded: Cr John Vujcich

**That Council confirm the minutes of the Council meetings held 24 June 2021 and 1 July 2021 are a true and correct record.**

**CARRIED**

## **7 REPORTS**

### **7.1 COUNCILLOR MATE RADICH - FORMAL REMOVAL FROM INFRASTRUCTURE COMMITTEE**

Agenda item 7.1 document number A3308147, pages 35 - 37 refers

**RESOLUTION 2021/60**

Moved: Mayor John Carter  
Seconded: Cr Felicity Foy

**That Council update the Infrastructure Committee Terms of Reference to remove Councillor Mate Radich from the Infrastructure Committee.**

**CARRIED**

## **7.2 2021 MEETING SCHEDULE AMENDMENT**

Agenda item 7.2 document number A3305256, pages 38 - 41 refers

### **RESOLUTION 2021/61**

Moved: Mayor John Carter  
Seconded: Cr John Vujcich

**That Council adopt the amended 2021 calendar as attached.**

**CARRIED**

## **7.3 2021 REPRESENTATION ARRANGEMENTS REVIEW**

Agenda item 7.3 document number A3240077, pages 42 - 54 refers

### **RESOLUTION 2021/62**

Moved: Mayor John Carter  
Seconded: Cr Moko Tepania

**That the Far North District Council, in accordance with sections 19H and 19J and clauses 1 and 2 of Schedule 1A of the Local Electoral Act 2001, adopts the following as its initial proposal for public consultation the review of representation arrangements for at least the 2022 triennial local elections:**

- a) The Far North District Council to comprise the Mayor elected at large and 10 councillors elected under the ward system, specifically 6 general ward councillors and 4 Māori ward councillors.**
- b) The Far North District Council be divided into 4 wards, these being:**
  - i) Kaikohe-Hokianga General Ward (represented by 1 general ward councillor), comprising the area in the proposed Kaikohe-Hokianga General Ward map as shown on Attachment 1.**
  - ii) Te Hiku General Ward (represented by 2 general ward councillors), comprising the area in the proposed Te Hiku General Ward map as shown on Attachment 2.**
  - iii) Te Pēwhairangi-Whangaroa General Ward (represented by 3 general ward councillors), comprising the area in the proposed Te Pēwhairangi-Whangaroa General Ward map as shown on Attachment 3.**
  - iv) Ngā Tai o Tokerau Māori Ward (represented by 4 Māori ward councillors), comprising the whole of the district in the proposed Māori Ward map as shown on Attachment 4.**
- c) The Bay of Islands-Whangaroa name be proposed as Te Pēwhairangi-Whangaroa being the Māori name for Bay of Islands-Whangaroa.**
- d) The Māori ward be named Ngā Tai o Tokerau.**

- e) The above general wards are the current ward areas with the exception of the Kaikohe-Hokianga and the Te Pēwhairangi-Whangaroa ward boundaries to be altered as follows:
- Meshblock 0037202 be added to the Te Pēwhairangi-Whangaroa General Ward from the Kaikohe-Hokianga General Ward.
  - Meshblock 0036401 be added to the Te Pēwhairangi-Whangaroa General Ward from the Kaikohe-Hokianga General Ward.
  - Meshblocks 0034600, 0034800 be added to the Te Pēwhairangi-Whangaroa General Ward from the Kaikohe-Hokianga General Ward.
- f) The number of Māori ward councillors complies with Schedule 1A of the Local Electoral Act 2001,
- g) The Far North District Council be divided into 3 subdivided communities, these being:
- (i) Kaikohe-Hokianga Community subdivided into:
- 1) Kaikohe Subdivision comprising the area in the proposed Kaikohe Subdivision map as shown on Attachment 5.
  - 2) North Hokianga Subdivision comprising the area in the proposed North Hokianga Subdivision map as shown on Attachment 6.
  - 3) South Hokianga Subdivision comprising the area in the proposed South Hokianga Subdivision map as shown on Attachment 7,
- being the existing community board and subdivision areas with the exception of the Kaikohe-Hokianga Community Board subdivision boundaries to be altered as follows:
- a. Meshblocks 0032600, 0033200, 0033100, 0032700, 0033000 be added to the Kaikohe Subdivision from the South Hokianga Subdivision
  - b. Meshblocks 0039200, 0039500, 0040501, 0040502, 0040601 and 0040602 to be added to the South Hokianga from the Kaikohe Subdivision
- (ii) Te Hiku Community subdivided into:
- 1) Doubtless Bay Subdivision comprising the area in the proposed Doubtless Bay Subdivision map as shown on Attachment 8.
  - 2) Kaitāia Subdivision comprising the area in the proposed Kaitāia Subdivision map as shown on Attachment 9.
  - 3) North Cape Subdivision comprising the area in the proposed North Cape Subdivision map as shown on Attachment 10.
  - 4) Whatuwhiwhi Subdivision comprising the area in the proposed Whatuwhiwhi Subdivision map as shown on Attachment 11.
- being the current community board and subdivision areas with the exception of the Te Hiku Community Board subdivision boundaries to be altered as follows:
- a. Meshblock 0012701 be added to the Whatuwhiwhi Subdivision from the North Cape Subdivision
- (iii) Te Pēwhairangi-Whangaroa Community subdivided into:
- 1) Kawakawa-Moerewa Subdivision comprising the area in the proposed Kawakawa-Moerewa Subdivision map as shown on Attachment 1.

- 2) Kerikeri Subdivision comprising the area in the proposed Kerikeri Subdivision map as shown on Attachment 13.
- 3) Paihia Subdivision comprising the area in the proposed Paihia Subdivision map as shown on Attachment 14.
- 4) Russell-Ōpua Subdivision comprising the area in the proposed Russell-Ōpua Subdivision map as shown on Attachment 15.
- 5) Waipapa Subdivision comprising the area in the proposed Waipapa Subdivision map as shown on Attachment 16.
- 6) Whangaroa Subdivision comprising the area in the proposed Whangaroa Subdivision map as shown on Attachment 17.

being the existing community board and subdivision areas with the exception of the Te Pēwhairangi-Whangaroa Community Board subdivision boundaries to be altered as follows:

- a. Meshblock 0047701 be added to the Kawakawa-Moerewa Subdivision from the Russell-Ōpua Subdivision
- b. Meshblocks 0046100, 0046400, 0046700, 0046801, 0047801 be added to the Russell-Ōpua Subdivision from the Kawakawa-Moerewa Subdivision
- c. Meshblocks 4009371, 4009372, 0043905, 0044701 be added to the Kerikeri Subdivision from the Whangaroa Subdivision
- d. Meshblocks 0033600, 0033800, 0043902, 0043904, 0043905, 0043907, 0044003, 0044004, 0044005, 0044008, 0044503, 0044504, 0044505, 0044506, 0044507, 0044508, 0044603, 0044604, 0044605, 0044606, 0044607, 0044608, 0044609, 0044701, 0044703, 0044801, 4007581, 4007583, 4008359, 4008360, 4008361, 4009371, 4009372, 4010073, 4011285, 4011286, 4011319 be added to the Waipapa Subdivision from the Kerikeri Subdivision

**h) There be 19 community board members, being:**

- (i) 7 members elected from the Te Pēwhairangi-Whangaroa Community Board comprising:**

- 1) Kawakawa-Moerewa Subdivision – 1 member
- 2) Kerikeri Subdivision – 2 members
- 3) Paihia Subdivision – 1 member
- 4) Russell-Ōpua Subdivision – 1 member
- 5) Waipapa Subdivision – 1 member
- 6) Whangaroa Subdivision – 1 member

**and 1 member of the Council representing the Te Pēwhairangi-Whangaroa Ward appointed to the community board by Council**

- (ii) 6 members elected from the Kaikohe-Hokianga Community Board comprising:**

- 1) Kaikohe Subdivision – 3 members
- 2) North Hokianga Subdivision – 1 member
- 3) South Hokianga Subdivision – 2 members

**and 1 member of the Council representing the Kaikohe-Hokianga Ward appointed to the community board by Council**

(iii) 6 members elected from the Te Hiku Community Board comprising:

- 1) Doubtless Bay Subdivision – 1 member
- 2) Kaitāia Subdivision – 3 members
- 3) North Cape Subdivision – 1 member
- 4) Whatuwhiwhi Subdivision – 1 member

and 1 member of the Council representing the Te Hiku Ward appointed to the community board by Council

i) The reasons for the boundary alterations to the wards and community board subdivisions are:

(i) the adjustments ensure that communities of interest that were split are now rectified

(ii) in rectifying the communities of interest, the adjustments largely comply with section 19V Local Electoral Act 2001 (the fair representation criteria) with the exceptions of:

- Te Hiku General Ward
- North Cape Subdivision of the Te Hiku Community Board
- Whangaroa Subdivision of Te Pēwhairangi-Whangaroa Community Board
- Russell-Ōpua Subdivision of Te Pēwhairangi-Whangaroa Community Board
- South Hokianga Subdivision of Kaikohe-Hokianga Community Board
- Kaikohe Subdivision of Kaikohe-Hokianga Community Board

(iv) the affected meshblocks are contiguous, have no physical divisions and are similar to the surrounding land.

And that the formal, legislative consultative process and the following timetable be adopted.

Council Resolution (Initial)	12 August 2021 (last legal date 31 August 2021) (section 19H, LEA)
Public Notice	20 August 2021 (within 14 days of resolution) (section 19M, LEA)
Public Submission Period	20 August to 1 October 2021 (six weeks) (section 19M, LEA)
Submissions Heard	14-15 October 2021 (section 19M, LEA)
Council Resolution (Final)	4 November 2021 (section 19N, LEA)
Public Notice	12 November 2021 (within 6 weeks of close of submissions) (section 19N, LEA)
Public Objection Period	12 November to 13 December 2021 (one month) (section 19N, LEA)
Forward Material to LGC	By 24 December 2021 (if required) (section 19Q, LEA)

Note that if section 19V Local Electoral Act 2001 has not been complied (+/- 10% rule), the matter is treated as an objection and automatically referred to the Local Government Commission for determination, such determination to be made by 10 April 2022.

And that the hearing of any representation arrangements review submissions received be heard by Council on 14-15 October 2021.

#### AMENDMENT

Moved: Cr Felicity Foy

Seconded: Cr Dave Collard

*Ngā Tai o Tokerau Māori Ward (represented by 4 Māori Ward councillors), comprising of 2 Māori Ward Councillors from the North and 2 Māori Ward Councillors from the South of the district, in the proposed Māori Ward map as shown on Attachment 4.*

LOST

**CARRIED**

#### **7.4 KOUTU MANGEROA PICNIC AREA ENCROACHMENT**

Agenda item 7.4 document number A3264735, pages 74 - 80 refers

##### **MOTION**

- a) That Council engage with the kaitiaki of the Koutū Mangeroa Picnic Area to formalise a Kaitiaki Agreement for the lawful use of the area as a campground.
- b) That Council engage with the kaitiaki to obtain the necessary consents under the Resource Management Act, Local Government Act and Health Act to facilitate the lawful use of the area as a campground.

##### **AMENDMENT**

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

That Council

- a) refer this back to the Kaikohe-Hokianga Community Board for consideration.
- b) agree that a final report be presented to Council no later than December 2021.

**CARRIED**

The amendments became the substantive motion.

##### **RESOLUTION 2021/63**

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

**That Council**

- a) refer this back to the Kaikohe-Hokianga Community Board for consideration.
- b) agree that a final report be presented to Council no later than December 2021.

**CARRIED**

#### **7.5 APPOINTMENT OF DIRECTOR TO THE BOARD OF NORTHLAND ADVENTURE EXPERIENCE LIMITED 2**

Agenda item 7.5 document number A3307299, pages 81 - 84 refers

##### **RESOLUTION 2021/64**

Moved: Cr Moko Tepania

Seconded: Mayor John Carter

**That Council:**

- a) formally note the resignation from Councillor Moko Tepania from the Northland Adventure Experience Limited Board,



**CARRIED**

- b) **appoint Councillor David Clendon as a Director on the Northland Adventure Experience Limited Board;**

**CARRIED**

- c) **agree to indemnify Councillor Clendon for professional negligence as a director when acting in good faith in his capacity as a director.**

**CARRIED**

AGAINST Crs Rachel Smith and Vujcich against

**CARRIED**

**NOTE:**

- Mayor John Carter acknowledged Cr Moko Tepania for his representation on the NAX committee.
- Democracy Services to send copy of today's Council minutes to the Northland Adventure Experience Limited Board

## **7.6 POU HERENGA TAI TWIN COAST CYCLE TRAIL BYLAW REVIEW**

Agenda item 7.6 document number A3307827, pages 85 - 104 refers

### **RESOLUTION 2021/65**

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

**That Council:**

- a) **agree, under section 155(1) of the Local Government Act 2002, that a Bylaw is the most appropriate way of addressing problems related to the Pou Herenga Tai - Twin Coast Cycle Trail.**
- b) **agree, under section 155(2) of the Local Government Act 2002, that the current Pou Herenga Tai - Twin Coast Cycle Trail Bylaw is not the most appropriate form because:**
- i) **it is not consistent with relevant laws and legislation**
  - ii) **it is not certain.**
- c) **agree, the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw be continued with amendment to:**
- i) **ensure consistency with relevant laws and legislation**
  - ii) **improve certainty**
- d) **note, that under section 155(2) of the Local Government Act 2002, a full analysis of any implications regarding the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw under the New Zealand Bill of Rights Act 1990 cannot be completed until the amendments to the bylaw have been written.**
- e) **agree that a draft policy for the Pou Herenga Tai Twin Cost Cycle Trail Bylaw be presented to the Strategy and Policy Committee in the first quarter of 2022 prior to consultation.**

**CARRIED**

ABSTAIN: Cr Mate Radich

## 8 INFORMATION REPORTS

### 8.1 THREE WATERS REFORM

Agenda item 8.1 document number A3301784, pages 105 - 206 refers

#### **RESOLUTION 2021/66**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That Council:**

- a) **will provisionally opt out of the Three Waters Reform until such a time as more information comes to light to enable an informed decision to be made by Council.**

**CARRIED**

AGAINST: Crs Rachel Smith, Kelly Stratford and Moko Tepania.

- b) **Staff report back to the 4 November 2021 Council meeting with the findings of the detailed analysis required to be undertaken by Councils during August and September.**

**CARRIED**

- c) **work with our neighbouring Councils, those being Whangarei, Kaipara and Northland Regional Council, in an attempt to find a water entity and governance structure that suits our region; and**

**CARRIED**

- d) **consult with our community on this issue and if necessary hold a referendum in our district on the issue, initially using its quarterly poll to get an indication and initial feed back.**

**CARRIED**

Deputy Mayor Ann Court returned to the meeting 12:22 pm.

Meeting adjourned 12:23 pm – 1:00 pm

### 8.2 COMMUNITY BOARD UPDATES JULY 2021

Agenda item 8.2 document number A3308100, pages 207 - 222 refers

#### **RESOLUTION 2021/67**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

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

- a) **Te Hiku Community Board, 6 July 2021.**
- b) **Kaikohe-Hokianga Community Board, 7 July 2021.**
- c) **Bay of Islands-Whangaroa Community Board, 8 July 2021.**

**CARRIED**

**8.3 COUNCIL ACTION SHEET UPDATE AUGUST 2021**

Agenda item 8.3 document number A3308085, pages 223 - 240 refers

**RESOLUTION 2021/68**

Moved: Cr Ann Court

Seconded: Cr Felicity Foy

**That Council receive the report Action Sheet Update August 2021.**

**CARRIED**

**9 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2021/69**

Moved: Mayor John Carter

Seconded: Cr Ann Court

**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>9.1 - 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>	<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</p>

<b>9.2 - Rating Sale Endorsement Bay of Islands-Whangaroa</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>9.3 - FNDC Contract No 7/21/150 Community Road Safety Promotion Activity Services - Contract Award</b>	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>9.4 - Far North Housing Opportunities</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>9.5 - Chief Executive Employment Section 35 Review</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>CARRIED</b>		

At the conclusion of the public excluded session the meeting confirmed that information and decisions discussed with the public excluded would remain confidential.

## **10 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

## **11 MEETING CLOSE**

The meeting closed at 3:55pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 23 September 2021.

.....  
**CHAIRPERSON**

## **6 REPORTS**

### **6.1 VEHICLE CROSSINGS BYLAW - RECOMMENDATIONS FOR MAKING NEW BYLAW**

**File Number:** A3380268

**Author:** Donald Sheppard, Sustainability Programme Coordinator

**Authoriser:** Darren Edwards, General Manager - Strategic Planning and Policy

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

The purpose of this report is for Council to agree to the proposed Vehicle Crossings Bylaw under section 145 of the Local Government Act 2002 and section 22AB (zk) of the Land Transport Act 1998.

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

- On 21 May 2020, the Council agreed a bylaw is the most appropriate way to regulate vehicle crossings in the Far North District.
- On 20 October 2020 the Strategy and Policy Committee agreed to release a proposal for a new Vehicle Crossings Bylaw for public consultation.
- This consultation took place in two stages: 1) written submissions were received from 2 to 28 November 2020; 2) oral submissions were heard by the Strategy and Policy Committee on 23 March 2021.
- Council staff have analysed the submissions and made recommended changes to the draft bylaw (see Attachment 1, Analysis of Submissions and Recommendations).
- The general theme of the submissions was that on occasion the council should be more flexible, reasonable and 'light-handed' in regulating vehicle crossings and council staff agreed with this approach, noting, however, that flexibility should be the exception, not the norm.
- Attachment 2 is the final draft of the new bylaw for adoption.
- The recommended new bylaw has some changes compared with the previous (now revoked) Control of Vehicle Crossings Bylaw 2010 and to the way vehicle crossings have been managed since this Bylaw was revoked, for example with:
  - o New terminologies (for example, a permit becomes an approval)
  - o New definitions (for example, temporary crossings are defined more clearly)
  - o A change to the scope of what is covered (for example, the bylaw will not cover minor repairs or maintenance of crossings)
  - o More detail on the procedures which council must follow (for example, to manage applications and objections etc).
- The Strategy and Policy Committee considered this report at their meeting on 07 September 2021 and makes the following recommendation to Council.

#### **TŪTOHUNGA / RECOMMENDATION**

**That Council:**

- a) agree to the recommendations in the Staff report on submissions and recommendations for consideration in Attachment 1 that:
  - i) No changes are made to clauses 12, 15, 16, 18, 21, 22 and 23 in the draft bylaw.
  - ii) Clause 4 is changed by:
    - 1) Adding the words "reconstruction, upgrading and relocation" after the word "construction"
    - 2) Deleting the words "and repair" after the words "and relocation";

- 3) Inserting the word “vehicular” after the words “vehicle crossings giving”;
  - 4) Adding the words “or another design approved by the council” after “engineering standards for vehicle crossings”.
- iii) Clause 5 is changed by:
- 1) Deleting the definition of berm;
  - 2) Adding to the definition of vehicle crossing, the words “, but does not include paddock entrances with less than ten (10) stock movements per month” after “accessing the property”;
  - 3) Deleting subclause (2) and replacing with a new Clause 2:  
**“2. Related information boxes**  
**Boxes headed ‘Related information’ in this bylaw are for information purposes only, and –**
    - (a) they do not form part of the bylaw; and
    - (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
    - (c) may be inserted, amended or removed without formality”
  - 4) Adding a “related information box” referring to a new diagram to supplement the written definition of a vehicle crossing:  
**“The terminology associated with vehicle crossings is illustrated in diagram 1 in the Schedule to this bylaw”.**
- iv) Clause 6 is changed by:
- 1) In subclause (1), deleting the word “widen” and replacing with the word “upgrade”;
  - 2) In subclause (2), replacing the word “widened” with “upgraded”;
  - 3) In subclause (2), adding the words: “, or permission has been granted by the council for a private road or right-of-way under section 348 of the Local Government Act 1974” after “has been granted for this work”;
  - 4) Adding a new subclause (3): “An approval is not required to conduct minor repairs or to maintain a vehicle crossing”;
  - 5) Adding further information to the “related information” box as follows:  
**“Approvals are required for:**
    - Construction i.e. building a new vehicle crossing
    - Reconstruction i.e. rebuilding a crossing which is broken and/or not fit for purpose
    - Upgrading e.g. widening a crossing, replacing metal with tarseal, replacing a culvert, or making safety improvements to a crossing
    - Relocating i.e. moving a crossing from one place to another.**Approvals are not required for:**
    - Minor repairs i.e. refurbishing a crossing that is showing signs of wear and tear but is not broken (such as repairing a pothole)
    - Maintenance e.g. resealing the surface of the crossing with existing seal material or cleaning a culvert.**Whether or not an approval is required for work on the vehicle crossing, a Work Access Permit is required for all work on the road corridor (see**

clause 17). This is required under the National Code of Practice for Utility Operators' Access to Transport Corridors".

v) Clause 7 is changed by:

- 1) Adding "or other council-approved design" after "appropriate engineering standard";
- 2) Adding "Council will respond to the applicant in 30 working days or less" after "the proposed vehicle crossing".

vi) Clause 8 is changed by:

- 1) Adding the words "in its sole discretion" after "may grant an approval";
- 2) Adding the words "or other design approved by the council" after "the appropriate engineering standard";
- 3) Adding a new paragraph (b): "the council is satisfied that the proposed vehicle crossing will not cause undue impacts involving road safety or damage to the environment".

vii) Clause 9 is changed by:

- 1) Adding the words "or other design approved by the council" after "appropriate engineering standard" in paragraph (a);
- 2) Adding the words "or other design approved by the council" after "specified engineering standard" in paragraph (b);
- 3) Replacing the word "mention" with "notice" in paragraph (b).

viii) Clause 10 is changed by:

- 1) Adding a "related information box" below paragraph (a).  
"Chapter 15 of the District Plan ('Transportation') covers areas such as parking and access to private properties including where access is permitted and not permitted. It lists the criteria that will be used to assess road access such as traffic safety and congestion, foreseeable future changes to traffic patterns in the area, and the safety of pedestrians, disabled persons and cyclists, etc.";
- 2) Adding the words "the positioning of grates, and compliance with any covenants relating to the site" after "sump or utility connection" in paragraph (b).

ix) Clause 11 is changed by:

- 1) Adding the words "at a time" after "twelve (12) months" in subclause (1);
- 2) Adding a "related information box" after subclause (2):  
"If a temporary crossing is not being used currently but will be used again in many years' time, as is common in the forestry industry, it will not have fulfilled its purpose and there is no need to remove the crossing unless it is unsafe or is causing damage to the road or drainage system".

x) Clause 13 is changed by:

- 1) Deleting the words "twelve (12) months" and replacing with the words "3 years" in subclauses (1) and (2).

xi) Clause 14 is changed by:

- 1) Deleting the words "to another person or" and add the words "or to a different location at the property concerned" after the words "to another property" in subclause (2);

	<p><b>2) Adding a new subclause (3): “Approvals may be transferred to another person at the same property, such as a new property owner, if the council has been notified in writing of this transfer”.</b></p>
<b>xii)</b>	<p><b>Clause 19 is changed by:</b></p>
	<p><b>1) Deleting the word ‘repair’ from subclause (1);</b></p>
	<p><b>2) Adding a new subclause (2): “Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover observed issues with the vehicle crossing such as safety concerns, and the crossing’s current and intended future use”.</b></p>
<b>xiii)</b>	<p><b>Clause 20 is changed by:</b></p>
	<p><b>1) Adding a new subclause (2): “Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover why the council considers the vehicle crossing is redundant or in excess of the reasonable requirements of the owner or occupier and will ascertain what is the crossing’s current and intended future use, if any”.</b></p>
<b>b)</b>	<p><b>agree the Vehicle Crossings Bylaw in Attachment 2:</b></p>
	<p><b>i) is the most appropriate form of bylaw; and</b></p>
	<p><b>ii) does not give rise to any implications under the New Zealand Bill of Rights Act 1990.</b></p>
<b>c)</b>	<p><b>under section 145 of the Local Government Act 2002 and section 22AB(zk) of the Land Transport Act 1998, make the Vehicle Crossings Bylaw in Attachment 2.:</b></p>

## **1) TĀHUHU KŌRERO / BACKGROUND**

On 21 May 2020, the Council resolved that a new bylaw is appropriate to regulate vehicle crossings in the Far North District (Resolution 2020/30 refers).

Subsequently, on 20 May 2020 the Strategy and Policy Committee approved a proposal for a new Vehicle Crossings Bylaw to be released for public consultation (Resolution 2020/15 refers).

This consultation took place in two stages: 1) twenty-one written submissions were received from 2 to 28 November 2020; 2) 3 verbal submissions were heard by the Strategy and Policy Committee on 23 March.

From the 21 submissions received, 3 supported the proposed bylaw in full, 15 submissions requested changes to the bylaw and 3 submissions had mixed views, both positive and negative.

The main theme from these submissions is that the bylaw needs to be more flexible in some circumstances. Staff agree that it is possible for the bylaw to provide more flexibility in the areas suggested in the submissions without compromising the objectives of the bylaw (to protect the public from nuisance; to protect, promote and maintain public health and safety; and to protect council’s assets from damage).

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

### **Form and content of the bylaw**

The report in Attachment 1 summarises the submissions and makes recommended changes to the draft bylaw for Council to consider. If these recommendations are agreed to, Council staff advise that the Vehicle Crossings Bylaw in Attachment 2 is an appropriate form of bylaw for the purposes of section 155(2)(a) of the Local Government Act 2002.

### **Compliance with the New Zealand Bill of Rights Act 1990**



As required by section 155(2)(b) of the Local Government Act 2002, before a local authority makes a bylaw, it must determine whether the proposed bylaw has any implications under the New Zealand Bill of Rights Act 1990.

An initial assessment of these implications was included in the Vehicle Crossings Bylaw Proposal for Consultation [Objective reference: A2959774]. This assessment said:

“It is considered that the proposed bylaw seeks to impose fair, reasonable and justifiable controls on vehicle crossings and there are no known implications in relation to the New Zealand Bill of Rights Act 1990”.

None of the recommended changes in the report in Attachment 1 have new implications under the New Zealand Bill of Rights Act 1990. Therefore, the initial assessment is now a final assessment and Council staff consider there are no known implications in relation to the New Zealand Bill of Rights Act 1990.

### **Changes resulting from the new bylaw**

The recommended new bylaw has some changes compared with the previous Control of Vehicle Crossings Bylaw 2010 and compared with the way vehicle crossings have been managed since this Bylaw revoked. The new bylaw has:

- new terminologies (for example, a permit becomes an approval);
- new definitions (for example, temporary crossings are defined more clearly);
- some changes to its scope (for example, the bylaw will not cover minor repairs or maintenance of crossings);
- more detail on the procedures which council must follow (e.g. to manage applications and objections, to remove redundant crossings etc).

In addition, ideally the application process should move online to provide convenience to applicants such as the ability to upload photographs and drawings.

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




Under section 145 of the Local Government Act 2002 and section 22AB (zk) of the Land Transport Act 1998, the Vehicle Crossings Bylaw in attachment 2 can be made, because, following the changes recommended in the report in Attachment 1, it:

- (a) is an appropriate form of bylaw; and
- (b) does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

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

The cost of implementing the new bylaw is covered by current operational budgets.

### **ĀPITI HANGA / ATTACHMENTS**

1. **Vehicle Crossings Bylaw Submissions Analysis and Recommendations - A3380274**  
2. **Final New Vehicle Crossings Bylaw for Adoption - A3380277**  

**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>	<p>The vehicle crossings area has a relatively low degree of significance for the following reasons:</p> <ul style="list-style-type: none"> <li>• Only a small number of individuals are involved each year with around 120 new crossings constructed annually.</li> <li>• This area is not of high public interest or a controversial area.</li> <li>• There is no evidence of divided community opinion on the matter.</li> </ul>
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	<p>Chapter 15.1.16C in the District Plan covers access to properties and council's engineering standards provide standards for the proper construction of vehicle crossings.</p> <p>In the 'status quo' section of the Options Report presented to the Council on 21 May 2020 [Objective reference A2856590], the legislation and policies that relate to the decision are described and assessed. This includes national legislation as well as the District Plan and Council's engineering standards.</p>
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	As this is a District-wide issue, it is not a matter that can be dealt with by the Community Boards.
<p>State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	Vehicle crossings have no implications for Māori that are different from other people in the District.

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).	Property owners had the opportunity to provide their views on the proposed new bylaw, which was publicised online.  In addition, property developers, roading engineers and roading contractors were specifically asked for their feedback on the draft bylaw via email.
State the financial implications and where budgetary provisions have been made to support this decision.	The cost of implementing the new bylaw is covered by current operational budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

## OUR DISTRICT

**Proposed Vehicle Crossings Bylaw**  
**Staff report on submissions and recommendations for consideration**

- **CONTENTS**

- |   | Page number |
|---|-------------|
| 1. Background .....                                       | 1           |
| 2. Summary of submissions .....                           | 1           |
| 3. Analysis and recommendations .....                     | 2           |
| 3.1 Clauses where no submissions were made .....          | 2           |
| 3.2 Staff recommendation for drafting clarification ..... | 2           |
| 3.3 Submissions on clauses in the draft bylaw .....       | 3           |
| Appendix 1 – list of submissions received .....           | 20          |
-

## 1. Background

On 21 May 2020, the Council agreed a bylaw is the most appropriate way to regulate vehicle crossings in the Far North District. On 20 October 2020 the Strategy and Policy Committee agreed to release a proposal for a new Vehicle Crossings Bylaw for public consultation. The period for making written submissions on the proposal began on 2 November 2020 and ended on 28 November 2020. Twenty-one submissions were received and three of the people who made submissions asked to be given the opportunity to make an oral presentation of their submissions. The Strategy and Policy Committee heard those presentations on 23 March 2021.

This report analyses the submissions received and makes recommendations for amendments to the draft Vehicle Crossings Bylaw. A numbered list of people who made submissions is included in the Appendix and these numbers are used to refer to the individual submissions.

Staff from the following teams contributed to the analysis in this report:

- Strategy Development
- Northern Transport Alliance
- Environmental Services
- Infrastructure Programme Delivery.

## 2. Summary of submissions

From the 21 written submissions received, 3 submissions supported the proposed bylaw in full (3, 10 and 11), 15 did not fully support the draft bylaw and requested changes (2, 4, 5 to 9, and 12 to 19) while 3 had mixed views both positive and negative (1, 20 and 21). Those with mixed views tended to suggest changes reflecting their individual points of view, for example, submission 21 from a forestry company made suggestions relating to the particular needs of the forestry industry.

Examples of comments from the submissions that supported the draft bylaw are:

*"Poor quality crossings in the District cause significant road damage and nuisance."*

*"Important in more populated areas."*

A number of submissions discussed in section 3.2 of this report said that greater flexibility may be occasionally needed in the bylaw wording. One submission (20) referred to case law (*McCarthy v Madden* (1914) 33 NZLR 1251, 1268) that states bylaws must be reasonable and said, *"that anything other than a light-handed bylaw would be found to be unreasonable"*.

## Staff analysis

Council staff agree flexibility and reasonableness need to be considered in creating legislation and over-regulation must be avoided. Staff also agree it is possible for the bylaw to provide more flexibility in the areas suggested in the submissions, without compromising its objectives: to protect the public from nuisance; to protect, promote and maintain public health and safety; and to protect council's assets from damage.

## Staff recommendations

To provide more flexibility, staff have recommended the following changes to the bylaw that are discussed in detail in section 3.2 of this report:

- the current engineering standards will apply to the design and construction of most vehicle crossings but, on occasion, other council-approved designs may be allowed (see clauses 7, 8 and 9)
- unformed crossings used to move stock will not need to be constructed to the standard required for vehicle access (see clause 5)

- temporary crossings used by the forestry industry will not need to be removed if they are required in the future (see clause 11)
- minor repairs and maintenance will not require approval from the council (see clause 8).

### 3. Analysis and recommendations

The following section lists specific submissions that relate to the clauses in the draft bylaw, analyses these submissions and makes recommendations regarding the bylaw wording.

#### 3.1 Clauses where no submissions were made

No submissions were made about the following clauses in the draft bylaw and Council staff recommend no changes to these clauses:

- Clause 12. Withdrawing an application
- Clause 15. Suspending or cancelling an approval
- Clause 16. Other obligations not affected
- Clause 18. Construction requirements
- Clause 21. The council may improve a vehicle crossing
- Clause 22. Objections
- Clause 23. Compliance and enforcement.

#### 3.2 Staff recommendation for drafting clarification

Council staff recommend a minor drafting change to describe what the “Related information” boxes in the bylaw do. This description is better placed at the start of the bylaw, rather than in Clause 5 (Interpretation) and could be worded more clearly.

##### **Recommendation:**

Delete subclause (2) in Clause 5 (Interpretation) and include a new Clause 2 as follows:

##### **“2 Related information boxes**

Boxes headed “Related information” in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.”

This change will result in all subsequent clauses in the bylaw being renumbered. However, this report uses the clause numbers as they were in the draft bylaw that was published for consultation.

### 3.3 Submissions on clauses in the draft bylaw

#### Clause 4 Purpose

Clause 4 states the purpose of the bylaw is to protect the public from nuisance, promote public safety and protect public infrastructure by regulating the use, construction and repair of vehicle crossings by requiring compliance with the council's engineering standards for vehicle crossings.

#### Submissions received

Four submissions were received about clause 4 as follows:

- Clarification is needed that the bylaw applies to vehicular crossings only, not to moving stock (submission 20)
- Application of the engineering standards should reflect the condition of the road (submissions 1, 16 and 20)
- 'Repair' should be removed from the bylaw (submission 21).

#### Staff analysis

In the Interpretation clause of the draft bylaw (clause 5), vehicle crossings are defined as crossings used by motor vehicles accessing a property. These crossings apply to vehicles, not to stock movements. However, adding the word 'vehicular' in Clause 4, will make this distinction even clearer.

Council staff agree that on occasion council-approved designs other than the engineering standards may apply, for example, for some crossings on isolated rural roads. However, this would be the exception, not the rule.

The word 'repair' was included in clause 4 by mistake. The correct description of activities covered by the regulation is in clause 6, namely the "use, construction, reconstruction, upgrading and relocation" of vehicle crossings.

#### Staff recommendation

Amend clause 4 as follows:

1. Add the words "reconstruction, upgrading and relocation" after the word "construction"
2. Delete the words "and repair".
3. Insert the word "vehicular" after the words "vehicle crossings giving".
4. Add the words "or another design approved by the council" after "engineering standards for vehicle crossings".

#### "Tracked changes" to the clause as recommended to be amended

The purpose of the bylaw is to protect the public from nuisance, promote public safety and protect public infrastructure by regulating the use, construction, reconstruction, upgrading and relocation ~~and repair~~ of vehicle crossings giving vehicular access from roads to properties located within the Far North District by requiring compliance with the council's engineering standards for vehicle crossings or another design approved by the council.



## Clause 5. Interpretation

Clause 5 contains definitions of the terms used in the bylaw.

### Submissions received

(1) Submission 20 commented on two of the definitions, “berm” and “vehicle crossing”, as follows:

- the word “road” would be better than “street” in the definition of “berm”
- the definition of “vehicle crossing” should be changed to exclude unformed crossing places such as where a farmer makes a gate out of fencing materials in order to occasionally move stock.

### Staff analysis

The definition of berm was included by mistake. The word is not used in the bylaw.

Council staff agree that unformed occasionally-used crossings used to move stock do not need to be regulated. These crossings typically involve extremely light vehicle use such as a farmer riding a quad bike. Whangārei District Council refers to these crossings as “paddock entrances” and excludes them from its vehicle crossing regulation.

Council staff also consider the definition of vehicle crossing could be made clearer by including a diagram from the District Plan in a Schedule to the bylaw.

### Staff recommendations

Amend clause 5 as follows:

1. Delete the definition of berm.
2. In the definition of vehicle crossing:
  - (a) add the words “, but does not include paddock entrances with less than ten stock movements per month”
  - (b) add a “related information box” referring to a new diagram in the Schedule that illustrates the definition

#### Related information

The terminology associated with vehicle crossings is illustrated in diagram 1 in the Schedule to this bylaw.

3. Add a new schedule including diagram 1.

### “Tracked changes” to the clause as recommended to be amended

~~(2) ——— Berm is the area between a property boundary and the street; it can include both sides of a footpath.~~

**Vehicle crossing** means the area of driveway, whether temporary or permanent, between a **road** and a private property boundary, intended for use by **motor vehicles** accessing the property, but does not include paddock entrances with less than ten stock movements per month.

#### Related information

The terminology associated with vehicle crossings is illustrated in diagram 1 in the Schedule to this bylaw.

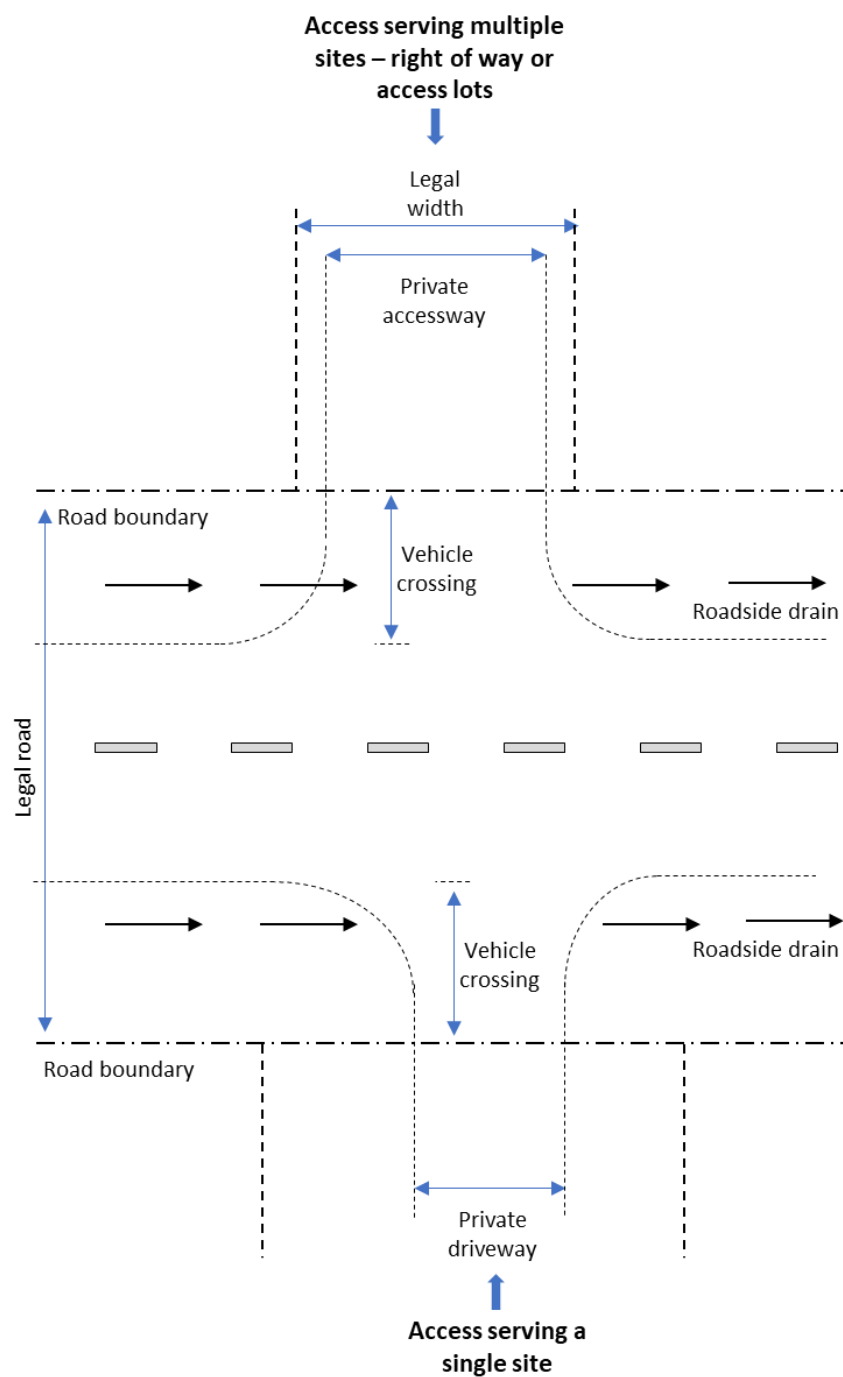
[Schedule](#)

[Part 1](#)

[Clause 5 Interpretation](#)

[Diagram 1](#)

**Access Standards Terminology**  
**Appendix 3F. FNDC Operational District Plan**



**Clause 6. An approval is required for a vehicle crossing**

This clause says that people wishing to construct, reconstruct, widen or relocate a vehicle crossing, whether for a permanent or a temporary crossing, must have an approval from the council. This does not apply where a resource consent for a subdivision has been granted for this work.

**Submissions received**

Three submissions were made regarding this clause:

- The bylaw should better define construct and reconstruct (submission 20)
- Maintenance should be excluded from the bylaw (submissions 16 and 21). Submission 21 referred to maintenance as the reconstruction of a crossing before it will be used for harvesting a forestry block.
- Submission 21 said that the application process should be streamlined, using an online approach.

**Staff analysis**

Council staff consider that legal definitions of the activities relating to vehicle crossings are not needed, as these are commonly used words. However, it may help people to understand what the activities are if some examples are given of these activities. Staff also consider the word “upgrade” should be used instead of “widen” because it is a broader term involving a variety of changes to the crossing, including widening.

Maintenance is not referred to in clause 6. Giving examples of what maintenance involves will clarify that this does not refer to the reconstruction of a crossing as indicated in submission 21.

Staff also consider the bylaw should make it clear an approval is not required where permission is granted by the council relating to a private road or private right-of-way under section 348 of the Local Government Act 1974.

The application process, including online options, will be addressed in the implementation of the new bylaw.

**Staff recommendations**

Amend clause 6 as follows:

1. In subclause (1), replace the word “widen” with “upgrade”.
2. In subclause (2), replace the word “widened” with “upgraded” and add the words: “, or permission has been granted by the council for a private road or right-of-way under section 348 of the Local Government Act 1974” after “for this work”.
3. Add a new subclause (3): “An approval is not required for minor repairs or to maintain a vehicle crossing.”
4. Add the following text to the “related information” box:

Approvals are required for:

- Construction i.e. building a new vehicle crossing
- Reconstruction i.e. rebuilding a crossing which is broken and/or not fit for purpose
- Upgrading e.g. widening a crossing, replacing metal with tarseal, replacing a culvert, or making safety improvements to a crossing
- Relocating i.e. moving a crossing from one place to another.

Approvals are not required for:

- Minor repairs i.e. refurbishing a crossing that is showing signs of wear and tear but is not broken (such as repairing a pothole)
- Maintenance e.g. resealing the surface of the crossing with existing seal material or cleaning a culvert.

**“Tracked changes” to the clause as recommended to be amended**

- (1) Every person wishing to construct, reconstruct, ~~widen~~ upgrade or relocate a **vehicle crossing**, whether for a permanent or a temporary crossing, must have an **approval** from the council.
- (2) An **approval** is not required for a **vehicle crossing** constructed, reconstructed, ~~widened~~ upgraded or relocated as part of a subdivision or land use consent, where a resource consent has been granted for this work, or permission has been provided by the council relating to a private road or private right-of-way under section 348 of the Local Government Act 1974.
- (3) An approval is not required for minor repairs or to maintain a vehicle crossing.
- (34) Every application for an **approval** must be made by a person who has the legal authority to deal with the property accessed by the vehicle crossing (**“the applicant”**) and:
- (a) be in the form required by the council; and
  - (b) include all the information required by the form; and
  - (c) be accompanied by the applicable fee listed in the council’s Fees and Charges Schedule.

**Related information**

Forms for applying for a permit can be found on the council’s website at [Vehicle Crossing Application Form](#) or picked up at any Council office.

The current [Fees and Charges Schedule](#) can be found on the council’s website or a copy can be viewed at any Council office.

Approvals are required for:

- Construction i.e. building a new vehicle crossing
- Reconstruction i.e. rebuilding a crossing which is broken and/or not fit for purpose
- Upgrading e.g. widening a crossing, replacing metal with tarseal, replacing a culvert, or making safety improvements to a crossing
- Relocating i.e. moving a crossing from one place to another.

Approvals are not required for:

- Minor repairs i.e. refurbishing a crossing that is showing signs of wear and tear but is not broken (such as repairing a pothole)
- Maintenance e.g. resealing the surface of the crossing with existing seal material or cleaning a culvert.

**Clause 7. Assessment of an application**

Clause 7 states the council will assess the information provided in an application to determine the appropriate engineering standard that should apply to the crossing.

**Submissions received**

Two submissions were received regarding this clause as follows:

- The engineering standards will be too stringent in some cases *“the standard should be applied proportionally, depending on the standard of the relevant public road”* (submission 20).
- The bylaw should state how long it will take for council to respond to the application (submission 12).

**Staff analysis**

Council staff agree that some flexibility should be allowed in determining the design and specifications for a particular crossing.

Staff also agree that it is fair to applicants to state how long the response will take. A time of up to 30 working days is recommended to allow for assessing complex applications. This timing is built into the council’s current arrangement with Haigh Workman to process these applications; however, in many instances the response is faster than 30 days. Currently, in order to keep costs down for the council, Haigh Workman try to be efficient and conduct vehicle crossings inspections when they have other work to do in an area, and, reducing this timeframe would mean Haigh Workman would need to spend more hours doing this work at significantly more cost to council.

**Staff recommendations**

Amend clause 7 as follows:

1. Insert, after the word “standard”, the words “or other council-approved design”.
2. Add the words “The council will respond to the applicant in 30 working days or less”.

**“Tracked changes” to the clause as recommended to be amended**

The council will assess the information provided in an application to determine the appropriate engineering standard or other council-approved design that should apply to the proposed vehicle crossing. The council will respond to the applicant in 30 working days or less.

**Clause 8. Granting an approval**

This clause says the council may grant an approval if the information provided in the application is sufficient to determine the appropriate engineering standard.

**Submissions received**

No submissions referred specifically to this clause; however, submissions 1, 16 and 20 suggested the bylaw could be more flexible regarding the application of the engineering standards.

**Staff analysis**

Council staff agree more flexibility may be allowed regarding the design specifications of vehicle crossings, but this should be the exception, not the rule.

Legal advice was received that this clause should state that granting an approval is at council's sole discretion and mention should be made of other considerations such as road safety and negative impacts on the environment.

**Staff recommendation**

Amend clause 8 by adding the words "in its sole discretion" after "may grant an approval";

Amend paragraph (a) by inserting, the words "or other design approved by the Council" after the words "engineering standard";

Include a new paragraph (b): "the council is satisfied that the proposed vehicle crossing will not cause undue impacts involving road safety or negative impacts on the environment; and".

**"Tracked changes" to the clause as recommended to be amended**

The council may grant an approval in its sole discretion if:

- (a) the information provided in the application is sufficient to determine the appropriate engineering standard or other design approved by the Council for the vehicle crossing; and
- (b) the council is satisfied that the proposed vehicle crossing will not cause undue impacts involving road safety or negative impacts on the environment; and
- (c) the applicable fee has been paid to the council.

**Clause 9. Content of an approval**

Clause 9 says that an approval will state: a) the appropriate engineering standard applicable for the vehicle crossing, b) that the council will inspect the vehicle crossing, c) that a Work Access Permit is required to work on the road corridor (see clause 17).

**Submissions received**

Three submissions (1, 16 and 20) asked for the Council to use its discretion in applying the current engineering standards in some circumstances, such as a crossing on a little-used unsealed road.

**Staff analysis**

Council staff agree more discretion and flexibility should be allowed in the bylaw. A minor drafting change is also recommended in paragraph (b).

**Staff recommendations**

1. Amend paragraphs (a) and (b) by inserting, after the word “standard”, the words “or other design approved by the council”.
2. Replace the word “mention” with “notice” in paragraph (b).

**“Tracked changes” to the clause as recommended to be amended**

An approval will include:

- (a) a statement as to the appropriate engineering standard or other design approved by the council applicable for the **vehicle crossing** which must be followed in the design and construction of the **vehicle crossing**;

**Related information**

The council’s current engineering standards are published on the council’s website at [Engineering Standards and Guidelines](#) or can be picked up at any Council office.

- (b) ~~mention~~ notice that the council will inspect the **vehicle crossing** to make sure it meets the specified engineering standard or other design approved by the council and any other conditions included in the **approval**;
- (c) information on how to obtain a Work Access Permit which is required to access the road corridor and commence construction (see clause 17).

## Clause 10. Additional approval conditions

Clause 10 says that the council may include additional condition/s in an approval, including:

- relevant provisions from Chapter 15 (Transportation) of the Far North District Plan
- other relevant conditions applying to the vehicle crossing e.g. placement of the crossing to avoid a sump or utility connection
- conditions relating to a temporary vehicle crossing.

### Submissions received

Two submissions (8 and 21) said the Council should be more specific regarding subclauses (1) and (2) because they are too broad or vague and therefore could result in the Council putting onerous conditions on approvals.

### Staff analysis

Council staff agree that these provisions could be seen as too broad. However, staff note that there is an objection process described in clause 22 of the bylaw if an applicant thinks a condition is unreasonable. Secondly, they note that this is the flip-side of the flexibility that people want - if there is going to be broader scope for how crossings can be designed, then the Council needs the ability to apply appropriate conditions regarding the design.

However, staff recommend explaining what Chapter 15 of the District Plan covers and providing more examples of other conditions that may be covered by paragraph (b) to demonstrate that such conditions will be relevant and reasonable.

### Staff recommendations

Amend clause 10 by:

1. Adding a “related information box” after paragraph (a) as follows:

#### Related information

[Chapter 15 of the District Plan \(‘Transportation’\)](#) covers areas such as parking and access to private properties including where access is permitted and not permitted. It lists the criteria that will be used to assess road access such as traffic safety and congestion, foreseeable future changes to traffic patterns in the area, and the safety of pedestrians, disabled persons and cyclists, etc.

2. In paragraph (b) insert after the word “connection”, the words “the positioning of grates, and compliance with any covenants relating to the site”.

### “Tracked changes” to the clause as recommended to be amended

The council may include additional condition/s applying to an approval:

- (a) regarding any relevant provisions from [Chapter 15 \(Transportation\) of the Far North District Plan](#);

#### Related information

[Chapter 15 of the District Plan \(‘Transportation’\)](#) covers areas such as parking and access to private properties including where access is permitted and not permitted. It lists the criteria that will be used to assess road access such as traffic safety and congestion, foreseeable future changes to traffic patterns in the area, and the safety of pedestrians, disabled persons and cyclists, etc.

- (b) any other relevant conditions applying to the vehicle crossing e.g. placement of the crossing to avoid a sump or utility connection, [the positioning of grates, and compliance with any covenants relating to the site](#) etc;
- (c) a temporary vehicle crossing may be subject to additional conditions relating to where the crossing is situated, the purpose of the crossing, how long the temporary crossing will be in place; the effects of the crossing on normal usage of the road; and the design and materials used in its construction.



## Clause 11. Temporary vehicle crossings

Clause 11 states that approval is needed for a temporary vehicle crossing, defined as a crossing that will be needed for no longer than twelve months. Once the temporary vehicle crossing has fulfilled its purpose, it must be removed within three months to the council's satisfaction at the expense of the owner or occupier.

### Submission received

Submission 21 suggested three changes to how temporary crossings are handled in the bylaw:

- Notification of a temporary vehicle crossing to council should be satisfactory in itself and approval (including the fee) for a temporary vehicle crossing should be unnecessary
- Council should list standard criteria or standards for temporary crossings so they can be constructed without approval and without incurring a fee
- In the forestry sector, a crossing may be used once every five to fifteen years, and this should be allowed for.

### Staff analysis

Although a crossing may be temporary, it could still cause safety issues and potential damage to drains and the road during heavy rain if not constructed to suitable standards. Therefore, an approval from the council with relevant conditions is necessary for temporary crossings. Many factors go into determining the design specifications for temporary crossings, including:

- The purpose of the crossing and how long it will be in place
- The type/s of vehicles that will use the crossing
- Safety considerations such as the amount of traffic on the road involved and the sight lines for the crossing
- The surface of the road concerned and the nature of the adjacent drains
- The proximity of the crossing to utility lines etc

Because of the number of factors involved, allowing these crossings to be constructed with no approval needed based on a set of standard designs is not practical.

Council staff agree the bylaw should allow for the long rotation use of temporary crossings, for example by the forestry sector.

### Staff recommendations

Amend clause 11 as follows:

1. In subclause (1), insert, after the word "months", the words "at a time".
2. Add a "related information box" after subclause (2) as follows:

#### Related information

If a temporary crossing is not being used currently but will be used again in many years' time, as is common in the forestry industry, it will not have fulfilled its purpose and there is no need to remove the crossing unless it is unsafe or is causing damage to the road or drainage system.

### "Tracked changes" to the clause as recommended to be amended

- (1) An approval is required for a vehicle crossing needed for a purpose, such as forestry harvesting or building construction, where activity will occur for no longer than twelve (12) months at a time ("temporary vehicle crossing").
- (2) Once a temporary vehicle crossing has fulfilled its purpose, it must be removed within three (3) months. Removing this crossing and any reinstatement work must be conducted to the council's satisfaction at the expense of the owner or occupier.

**Related information**

If a temporary crossing is not being used currently but will be used again in many years' time, as is common in the forestry industry, it will not have fulfilled its purpose and there is no need to remove the crossing unless it is unsafe or is causing damage to the road or drainage system.

**Clause 13. Duration of an approval**

Clause 13 states approvals granted under the bylaw have a duration of twelve months and during this time the work must be completed to the satisfaction of the Council. If the work is not completed within this period, the owner or occupier must apply for a new approval before work can continue.

**Submission received**

Submission 9 suggested making approvals indefinite in duration to be flexible and agile.

**Staff analysis**

An indefinite approval is not practicable because circumstances may change that make the approval inappropriate, for example, changes to the engineering standards. However, Council staff consider the duration could be up to three years because work on a crossing can be delayed for many reasons.

**Staff recommendation**

Amend clause 13(1) and (2) by omitting the words “twelve (12) months” and substituting the words “3 years”.

**“Tracked changes” to the clause as recommended to be amended**

- (1) All approvals granted under this bylaw have a duration of ~~twelve (12) months~~ 3 years, during which time the work shall have been completed to the satisfaction of the council.
- (2) If the work is not completed to the satisfaction of the council within ~~twelve (12) months~~ 3 years, the owner or occupier must apply for a new approval before work can continue. The re-application fee is listed in the council's current [Fees and Charges Schedule](#).

**Clause 14. Amending or transferring an approval**

Clause 14 states approvals are not transferable.

**Submission received**

Submission 9 suggested transfers should be allowed from one owner to the next owner of the same property.

**Staff analysis**

Council staff agree approvals should be able to be transferred from one owner to the next owner of the property. However, transfer from an approved site on the property to another site on the same property should be prevented.

**Staff recommendation**

Amend clause (2) by:

1. Deleting the words “to another person or”.
2. Adding the words “or to a different location at the property concerned”.

Add a new clause (3): “Approvals may be transferred to another person at the same property, such as a new property owner, if the council has been notified in writing of this transfer”.

**“Tracked changes” to the clause as recommended to be amended**

- (1) A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval, with any necessary modifications specified. In this instance, council may require, at its sole discretion, a new fee to be paid depending on the nature of the amendment sought.
- (2) Approvals are not transferable ~~to another person or~~ to another property or to a different location at the property concerned.
- (3) Approvals may be transferred to another person at the same property, such as a new property owner, if the council has been notified in writing of this transfer.

**Clause 19. Vehicle crossings that are unsafe or in disrepair**

Clause 19 states the council may give notice to the owner or occupier of a property to remove, repair or reconstruct a crossing at the expense of the owner if it is unsafe or in disrepair.

**Submissions received**

Four submissions were received regarding clause 19. One (submission 4) supports the clause, but another (submission 13) said the clause is not needed, because the Council or Waka Kotahi should repair the crossing. Submission 6 also said the clause was not needed because the Council can already inspect a crossing and require an upgrade without a bylaw. Submission 21 requested the council recognise the special needs of the forestry sector such as long periods of up to 15 years between use of a crossing and suggested that before the Council issues a notice it should consult with the owner or occupier.

**Staff analysis**

To be consistent with the change made to clause 4 (purpose) and the definitions included in clause 6 (related information) the word “repair” should be deleted from clause 19(1).

Submission 6 is correct; the council can already inspect a vehicle crossing and require an upgrade without a new bylaw. This is possible, for example, under section 17 of the Resource Management Act 1991 (duty to avoid, remedy and mitigate adverse effects) or under section 11A of the Local Government Act 2002 (core services) which says that a local authority must have particular regard to the contribution that network infrastructure including roading, makes to its communities. However, the council has received legal advice that including this provision in a bylaw will provide an easier and more direct mechanism to require remedial work.

The bylaw only covers vehicle crossings on council’s roads and does not apply to crossings on the state highways administered by Waka Kotahi. Although vehicle crossings are part of the road corridor, the property owner gets the benefit of their use in providing access to and from their property, so it is reasonable for the property owner to pay for their reconstruction or removal, rather than the council.

Council staff agree that requiring removal of a crossing that will be used again in many years’ time by the forestry industry would be unfair. Therefore, staff are in favour of introducing criteria such as consulting with the owner or occupier regarding the intended use of the crossing before issuing a notice to remove a crossing.

**Staff recommendations**

Amend clause 19 by:

1. In subclause (1) deleting the word “repair”.
2. Inserting a new subclause (2):  
“(2) Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover observed issues with the vehicle crossing such as safety concerns, and what is the crossing’s current and intended future use.”

**“Tracked changes” to the clause as recommended to be amended**

(1) If at any time, in the opinion of the council, a vehicle crossing does not comply with the engineering standards, the council may, by written notice addressed to the owner or occupier of the property to which the crossing gives access, require the owner or occupier to remove, ~~repair~~ or reconstruct the crossing within the time period specified in the notice to the satisfaction of the council.

(2) Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover observed issues with the vehicle crossing such as safety concerns, and what is the crossing's current and intended future use.

~~(2)~~ (3) If the recipient of such a notice fails to comply with that notice within the prescribed time, the council may arrange for such removal, repair or reconstruction to be carried out and may charge the owner or occupier for the full costs of such work, including reasonable administration costs.

**Clause 20. Redundant or excessive vehicle crossings**

Clause 20 allows the council to remove a vehicle crossing that is redundant or is in excess of the reasonable requirements of the owner or occupier of the property, at the expense of the council.

**Submission received**

Submission 21 requested the council recognise the special long rotation needs of the forestry industry before removing a crossing.

**Staff analysis**

Exceptions for long rotation forestry use of a crossing seem sensible as a crossing that may appear to be redundant to Council staff may indeed be used many years later for forest harvesting. As recommended for clause 19, staff suggest adding a subclause to say that before serving notice, the council will consult with the owner or occupier.

**Staff recommendation**

Amend clause 20 by adding a new subclause (2):

“(2) Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover why the council considers the vehicle crossing is redundant or in excess of the reasonable requirements of the owner or occupier, and will ascertain what is the crossing’s current and intended future use, if any.”

**“Tracked changes” to the clause as recommended to be amended**

(1) Where the council is satisfied that a **vehicle crossing** is redundant or is in excess of the reasonable requirements of the owner or occupier of the property, the council may serve notice upon the owner or occupier that the council will remove this crossing at the expense of the council.

**Related information**

This clause is made under [section 335\(9\) of the Local Government Act 1974](#)

(2) Before issuing a written notice, the council will consult with the property owner regarding the best course of action. This discussion will cover why the council considers the vehicle crossing is redundant or in excess of the reasonable requirements of the owner or occupier, and will ascertain what is the crossing’s current and intended future use, if any.

**Clause 24. Offences and penalties**

Clause 24 lists possible penalties a) under the Local Government Act 2002 of a fine not exceeding \$20,000 and b) under the Land Transport Act 1998, of a fine not exceeding \$1,000.

**Submissions received**

Two submissions were received about clause 24. Submission 16 said that large fines of up to \$20,000 are not warranted and that *“The bylaw is worded in a punitive way which is not conducive to council and ratepayers working together to come up with realistic and flexible solutions”*. Submission 13 said that *“Council is supposed to help ratepayers not force compliance”*.

**Staff analysis**

In general, any fines imposed would be much less than \$20,000. However, as an extreme example, if a faulty vehicle crossing led to a road accident and serious injury or death, then a large fine may be warranted.

The Council follows the VADE principle to ensure compliance with the bylaw i.e. starting with helping property owners do the right thing via advice and education rather than “forcing compliance”. However, as serious safety risks and damage to council’s assets could arise from poorly constructed vehicle crossings, it is important the council has the regulatory authority to prosecute if necessary.

**Staff recommendation**

No change.



**APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED**

Number	Full name	Organisation
1	Ranald MacLeod	Individual submission
2	Missy Heta	Individual submission
3	Marianna Fenn	Individual submission
4	Rob Sintes	Individual submission
5	Nathanael Payne	Individual submission
6	Terence Brocx	Individual submission
7	Jacqueline Te Huia	Individual submission
8	Randall Cork	Individual submission
9	John Kensington	Individual submission
10	Whati Rameka	Individual submission
11	Susan Dunn	Individual submission
12	Ian Harris	Individual submission
13	Carl Mather	Individual submission
14	Vanessa McKay	Individual submission
15	Helen Linssen	Farmside.co.nz
16	Robert Adams	Individual submission
17	Gail Woodall	Individual submission
18	Douglas Mansill	Individual submission
19	Sheryl Wikaire	Individual submission
20	Richard Gardner	Federated Farmers
21	Ursula Buckingham	Hancock Forest Management (NZ) Ltd



## **Vehicle Crossings Bylaw**

Governing Body of Far North District Council

Resolution in Council 23 September 2021.

Under section 145 of the Local Government Act 2002 and section 22AB (zk) of the Land Transport Act 1998 the Governing Body of the Far North District Council made the following bylaw about vehicle crossings.

The bylaw is due for review by 23 September 2026.

## Contents

Clause Description	Page
1. Title	2
2. Related information boxes	2
3. Commencement	2
4. Application	2
5. Purpose	3
6. Interpretation	3
7. An approval is required for a vehicle crossing	5
8. Assessment of an application	5
9. Granting an approval	5
10. Content of an approval	6
11. Additional approval conditions	6
12. Temporary vehicle crossings	6
13. Withdrawing an application	6
14. Duration of an approval	6
15. Amending or transferring an approval	6
16. Suspending or cancelling an approval	6
17. Other obligations not affected	7
18. Working in the road corridor	7
19. Construction requirements	7
20. Vehicle crossings that are unsafe or in disrepair	8
21. Redundant or excessive vehicle crossings	8
22. The council may improve a vehicle crossing	8
23. Objections	8
24. Compliance and enforcement	8
25. Offences and penalties	9
 Schedule	 10

### 1. Title

This bylaw is the Vehicle Crossings Bylaw.

### 2. Related information boxes

Boxes headed "Related information" in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.

### 3. Commencement

This bylaw comes into force two days after the date it is made by the governing body of the Far North District Council.

#### Related information

This bylaw is due for review by 23 September 2026.

### 4. Application

This bylaw applies to the district of the Far North District Council.

## Part 1: Preliminary provisions

### 5. Purpose

The purpose of the bylaw is to protect the public from nuisance, promote public safety and protect public infrastructure by regulating the use, construction, reconstruction, upgrading and relocation of vehicle crossings giving vehicular access from roads to properties located within the Far North District by requiring compliance with the **council's** engineering standards for vehicle crossings or another design approved by the **council**.

### 6. Interpretation

(1) The Interpretation Act 1999 applies to this bylaw.

(2) In this bylaw, unless the context otherwise requires:

**Approval** means an approval granted under this bylaw.

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

**Engineering standards** mean the council's current Engineering Standards and Guidelines.

**Motor vehicle** has the same meaning as in section 2 (1) of the Land Transport Act 1998.

#### Related information

As at as at 07 August 2020, the definition is:

- "(a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include—
  - (i) a vehicle running on rails; or
  - (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
  - (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
  - (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or

- (vi) a pedestrian-controlled machine; or
- (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
- (viii) a mobility device."

**Occupier** has the meaning given by section 2(1) of the Local Government Act 1974.

**Related information**

As at 22 October 2019, the definition is:

"in relation to any property, means the inhabitant occupier of that property."

**Owner** means any person, as defined in section 2(1) of the Local Government Act 1974.

**Related information**

As at 22 October 2019, the definition is:

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

**Road** has the same meaning as in section 315 of the Local Government Act 1974 but excludes access ways for the purposes of vehicle crossings as per section 335(10).

**Related information**

As at 22 October 2019, the definition is:

"...means the whole of any land which is within a district, and which—

- (a) immediately before the commencement of this Part was a road or street or public highway; or
  - (b) immediately before the inclusion of any area in the district was a public highway within that area; or
  - (c) is laid out by the council as a road or street after the commencement of this Part; or
  - (d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or
  - (e) is vested in the council as a road or street pursuant to any other enactment;
- and includes—

(f) [modified by section 335(10) of the Local Government Act 1974]

(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roadway Powers Act 1989."

**Road corridor (or 'road reserve')** includes **roads** as defined above and includes all land from boundary to boundary (including the **berm**).

**Road Controlling Authority (RCA)** has the same meaning as in section 2 of the Land Transport Act 1998.

**Related information**

As at 1 September 2020, the definition is:

"...means the authority, body, or persons having control of the road and includes any person acting under and within the terms of any delegation or authorisation given by a controlling authority."

**Road corridor manager** means the **road controlling authority**, namely the Far North District Council, that has jurisdiction over the **road**.

**Vehicle crossing** means the area of driveway, whether temporary or permanent, between a **road** and a private property boundary, intended for use by **motor vehicles** accessing the property, but does not include paddock entrances with less than ten (10) stock movements per month.

**Related information**

The terminology associated with vehicle crossings is illustrated in diagram 1 in the Schedule to this bylaw.

## Part 2: Substantive provisions

### 7 An approval is required for a vehicle crossing

- (1) Every person wishing to construct, reconstruct, upgrade or relocate a **vehicle crossing**, whether for a permanent or a temporary crossing, must have an **approval** from the **council**.
- (2) An **approval** is not required for a **vehicle crossing** constructed, reconstructed, upgraded or relocated as part of a subdivision or land use consent where a resource consent has been granted for this work, or permission has been granted by the **council** for a private **road** or right-of-way under section 348 of the Local Government Act 1974.
- (3) An approval is not required to repair or maintain an existing **vehicle crossing**.
- (4) Every application for an **approval** must be made by a person who has the legal authority to deal with the property accessed by the **vehicle crossing** ("**the applicant**") and:
- (a) be in the form required by the council; and
  - (b) include all the information required by the form; and
  - (c) be accompanied by the applicable fee listed in the **council's** Fees and Charges Schedule.

#### **Related information**

Forms for applying for a permit can be found on the council's website at [Vehicle Crossing Application Form](#) or picked up at any Council office.

The current [Fees and Charges Schedule](#) can be found on the council's website or a copy can be viewed at any Council office.

Approvals are required for:

- Construction i.e. building a new vehicle crossing
- Reconstruction i.e. rebuilding a crossing which is broken and/or not fit for purpose
- Upgrading e.g. widening a crossing, replacing metal with tarseal, replacing a culvert, or making safety improvements to a crossing
- Relocating i.e. moving a crossing from one place to another.

Approvals are not required for:

- Repairs i.e. refurbishing a crossing that is showing signs of wear and tear but is not broken (such as repairing a pothole)
- Maintenance e.g. resealing the surface of the crossing with existing seal material or cleaning a culvert.

Whether or not an approval is required for work on the vehicle crossing, a Work Access Permit is required for all work on the **road corridor** (see clause 18). This is required under the [National Code of Practice for Utility Operators' Access to Transport Corridors](#).

### 8 Assessment of an application

The **council** will assess the information provided in an application to determine the appropriate **engineering standard** or other **council**-approved design that should apply to the proposed **vehicle crossing**. **Council** will respond to the applicant in 30 working days or less.

### 9 Granting an approval

The **council** may grant an approval in its sole discretion if:

- (a) the information provided in the application is sufficient to determine the appropriate **engineering standard** or other design approved by the **council** for the **vehicle crossing**; and
- (b) the **council** is satisfied that the proposed **vehicle crossing** will not cause undue impacts involving road safety or negative impacts on the environment; and
- (c) the applicable fee has been paid to the **council**.

## 10 Content of an approval

An approval will include:

- (a) a statement as to the appropriate **engineering standard** or other design approved by the **council** applicable for the **vehicle crossing** which must be followed in the design and construction of the **vehicle crossing**;

### **Related information**

The council's current engineering standards are published on the council's website at [Engineering Standards and Guidelines](#) or can be picked up at any Council office.

- (b) notice that the **council** will inspect the **vehicle crossing** to make sure it meets the specified **engineering standard** or other design approved by the **council** and any other conditions included in the **approval**;
- (c) information on how to obtain a Work Access Permit which is required to access the **road corridor** and commence construction of the approved **vehicle crossing** (see clause 18).

## 11 Additional approval conditions

The **council** may include additional condition/s applying to an **approval**:

- (a) regarding any relevant provisions from Chapter 15 (Transportation) of the Far North District Plan;

### **Related information**

Chapter 15 of the District Plan ('Transportation') covers areas such as parking and access to private properties including where access is permitted and not permitted. It lists the criteria that will be used to assess road access such as traffic safety and congestion, foreseeable future changes to traffic patterns in the area, and the safety of pedestrians, disabled persons and cyclists, etc.

- (b) any other relevant conditions applying to the **vehicle crossing** e.g. placement of the crossing to avoid a sump or utility connection, the positioning of grates, and compliance with any covenants relating to the site etc.
- (c) a temporary **vehicle crossing** may be subject to additional conditions relating to where the crossing is situated, the purpose of the crossing, how long the temporary crossing will be in place; the effects of the crossing on normal usage of the **road**; and the design and materials used in its construction.

## 12 Temporary vehicle crossings

(1) An approval is required for a **vehicle crossing** needed for a purpose, such as forestry harvesting or building construction, where activity will occur for no longer than twelve (12) months at a time ("**temporary vehicle crossing**").

(2) Once a **temporary vehicle crossing** has fulfilled its purpose, it must be removed within three (3) months. Removing this crossing and any reinstatement work must be conducted to the **council's** satisfaction at the expense of the owner or occupier.

### **Related information**

If a temporary crossing is not being used currently but will be used again in many years' time, as is common in the forestry industry, it will not have fulfilled its purpose and there is no need to remove the crossing unless it is unsafe or is causing damage to the road or drainage system.

## 13 Withdrawing an application

An **applicant** may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the **council**, in its absolute discretion, decides that a refund (or partial refund) is reasonable in the circumstances.

## 14 Duration of an approval

- (1) All **approvals** granted under this bylaw have a duration of three (3) years, during which time the work must be completed to the satisfaction of the **council**.

- (2) If the work is not completed to the satisfaction of the **council** within three (3) years, the owner or occupier must apply for a new **approval** before work can start or continue. The re-application fee is listed in the **council's** current Fees and Charges Schedule.

#### 15 Amending or transferring an approval

- (1) A person granted an **approval** may, at any time within the duration of the **approval**, apply to the **council** to amend the **approval** or its conditions. An application for amendment must be made in the same manner as an application for an **approval**, with any necessary modifications specified. In this instance, **council** may require, at its sole discretion, a new fee to be paid depending on the nature of the amendment sought.
- (2) **Approvals** are not transferable to another property or to a different location at the property concerned.
- (3) **Approvals** may be transferred to another person at the same property, such as a new property owner, if the **council** has been notified in writing of this transfer.

#### 16 Suspending or cancelling an approval

- (1) The **council** may suspend or cancel an **approval** if:
- (a) the applicant has not obtained a Work Access Permit before commencing construction – see clause 18 of this bylaw;
  - (b) a resource consent for the work has been issued, or permission has been granted by the **council** for a private **road** or right-of-way under section 348 of the Local Government Act 1974, and there is no need for a separate **approval** - see clause 7(2) of this bylaw;
  - (c) upon inspection, in the opinion of the **council** the proposed construction work is likely to be unfit for purpose, unsafe or cause damage to public assets; for example, due to the wrong material used, wrong placement of the **vehicle crossing** as per the approved site plan, incorrect dimensions, or insufficient compaction of the sub-surface etc
- (2) The suspension or cancellation takes effect from the date of the **council's** decision to suspend or cancel the **approval**. The notice of cancellation must include the reasons for the **council's** decision.
- (3) Suspending or cancelling an **approval** does not affect the **council's** powers to take other enforcement action under this bylaw, any other legislation or New Zealand law for the acts or omissions that were the reasons for the suspension or cancellation.

#### 17 Other obligations not affected

An **approval** does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that applies to the matters covered by the **approval**.

#### 18 Working in the road corridor

- (1) A Work Access Permit is required before commencing any work in the **road corridor**.

##### **Related information**

A Work Access Permit gives permission from the **council** as the **road corridor manager** to carry out the specified activity in the **road corridor**. A set of conditions is issued with the Work Access Permit, to be followed when working in the **road corridor**.

- (2) In order to receive a Work Access Permit, the applicant must complete a Corridor Access Request including a Temporary Traffic Management Plan at least ten (10) working days before the planned commencement of any construction work. In the **Approval** notification letter the **council** will provide information to the applicant regarding how to apply for a Corridor Access Request and prepare a Temporary Traffic Management Plan.

- (3) The Work Access Permit, together with an approved Temporary Traffic Management Plan, must always be available on site for the duration of the work carried out in the **road corridor**.

#### 19 Construction requirements

- (1) Construction of a **vehicle crossing** must be managed to allow for the safe passage of pedestrians.



- (2) Interruption to pedestrian and vehicular traffic must be kept to a minimum.

#### 20 Vehicle crossings that are unsafe or in disrepair

(1) If at any time, in the opinion of the **council**, a **vehicle crossing** does not comply with the **engineering standards**, the **council** may, by written notice addressed to the **owner** or **occupier** of the property to which the crossing gives access, require the **owner** or **occupier** to remove or reconstruct the crossing within the time period specified in the notice to the satisfaction of the **council**.

(2) Before issuing a written notice, the **council** will consult with the property owner regarding the best course of action. This discussion will cover observed issues with the **vehicle crossing** such as safety concerns, and the crossing's current and intended future use

(3) If the recipient of such a notice fails to comply with that notice within the prescribed time, the **council** may arrange for such removal, repair or reconstruction to be carried out and may charge the **owner** or **occupier** for the full costs of such work, including reasonable administration costs.

#### 21 Redundant or excessive vehicle crossings

(1) Where the **council** is satisfied that a **vehicle crossing** is redundant or is in excess of the reasonable requirements of the **owner** or **occupier** of the property, the **council** may serve notice upon the **owner** or **occupier** that the **council** will remove this crossing at the expense of the **council**.

##### **Related information**

This clause is made under section 335(9) of the Local Government Act 1974

(2) Before issuing a written notice or removal, the **council** will consult with the property owner regarding the best course of action. This discussion will cover why the **council** considers the **vehicle crossing** is redundant or in excess of the reasonable requirements of the **owner** or **occupier**, and will ascertain what is the crossing's current and intended future use, if any, and why the crossing is required.

#### 22 The council may improve a vehicle crossing

The **council** may reconstruct, widen or relocate a **vehicle crossing** at the council's expense if the **council** is satisfied that this will improve public safety, is necessary for environmental protection, or will reduce the risk of damage to the council's assets.

#### 23 Objections

(1) Any person who has the legal authority to deal with the property accessed by the **vehicle crossing** may object to a **council vehicle crossing** decision, by lodging an objection to this decision in writing to the **council** within 28 days of being notified of the decision.

(2) The **council** will make a decision in writing on an objection including the reasons for it within a reasonable time frame.

(3) Nothing in this bylaw affects the right of the applicant to apply for judicial review of a decision by the **council** concerning **vehicle crossings**.

### **Part 3: Compliance and Enforcement**

#### 24 Compliance and enforcement

**Council** will use a range of compliance and enforcement methods as it considers appropriate under its statutory powers to respond to breaches of the bylaw. These include advice and education, issuing warnings, infringement notices, enforcement orders, injunction applications to restrain the commission of offences and breaches of the bylaw, removal of works, recovery for damage and criminal prosecution.

**Part 4:**  
**Offences and penalties**

25 Offences and penalties

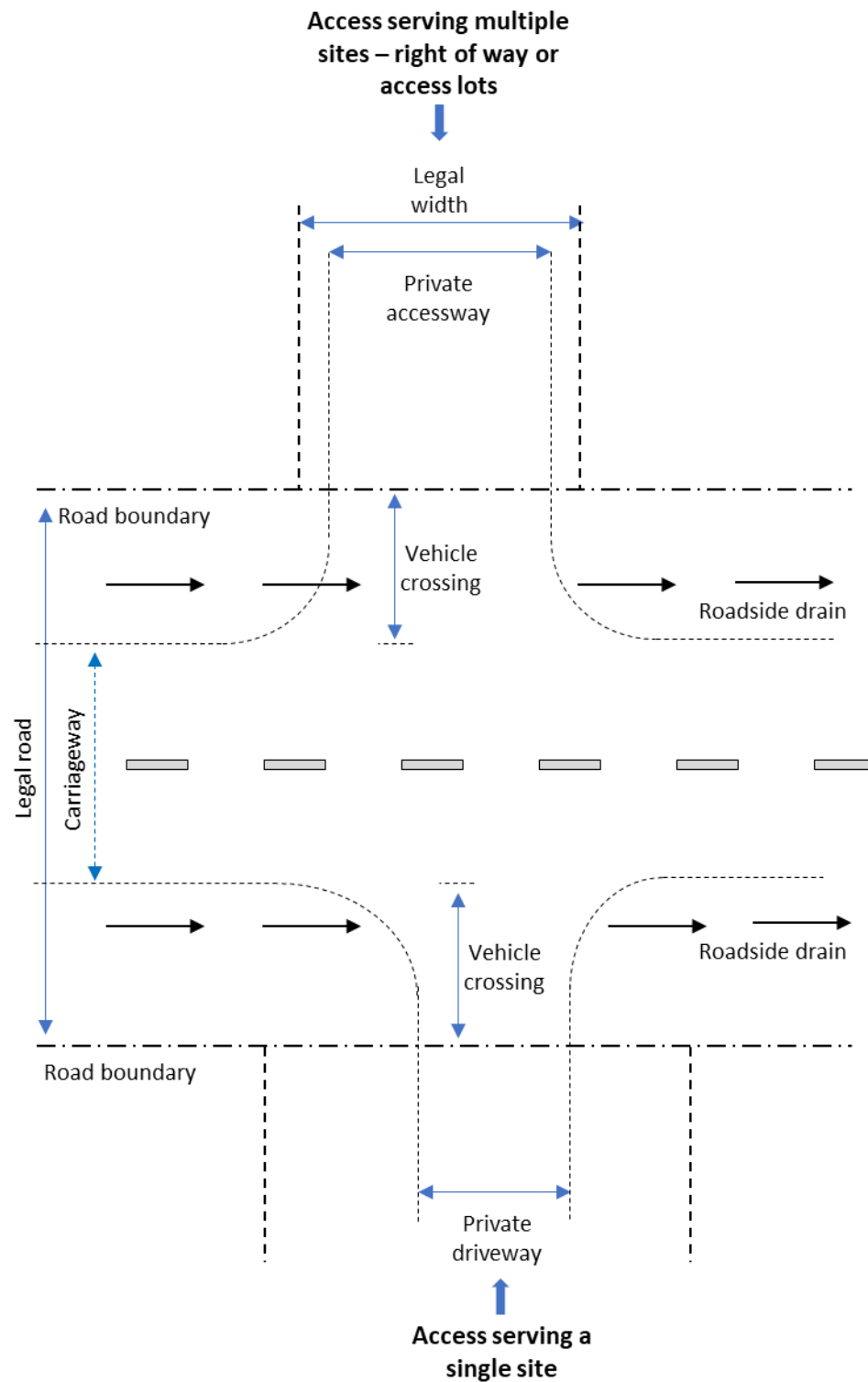
Any person who fails to comply with any condition or restriction under this bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242 (4) of the Local Government Act 2002 of a fine not exceeding \$20,000.

In addition, under section 22AB of the Land Transport Act 1998, the **Road Controlling Authority** may prescribe fines, not exceeding \$1,000 for the breach of any bylaw made under this section.

Schedule  
Part 1  
Diagram 1

Clause 6 Interpretation

# **Access Standards Terminology** **Appendix 3F. FNDC Operational District Plan**



## **6.2 TREATED WATER SUPPLY BYLAW - RECOMMENDATIONS FOR MAKING NEW BYLAW**

**File Number:** A3380339

**Author:** Donald Sheppard, Sustainability Programme Coordinator

**Authoriser:** Darren Edwards, General Manager - Strategic Planning and Policy

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

The purpose of this report is for Council to agree to the Treated Water Supply Bylaw based on staff recommendations.

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

- On 25 February 2021, the Council agreed a bylaw is appropriate to regulate the supply of treated water in the Far North District. A new bylaw is needed because the current bylaw will revoke on 16 October 2021.
- On 4 May 2021 the Strategy and Policy Committee approved a proposal for a new Treated Water Supply Bylaw to be released for public consultation.
- This consultation took place from 8 to 31 May 2021 and thirteen submissions were received.
- Council staff have analysed the submissions and recommend changes to the draft bylaw in response to these submissions (see Attachment 1).
- Attachment 2 is the proposed final new bylaw for adoption.
- The Strategy and Policy Committee considered this report at their meeting on 07 September 2021 and makes the following recommendation.

### **TŪTOHUNGA / RECOMMENDATION**

**That Council:**

**a) agree to the recommendations in the Staff report on submissions and recommendations for consideration in Attachment 1 that:**

**i) No changes are made to clauses 6, 8, 10, 16, 17 to 19, 24, 26 to 30, 32 and 36 in the draft bylaw.**

**ii) Clause 4 is changed by:**

**1) Adding the words “This applies to the supply of treated water from council-owned water schemes, not privately owned schemes.” after “from misuse”:**

**iii) Clause 5 is changed by:**

**1) Adding a new definition:**

**“Drinking water emergency means a situation where water supply restrictions or interruptions may arise from:**

**(a) water supply shortage or drought; or**

**(b) water supply contamination or pollution; or**

**(c) water supply infrastructure emergency repair; or**

**(d) a natural failure or disruption to water supply which may endanger public health.**

**These emergencies may be initiated by the following authorities: The Minister of Health, the Medical Officer of Health, the Regional Council, the Council, and the Civil Defence Emergency Management Group”.**

**2) Adding a new “related information” box:**

**“In section 4 of the Civil Defence Emergency Management Act 2002 the definition of emergency includes failure or disruption to a lifeline utility. An entity that supplies or distributes water to inhabitants of a city or district is a lifeline utility.**

**Section 69S of the Health Act 1956 provides the council may restrict or interrupt the supply of water in the event of emergency repairs but must notify the Medical Officer of Health within 24 hours and take all practicable steps to advise affected persons.**

**Section S69T of the Health Act 1956 provides the council must notify authorities if it identifies or foresees a risk to the adequate supply of drinking water and request these authorities apply their powers to mitigate the water supply risk. The authorities include the Medical Officer of Health, Fire and Emergency New Zealand, and the Northland Regional Council.**

**S69ZZA of the Health Act 1956 provides for the Minister of Health to declare a drinking water emergency if there is a serious risk of harm to public health arising from drinking water or if there is a lack of drinking water available.**

**Section 329 of the Resource Management Act 1991 provides the Northland Regional Council the right to issue water shortage directions which may restrict water takes”.**

**3) Deleting subclause 5(2) and replacing with a new clause (clause 2):**

**“2. Related information boxes**

**Boxes headed “Related information” in this bylaw are for information purposes only, and –**

**(a) they do not form part of this bylaw; and**

**(b) cannot be considered in the interpretation or application of a provision of this bylaw; and**

**(c) may be inserted, amended or removed without any formality.”**

**iv) Clause 7 is changed by:****1) Adding the following “related information” box after subclause (3):**

**“Approximately 400mm of the service pipe between the meter reader and the customer’s pipe is technically on council-owned property. Any work required by the customer on this section of the customer’s pipe is acceptable to the council”**

**v) Clause 9 is changed by:****1) Adding the words: “Customers can receive both ordinary and extraordinary supply” at the end of the existing “related information” box.****vi) Clause 11 is changed by:****1) Adding a new subclause “(3) A person who wants water supplied under subclause (1)(a) must be registered with the drinking water regulator”;****2) Adding a “related information” box after the new subclause (3):**

**“The Director General of Health maintains the drinking water register. Under section 69G of the Health Act 1956, the drinking water register means the register of drinking water suppliers and supplies maintained under section 69J of the Health Act 1956, which includes bulk water carriers”**

**vii) Clause 12 is changed by:****1) Adding a “related information” box after subclause (2):**

“Section 69S(3) of the Health Act 1956 states a maximum timeframe of 8 hours for a planned interruption to supply, after which the supplier must have taken all reasonable steps to notify affected parties”.

**viii) Clause 13 is changed by:****1) Adding a new “related information” box:**

“The council applies a tolerance of  $\pm 3\%$  to determine whether a customer’s water meter is reading correctly or incorrectly”.

**ix) Clause 14 is changed by:****1) Adding the words “, excluding drinking water” after the words “treated water” in subclause (1);****2) Adding the following words to the “related information” box:**

“The Council can put in place treated water restrictions for health and safety reasons under section 145 of the Local Government Act 2002 as a precautionary step to avoid running out of water. As of June 2021, these restrictions are explained on the waterwise website (Be water wise | Be water wise Northland), as follows:

Level Two: No sprinklers

Level Three: No hoses or sprinklers

Level Four: Essential use only - water supplied can only be used for drinking or cooking, to wash clothes and take showers”.

**x) Clause 15 is changed by:****1) Replacing subclause (1) with: “During a drinking water emergency, the council may restrict, interrupt or prohibit the use of treated water.”;****2) Adding a “related information” box after subclause (2):**

“Examples of a drinking water emergency are when:

- drought or water supply shortage has been identified;
- water supply has been polluted or contaminated;
- water supply infrastructure requires emergency repairs;
- a natural failure or a disruption to the water supply occurs which is likely to endanger public health”.

**xi) Clause 21 is changed by:****1) Replacing the words “in accordance with the following criteria” with “by considering the following matters”;****2) Replacing the word “assess” with “consider” in subclauses (2), (3), (4) and (5).****xii) Clause 22 is changed by:****1) In subclause (1) adding the words “or decline” after “may grant” and replacing the words “if it is satisfied the application meets the assessment criteria” with “at its sole discretion based on consideration of the factors”;****2) Deleting subclause (2) “The council may decline an application for an approval if it does not meet the assessment criteria in clause 22”.****xiii) Clause 23 is changed by:**

1)	<b>Adding “, except where drinking water is involved” after “may be supplied” in paragraph (c).</b>
xiv)	<b>Clause 25 is changed by:</b>
1)	<b>Adding a new paragraph (b) in subclause (2) “providing any information requested by the council to demonstrate that any conditions under Clause 23 continue to be met”;</b>
2)	<b>Adding a new subclause (2) “An application for renewal must be made in the same manner as an application for an approval, with any necessary modifications”;</b>
3)	<b>Adding a new subclause (3) “The application for renewal will be assessed based on consideration of the factors described in clause 21”.</b>
xv)	<b>Clause 26 is changed by:</b>
1)	<b>Adding a new subclause (3) “The application for amendment will be assessed based on consideration of the factors described in clause 21”.</b>
xvi)	<b>Clause 28 is changed by:</b>
1)	<b>Adding the words “or the health and safety of any person” after “the water supply system” in subclause (1) paragraph (b).</b>
xvii)	<b>Clause 31 is changed by:</b>
1)	<b>In subclause (3) deleting the words “5 working days” and substituting “10 working days, except if the notice is given under subclause (2)(c), where the customer must comply within 5 working days”;</b>
2)	<b>In subclause (4) deleting the word “shall” and substituting the word “must”.</b>
xviii)	<b>Clause 35 is changed by:</b>
1)	<b>Deleting the amount “\$20,000” and substituting the amount “\$20,000”.</b>
xix)	<b>Clause 37 is changed by:</b>
1)	<b>In subclause (1) adding the words “, except for ordinary supply approvals,” after the words “in clause 36”.</b>
b)	<b>agree the Treated Water Supply Bylaw in attachment 2:</b>
i)	<b>is the most appropriate form of bylaw; and</b>
ii)	<b>the bylaw provisions are considered reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.</b>
c)	<b>under sections 145 and 146 of the Local Government Act 2002, make the Treated Water Supply Bylaw in Attachment 2.</b>

## 1) TĀHUHU KŌRERO / BACKGROUND

On 25 February 2021, the Council resolved that a new bylaw is appropriate to regulate the supply of treated water in the Far North District (Resolution 2021/11 refers).

Subsequently, on 4 May 2021 the Strategy and Policy Committee approved a proposal for a new Treated Water Supply Bylaw to be released for public consultation (Resolution 2021/14 refers).

This consultation took place from 8 to 31 May 2021 and thirteen submissions were received.

Two of the people who made written submissions asked to submit verbally to the Strategy and Policy Committee and a hearing was arranged to hear their views. However, neither of these people turned up to the hearing. Both people were subsequently approached to see if they wanted to present to another hearing, but both said they were happy not to present verbally. One person said they were comfortable with the summary of their views in the report in Attachment 1 and the other said they

were satisfied the Council's Legal Services Team would treat their questions as a request under the Local Government Official Information and Meetings Act 1987.

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

### **Form and content of the bylaw**

The report in Attachment 1 summarises the public submissions and makes recommended changes to the draft bylaw in response to these submissions. If these recommendations are agreed to, Council staff advise that the Treated Water Supply Bylaw in Attachment 2 is an appropriate form of bylaw for the purposes of section 155(2)(a) of the Local Government Act 2002.

### **Compliance with the New Zealand Bill of Rights Act 1990**

As required by section 155(2)(b) of the Local Government Act 2002, before a local authority makes a bylaw, it must determine whether the proposed bylaw has any implications under the New Zealand Bill of Rights Act 1990.

An initial assessment of these implications was included in the Treated Water Supply Bylaw Proposal for Consultation [Objective reference: A3143529]. This assessment said:

“Part 2 of the New Zealand Bill of Rights Act 1990 sets out civil and political rights that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society.

The proposed new bylaw may give rise to implications for the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise (section 21 of the New Zealand Bill of Rights Act 1990). This is because the bylaw gives the Council powers to enter private land to inspect parts of the water supply system. However, the bylaw provisions are fully within the scope of powers the Council already has under sections 171 to 174 of the Local Government Act 2002 and section 332 of the Resource Management Act 1991.

Therefore, the bylaw provisions will be reasonable limits on the rights in the New Zealand Bill of Rights Act 1990”.

None of the recommended changes in the report in Attachment 1 have new implications under the New Zealand Bill of Rights Act 1990. Therefore, the initial assessment is now a final assessment and Council staff consider the bylaw provisions are reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

### **Timing for making the bylaw**

The Council's current Water Supply Bylaw will revoke on 16 October under section 160A of the Local Government Act 2002 because it was not reviewed by the date required under that Act. If the recommendations in this report are agreed to, the new Treated Water Supply Bylaw will be made before the current bylaw is revoked, ensuring ongoing regulation of the treated water supply.

### **Changes from the current bylaw to the new bylaw**

The new Treated Water Supply Bylaw will be significantly different to the current Water Supply Bylaw 2009 as it will have:

- a simpler definition of the types of treated water supply
- new provisions about work around the Council's water supply pipes (for example, building or excavation work)
- more detail about how to make applications to the Council, the criteria for granting approvals and the conditions the Council may put on an approval
- an explanation of peoples' right to object to the Council's water supply decisions
- removal of provisions covering protection of water catchment areas and wastage of water (because these areas are covered by national legislation)
- simpler language in line with modern legal drafting principles with some terminology updated; for example, permits are now called approvals



- less reference to technical details of the treated water supply – where relevant, cross reference is provided to the Council's engineering standards where these technical details are set out.

**Take Tūtohunga / Reason for the recommendation**

The Treated Water Supply Bylaw in attachment 2 can be made, under sections 145 and 146 of the Local Government Act 2002, because, following the changes recommended in the report in attachment 1, it:

- (a) is an appropriate form of bylaw; and
- (b) the bylaw provisions will be reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

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

The costs to implement the new bylaw will come from existing operational budgets.

**ĀPITI HANGA / ATTACHMENTS**

1. Analysis of Submissions and Recommendations - A3380342  
2. Treated Water - Final New Bylaw for Adoption - A3380346  

**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 proposal is not of high significance under the Significance and Engagement Policy. The proposed new bylaw will essentially maintain the status quo for water supply regulation.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Local Government Act 2002 prescribes the requirements for the Council to consult before it makes a bylaw. Public consultation has occurred, and the submissions received have been analysed with recommendations made to amend the draft bylaw.
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 there is reticulated water supply in all of the wards of the District the proposal has District-wide relevance and is not within the delegations of Community Boards to consider.
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.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Water supply is of importance to Māori, given water's status as taonga. Before the public consultation period, tāngata whenua were informed of the new bylaw and invited to provide their input. Then, when formal consultation began, tāngata whenua were again invited to give their input.  By ensuring the proposed bylaw reflects the concept and principles of Te Mana o te Wai, the final proposed bylaw recognises the significance of water to 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).	The following affected or interested people were notified of the public consultation on the new bylaw: <ul style="list-style-type: none"> <li>• All those supplied with treated water from Far North District Council's water schemes.</li> <li>• Commercial suppliers of bulk water.</li> <li>• Plumbers and drainlayers.</li> <li>• Property developers and building companies.</li> </ul>

	<ul style="list-style-type: none"><li>• Community groups concerned about the supply of water to their communities.</li><li>• The District Health Board.</li></ul>
State the financial implications and where budgetary provisions have been made to support this decision.	The costs to implement the new bylaw will come from existing operational budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

## OUR DISTRICT

**Proposed Treated Water Supply Bylaw**

**Staff report on submissions and recommendations for consideration**

• **CONTENTS**

1. Background .....	1
2. Summary of submissions .....	1
3. General feedback .....	2
4. Analysis and recommendations regarding the bylaw wording.....	4
4.1 Clauses not referred to in submissions .....	4
4.2 Staff recommendations for drafting clarification .....	4
4.3 Submissions on clauses in the draft bylaw .....	6
Appendix 1 – List Of Submissions Received .....	25

## 1. Background

On 25 February 2021, the Council agreed a new bylaw is appropriate to regulate the supply of treated water in the Far North District. On 4 May 2021 the Strategy and Policy Committee approved a proposal for a new Treated Water Supply Bylaw to be released for public consultation. The period during which people could make submissions on the proposal was 8 to 31 May 2021. Thirteen submissions were received.

This report analyses the submissions and makes recommendations for amendments to the draft Treated Water Supply Bylaw. A numbered list of people who made submissions is in the Appendix and these numbers are used to refer to the individual submissions in the body of this report.

Council staff from the following teams contributed to the analysis of the submissions:

- Strategy Development
- 3 Waters Planning
- Infrastructure Planning
- Rating Services

Ventia, the Council's Far North Waters Alliance partner, also provided advice on technical issues raised in the submissions.

## 2. Summary of submissions

Thirteen submissions were received, with eleven of these received online using a submissions form that asked people to say if they were "in favour", "opposed" or "unsure" regarding the nine parts of the draft bylaw. Those general responses are summarised in the following table.

Part of the draft bylaw	Number of online submissions			
	In favour	Opposed	Unsure	Total
1. Purpose and interpretation	5	4	2	11
2. Descriptions of the treated water supply system and its parts	5	5	1	11
3. Terms and conditions	4	6	1	11
4. Process for getting approvals	4	6	1	11
5. Protection of the water supply system from damage or misuse	4	5	2	11
6. Charges for water supply	3	5	3	11
7. Offences and penalties	4	5	2	11
8. Savings and transitional provisions	5	5	1	11
9. Diagrams illustrating parts of the water supply system	5	4	1	10 [1 submission did not comment on the diagrams]

Where the submissions opposed a Part and made suggestions for changes, those suggestions are included in the analysis in section 4 of this report.

The remaining two submissions were made offline. They were generally supportive of the draft bylaw, but suggested some changes to Parts 2, 3, 4 and 7 and are again included in the analysis in section 4 of this report.

### 3. General feedback

The following feedback was received that is not related to a specific clause in the draft bylaw.

#### 3.1 Recognition of Te Mana o te Wai and the 3 Waters Reforms

Submission 10 said the draft bylaw needs to recognise Te Mana o te Wai. The submission also said the Council needs to recognise the 3 Waters Reforms in designing the bylaw.

#### Staff analysis

“Te Mana o te Wai” is a central concept of the National Policy Statement for Freshwater Management 2020. It is a statement of principles that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. These principles protect the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. There is a hierarchy of obligations within Te Mana o te Wai as follows:

- First, to the health and well-being of water bodies and freshwater ecosystems
- Second, to the health needs of people
- Third, to the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future

Council staff consider Te Mana o te Wai is recognised in the draft bylaw by:

- Enabling pre-emptive water restrictions to maintain minimum low flows in streams that supply the District’s water schemes. Northland Regional Council sets minimum low flow levels for streams to protect their health and ecology.
- Ensuring public health by:
  - protecting the treated water system from contamination using backflow prevention devices
  - stipulating that only the Council or its agents may make connections or repairs to the treated water supply
  - requiring that all fittings are kept in good repair to avoid contamination of treated water
  - establishing rules for work near water mains to prevent damage to these mains that could result in contamination of the water supply.
- Providing for the social and economic well-being of people and communities, for example by setting rules for bulk tanker operators to supply treated water to those not on the reticulated network.

In the report to the Council that recommended a new bylaw be made [25 February 2021, Agenda item 6.3, document number A3083951, pages 53 - 60 refers], Council staff acknowledged the 3 Water reforms may make the proposed bylaw obsolete at some stage. However, as it was unclear what these reforms will involve, the report recommended the Council should make a new bylaw to replace the current Water Supply Bylaw 2009 before it is automatically revoked on 16 October 2021. It is still unclear what the 3 Water reforms will involve and the recommendation to make a new bylaw still holds.

#### Staff recommendation

Council staff recommend no changes in response to this submission.

#### 3.2 The proposed bylaw is in breach of the Treaty of Waitangi

Two submissions (3 and 4) asked for the following:

*“An official internal independent investigation under the official information and privacy act into the treated water bylaw.*

*1.what treatment is going into our water supply?*

- 2.is the water we are drinking 100% pure?*
  - 3.does the treatment have any effects on the human body?*
  - 4. what are the health concerns to our water being treated?*
  - 5. who are you supplying the treated water to?*
  - 6. who are the owners of the water you are supplying to the public?*
  - 7.has any communication negotiations between iwi and council [occurred] concerning their rights under the te tiri o waitangi 1840 concerning our waterways?*
  - 8.does the council have Māori wards in concerning indigenous rights to our waterways?*
  - 9. environmental law human rights acts indigenous rights acts Te Tiriti o Waitangi 1840 must be uses concerning this treated water bylaw"*
- [We want] a full public report into this official investigation into the treated water bylaw to be made public"*

#### **Staff Analysis**

These questions are being treated as a request under the Local Government Official Information and Meetings Act 1987 by the Council's Legal Services Team. As these questions only indirectly apply to the proposed bylaw, they do not need to be considered in drafting the bylaw.

#### **Staff Recommendation**

Council staff recommend no changes in response to these submissions.



#### 4. Analysis and recommendations regarding the bylaw wording

The following section analyses the submissions made about clauses in the draft bylaw and recommends how to address these submissions in the bylaw.

##### 4.1 Clauses not referred to in submissions

No submissions were made about the following clauses in the draft bylaw:

- Clause 1 Title
- Clause 2 Commencement
- Clause 3 Application
- Clause 4 Purpose
- Clause 5 Interpretation
- Clause 6 Treated water supply system
- Clause 8 Point of supply for different types of ownership
- Clause 10 Supply of treated water for extinguishing fires
- Clause 16 No compensation for water restrictions
- Clause 17 Work on the treated water supply system
- Clause 18 Applications for supply
- Clause 19 Applications for other purposes
- Clause 24 Objections
- Clause 25 Renewing an approval
- Clause 26 Amending an approval
- Clause 27 Transferring of approval
- Clause 28 Suspending or cancelling an approval
- Clause 29 Other obligations not affected
- Clause 30 No connection to other water supplies or fittings
- Clause 32 Prevention of contamination
- Clause 36 Water supply bylaw revoked

##### 4.2 Staff recommendations for drafting clarification

Legal advice was received suggesting a number of amendments to clarify the meaning of several clauses, as covered below

###### Re Clause 4 Purpose

Council staff recommend adding the following words to clause 4 “This applies to the supply of treated water from council-owned water schemes, not privately owned schemes” as shown by the Track Changes below:

“The purpose of the bylaw is to:

- (a) fairly and efficiently manage treated water supply in the district;
- (b) ensure public health and safety;
- (c) protect council’s assets, namely the treated water supply system;
- (d) protect the public from nuisance; and
- (e) protect the treated water supply system from misuse.

This applies to the supply of treated water from council-owned water schemes, not privately owned schemes”

**Subclause 5 (2) to be replaced with a new clause 2**

Council staff recommend a minor drafting change to subclause (2) of Clause 5 (Interpretation). This subclause describes what the “Related information” boxes in the bylaw do. This is better placed at the start of the bylaw and could be worded more clearly. Staff therefore recommend subclause (2) be deleted from clause 5 and a new clause 2 inserted into the bylaw as follows:

**“2 Related information boxes**

Boxes headed “Related information” in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.”

This will result in all subsequent clauses in the bylaw being renumbered. However, this report uses the clause numbers as they were in the draft bylaw that was published for consultation.

**Clause 21 to be amended**

Council staff recommend a number of minor changes to clause 21 (Assessment of applications) to make clear that this clause does not refer to “assessment criteria” but to “considerations” by council. These changes are shown by the Track Changes below:

“The council must assess all applications for approvals ~~in accordance with the following criteria~~ by considering the following matters as applicable to the application –

- (a) the purpose for which the water will be used;
  - (b) how much water is required;
  - (c) any documented record of the applicant's non-compliance with this bylaw or any previous water supply bylaw, or **approvals** granted under such bylaws;
  - (d) whether approving the application could detrimentally affect the **council’s** ability to supply treated water at the volume and/or pressure required for firefighting;
  - (e) whether the **approval** may negatively affect the safe and efficient operation of the **treated water supply system**, the health and safety of any person, or the environment.
- (2) When assessing applications to take bulk water from tanker filling points (see clause 10(1)(a)) the **council** must also ~~assess~~ consider –
- (a) the suitability of the water tanker for transporting bulk water; and
  - (b) the location the water will be transported to.
- (3) When assessing applications to take water from metered **standpipes** on **hydrants** (see clause 11(1)(b)) the **council** must also ~~assess~~ consider whether there are any suitable alternative options to source the treated water.
- (4) When assessing applications for a temporary exemption from water restrictions or prohibitions (see clause 18(d)) the **council** must also ~~assess~~ consider whether the restrictions have, or are they likely to have, a significant negative impact on the applicant’s business or personal situation.
- (5) When assessing applications for **approval** to do work over or near the **treated water supply system** (see clause 17(3) to (7)) the **council** must also ~~assess~~ consider whether the work can be carried out safely without damaging **council’s** assets if appropriate conditions are put in place.”

**Clause 22 to be amended**

Council staff recommend changing clause 22 (Deciding on an application) to make clear that this clause does not refer to “assessment criteria” but to “considerations” by council and to simplify the wording. These changes are shown by the Track Changes below:

- “(1) The **council** may grant or decline an application for an approval ~~if it satisfied the application meets the assessment criteria at its sole discretion based on consideration of the factors~~ described in clause 22.
- ~~(2) The **council** may decline an application for an approval if it does not meet the assessment criteria in clause 22.~~
- (2) An **applicant** may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the **council**, in its absolute discretion, decides that a refund (or partial refund) is reasonable in the circumstances.”

**Clause 25 to be amended**

Council staff recommend amending clause 25 (Renewing an approval) to make its requirements clearer and to cross-refer to clauses 22 and 23. These changes are shown by the Track Changes below:

~~“(1)~~ If an **approval** has a condition specifying a duration for the **approval**, the person granted the **approval** may apply to the **council** to renew the **approval**, before the end of its duration, by:

(a) informing the **council**, in writing, the **approval** is still necessary; and

~~(b) providing any information requested by the **council** demonstrating to demonstrate~~ that any conditions under Clause 23 are being met continue to be met.

~~(2) An application for renewal must be made in the same manner as an application for an **approval**, with any necessary modifications.~~

~~(3) The application will be assessed based on consideration of the factors described in clause 21.”~~

**Clause 26 to be amended**

Council staff recommend amending clause 25 (Amending an approval) to indicate that the considerations listed in clause 21 will apply when council assesses the application. These changes are shown by the Track Changes below:

“(1) A person granted an **approval** may –

(a) at any time within the duration of the **approval**; or

(b) at any time if the **approval** does not have a duration specified in its conditions –  
apply to the **council** to amend the **approval** or its conditions.

(2) An application for amendment must be made in the same manner as an application for an **approval**, with any necessary modifications.

~~(3) The application will be assessed based on consideration of the factors described in clause 21”~~

**Clause 28 to be amended**

Council staff recommend adding the words “or the health and safety of any person” after “the water supply system” in subclause (1)(b) of clause 28 (Suspending or cancelling an approval) as indicated using track changes below:

“(1) The **council** may suspend or cancel an **approval** if –

(a) any conditions are not being met;

(b) the **approval** is affecting the efficient and safe operation of the water supply system or the health and safety of any person.”

### 4.3 Submissions on clauses in the draft bylaw

#### Clause 7 Point of supply

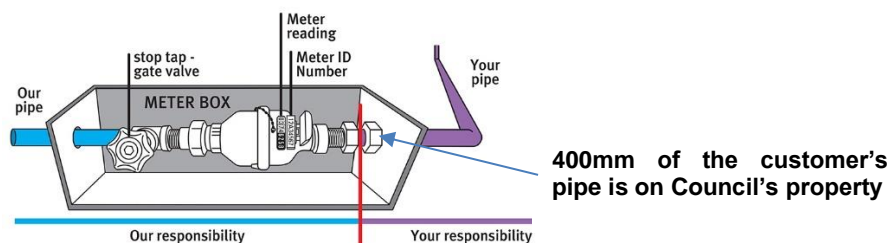
Clause 7 describes the point of supply of treated water to customers, which marks the boundary of responsibility between the **customer** and **council**.

#### Submission received

Submission 11 noted that Figure Two in the Schedule to the draft bylaw (which illustrates the point of supply) shows they “*may have ownership and responsibility of the supply pipe outside of our legal boundary*”. They suggested the responsibility of each party should commence at the legal boundary.

#### Staff analysis

Operational staff confirm that 400mm of the customer’s service pipe is on Council property. As the diagram below shows, the point of supply within the meter box is just after the meter reader. The Council cannot be responsible for a section of pipe after the meter reader and it would be impracticable to have a meter box partially in public land and partially in private land so that the point of supply is exactly on the legal boundary.



#### Staff recommendation

Amend clause 7 by adding the following “related information” box after subclause (3):

##### Related information

Approximately 400mm of the service pipe between the meter reader and the customer’s pipe is technically on council-owned property. Any work required by the customer on this section of the customer’s pipe is acceptable to the council.

#### “Tracked changes” to the clause as recommended to be amended

- (1) The **point of supply** to an individual **customer** is the point on the **service pipe** which marks the boundary of responsibility between the **customer** and **council**.
- (2) As described in the **engineering standards** the **point of supply** to the **customer** should normally be located on the road reserve boundary. This applies to all properties including properties on rear sections accessed by a right of way.
- (3) The typical layout of the fittings at the **point of supply** is illustrated in Part 2 of the Schedule to this bylaw.

##### Related information

Approximately 400mm of the service pipe between the meter reader and the customer’s pipe is technically on council-owned property. Any work required by the customer on this section of the customer’s pipe is acceptable to the council.

- (4) Where there is a **backflow prevention device** then the **point of supply** is the point which is directly downstream of the backflow prevention device.
- (5) Where there is no **backflow prevention device** then the **point of supply** is the point which is directly downstream of the water meter.

### Clause 9 Types of treated water supply

Clause 9 defines two types of supply that can be provided from the Council's water supply system, namely ordinary and extraordinary supply.

#### Submission received

One submission (11) commented that the definitions meant their water supply is "extraordinary supply" and asked the Council to clarify the specific conditions and limitations for their extraordinary supply.

#### Staff analysis

The submission has not correctly interpreted the definition. The customer currently receives both ordinary and extraordinary supply. However, clause 9 does not specifically state that customers can have **both** ordinary **and** extraordinary supply, which may be why this customer misinterpreted the definition. Council staff have contacted this customer and discussed the conditions and limitations of their supply. The customer is seeking some certainty about their supply during times of drought and the Council's staff will develop suitable terms of supply with the customer for this purpose.

#### Staff recommendation

Amend the "related information" box after clause 9(5) by adding the words: "Customers can receive both ordinary and extraordinary supply."

#### "Tracked changes" to the clause as recommended to be amended

##### Related information

Examples of **extraordinary supply** include treated water used for the following purposes:

- filling a residential spa or swimming pool
- water for a fixed residential garden irrigation system
- irrigation water used for agriculture, horticulture or viticulture
- commercial and industrial purposes other than for drinking water
- **fire protection systems** within buildings

Customers can receive both ordinary and extraordinary supply.

### Clause 11 Other types of water supply

Clause 11 states there are other types of supply other than ordinary and extraordinary supply which people must apply for, namely bulk supply of water from tanker filling points and water supply from metered standpipes on hydrants.

#### Submission received

One submission (12) noted that bulk water tanker operators must be registered with the drinking water regulator.

#### Staff analysis

Council staff have determined bulk water carriers must be on the drinking water register maintained by the Director-General of Health.

#### Staff recommendation

Amend clause 11 by adding the following new subclause (3) and “related information” box:

“(3) A person who wants water supplied under subclause (1)(a) must be registered with the drinking water regulator.”

##### Related information

The Director-General of Health maintains the drinking water register. Under section 69G of the Health Act 1956, the drinking water register means the register of drinking water suppliers and supplies maintained under section 69J of the Health Act 1956, which in to bulk water carriers.

#### “Tracked changes” to the clause as recommended to be amended

- (1) Other than water used for **ordinary** or **extraordinary supply**, and water used for firefighting purposes, the **council** may supply two other types of treated water:
  - (a) bulk supply of water from tanker filling points;
  - (b) water supply from metered **standpipes** on **hydrants**.
- (2) A person who wants water supplied under subclause (1) must apply to the **council** for approval of that supply.
- (3) A person who wants water supplied under subclause (1)(a) must be registered with the drinking water regulator.

##### Related information

The Director General of Health maintains the drinking water register. Under section 69G of the Health Act 1956, the drinking water register means the register of drinking water suppliers and supplies maintained under section 69J of the Health Act 1956, which includes bulk water carriers.

### Clause 12 Interruptions to the supply made by council

Clause 12 describes planned and unplanned interruptions made by the Council to ordinary or extraordinary supply. Planned interruptions are for planned maintenance or other planned work, while unplanned interruptions are to carry out emergency inspections or repair work on the treated water supply system. This clause says that 24 hours' notice must be given by the Council for planned interruptions, while no notice is required for unplanned interruptions.

### Submissions received

Two submissions (11 and 12) commented on clause 12. Both suggested different notice periods for the interruption of supply. Submission 11 suggested 48 hours for planned interruptions and 4 hours for unplanned interruptions. Submission 12 suggested planned interruptions should not last for more than 8 hours to be consistent with section 69S(3) of the Health Act 1956.

### Staff analysis

The Council's operational staff advise that 48 hours' notice is normally given for planned interruptions, but occasionally this is not possible, and 24 hours' notice is appropriate as a minimum. Submission 12 is correct, the maximum period for a planned interruption, as stated in the Health Act 1956, is 8 hours.

As unplanned interruptions are required to carry out emergency work, providing advance notice is not possible. However, staff are working on improving real-time communication with customers using digital platforms to alert them to these unplanned interruptions.

### Staff recommendation

Amend clause 12 by adding the following "related information" box after subclause (2):

#### Related information

Section 69S(3) of the Health Act 1956 states a maximum timeframe of 8 hours for a planned interruption to supply, after which the supplier must have taken all reasonable steps to notify affected parties.

### "Tracked changes" to the clause as recommended to be amended

- (1) The council may interrupt the **ordinary** or **extraordinary** supply of treated water for the following purposes:
  - (a) planned maintenance or other work ("**planned interruptions**"); or
  - (b) to carry out emergency inspections or repair work on the **treated water supply system**, to ensure the health or safety of any person, or to avoid or minimise damage to the system or property ("**unplanned interruptions**").
- (2) For **planned interruptions** the **council** will take all reasonable steps to provide 24 hours' written notice of the interruption and plan the work to minimise disruption and inconvenience to the **customer**.

#### Related information

Section 69S(3) of the Health Act 1956 states a maximum timeframe of 8 hours for a planned interruption to supply, after which the supplier must have taken all reasonable steps to notify affected parties.

- (3) For **unplanned interruptions**, the **council** may interrupt the water supply without first notifying the **customer**.
- (4) If a **customer** has a need for an uninterrupted level of supply (in terms of flow, pressure, or quality), it is the responsibility of that **customer** to provide any storage, back-up facilities, or equipment necessary to provide that level of supply.

### Clause 13 Meters

Clause 13 states that if a customer suspects a meter is inaccurate, they can apply to the Council to have it tested and if a meter is found to be reading incorrectly after testing, the Council may make an adjustment to the customer's account.

### Submission received

Submission 9 suggested that testing of meters should be undertaken proactively by Council staff, rather than in response to customer requests.

### Staff analysis

Council staff proactively ensure that meters are functioning accurately in two main ways:

- Planned meter renewals – on an annual basis older or high usage meters are replaced with new meters to ensure readings are accurate.
- Reviewing water bills before invoicing – all water bills are reviewed before invoicing. This process identifies unusual (high or low) readings that may suggest a meter has been misread or is not functioning correctly.

Staff received legal advice that “permissible tolerances” for testing water meters mentioned in subclause (4) should be defined.

### Staff recommendation

Include a “related information” box after subclause 4:

#### Related information

The council applies a tolerance of  $\pm 3\%$  to determine whether a customer’s water meter is reading incorrectly

### “Tracked changes” to the clause as recommended to be amended

All **ordinary supply** and **extraordinary supply** of water to any property must have a water meter except where **council** has approved otherwise.

- (2) The **customer** must keep the meter clear and readily readable at all times.
- (3) Any **customer** who disputes the accuracy of a meter or restrictor may apply to the **council** for it to be tested, provided that it is not within six months of the last test.
- (4) If a meter, after being tested, is found to be reading incorrectly, the **council may** make an adjustment **to the customer's account** in accordance **with the test results** after due allowance for permissible tolerances.

#### Related information

The council applies a tolerance of  $\pm 3\%$  to determine whether a customer’s water meter is reading incorrectly.



### Clause 14 Demand management

Clause 14 refers to restrictions the Council may put in place to manage the demand for treated water. For example, restrictions may be applied if the raw water supply is low due to low rainfall, or if a major leak requiring maintenance work is detected in the water supply system.

### Submissions received

Submissions 9 and 11 said that clause 14 needs to state the Council will provide an adequate supply of drinking water as required under the Health Act 1956. Submission 12 said this clause should refer to the Health Act 1956 which says that a water supplier cannot “*restrict the supply of drinking water to less than an adequate supply for non-payment of fees*”.

### Staff analysis

The Council has received legal advice confirming it can put in place restrictions on the supply of non-potable water before a drought or other emergency is declared. This is for health and safety reasons under section 145 of the Local Government Act 2002 as a precautionary step to avoid running out of water.

Council staff agree the bylaw should make it clearer that ‘demand management’ cannot restrict the adequate supply of drinking water. Staff also consider that clause 14 should state that restrictions or prohibitions can cover any purpose (except drinking water), any period and apply to any of council’s customers

The draft bylaw does not have provisions to restrict water supply for non-payment of fees. The Council has received legal advice that these matters are already covered in the Health Act 1956 and the Local Government Act 2002 and therefore do not need to be included in the bylaw.

### Staff recommendation

Make the following changes to clause 14:

1. Add a new subclause (1):  
“(1) If required to reduce demand for treated water, the **council** may restrict or prohibit the use of treated water for:  
(a) any specified purpose, excluding **drinking water**; or  
(b) any specified period; or  
(c) any of its customers”.
2. In subclause (2) - previously subclause (1) - add the words “, excluding drinking water” after the words “treated water”.
3. Add the following text to the “related information” box:  
“The Council can put in place treated water restrictions for health and safety reasons under section 145 of the Local Government Act 2002 as a precautionary step to avoid running out of water. As of June 2021, these restrictions are explained on the waterwise website ([Be water wise](#) | [Be water wise Northland](#)) as follows:  
**Level Two:** No sprinklers  
**Level Three:** No hoses or sprinklers  
**Level Four:** Essential use only - water supplied can only be used for drinking or cooking, to wash clothes and take showers”

**“Tracked changes” to the clause as recommended to be amended**

- (1) If required to reduce demand for treated water, the **council** may restrict or prohibit the use of treated water for:
- (a) any specified purpose, excluding **drinking water**; or
  - (b) any specified period; or
  - (c) any of its customers.
- (2) The **customer** must comply with any restrictions advised by the **council** to manage the demand for treated water, excluding **drinking water**.
- (3) Such restrictions will be advised by **public notice**.

**Related information**

The Council can put in place treated water restrictions for health and safety reasons under section 145 of the Local Government Act 2002 as a precautionary step to avoid running out of water.

For example, restrictions may be applied if the raw water supply is low due to low rainfall, or if a major leak requiring maintenance work is detected in the water mains.

As of June 2021, these restrictions are explained on the waterwise website (Be water wise | Be water wise Northland) as follows:

Level Two: No sprinklers

Level Three: No hoses or sprinklers

Level Four: Essential use only - water supplied can only be used for drinking or cooking, to wash clothes and take showers

## Clause 15 Emergency water restrictions

Clause 15 describes emergency restrictions that may be applied by the Council in a drinking water emergency; for example, when a drought is declared or if the water supply is contaminated.

### Submission received

Submission 11 asked for a definition of the term “emergency” in the bylaw and noted that emergency water restrictions can only be declared by the Minister of Health under section 69ZZA of the Health Act.

### Staff analysis

Council staff consider that a definition of “drinking water emergency” and an explanation of the various ways that a drinking water emergency can be declared should be included in the bylaw to provide clarity for customers.

### Staff recommendation

1. Make the following changes to clause 15:

- (a) Replace subclause (1) with: “(1) During a drinking water emergency, the **council** may restrict, interrupt or prohibit the use of treated water.”
- (b) Add a “related information” box after subclause (2):

#### Related information

Examples of a **drinking water emergency** are when:

- drought or water supply shortage has been identified;
- water supply has been polluted or contaminated;
- water supply infrastructure requires emergency repairs;
- a natural failure or a disruption to the water supply occurs which is likely to endanger public health

2. In clause 5 (Interpretation), insert the following definition of drinking water emergency and a “related information” box, in the appropriate alphabetical order:

**“Drinking water emergency** means a situation where water supply restrictions or interruptions may arise from:

- (a) water supply shortage or drought; or
- (b) water supply contamination or pollution; or
- (c) water supply infrastructure emergency repair; or
- (d) a natural failure or disruption to water supply which may endanger public health.

These emergencies may be initiated by following authorities: the Minister of Health, the Medical Officer of Health, the Regional Council, the council, and the Civil Defence Emergency Management Group.”

#### Related information

In section 4 of the Civil Defence Emergency Management Act 2002 the definition of emergency includes failure or disruption to a lifeline utility. An entity that supplies or distributes water to inhabitants of a city or district is a lifeline utility.

Section 69S of the Health Act 1956 provides the council may restrict or interrupt the supply of water in the event of emergency repairs, but must notify the medical officer of health within 24 hours, and take all practicable steps to advise affected persons.

Section 69T of the Health Act 1956 provides the council must notify authorities if it identifies or foresees a risk to the adequate supply of drinking water and request these authorities apply their powers to

mitigate the water supply risk. The authorities include the medical officer of health, Fire and Emergency New Zealand, and the Northland Regional Council.

Section 69ZZA of the Health Act 1956 provides for the Minister of Health to declare a drinking water emergency if there is a serious risk of harm to public health arising from drinking water or if there is a lack of drinking water available.

Section 329 of the Resource Management Act 1991 provides the Northland Regional Council the right to issue water shortage directions which may restrict water takes.

**“Tracked changes” to the clause as recommended to be amended**

- (1) ~~During an emergency the council may restrict, interrupt or prohibit the use of treated water, for any specified purpose, for any specified period, and for any its customers~~ During a **drinking water emergency**, the council may restrict, interrupt or prohibit the use of treated water.
- (2) Restrictions or prohibitions made under subclause (1) will be advised by **public notice** unless otherwise permitted by emergency legislation.

**Related information**

Examples of a **drinking water emergency** are when:

- drought or water supply shortage has been identified;
- water supply has been polluted or contaminated;
- water supply infrastructure requires emergency repairs;
- a natural failure or a disruption to the water supply occurs which is likely to endanger public health

**Clause 20 Making an application**

Clause 20 describes the three key elements required in an application for approval – completing the form required by the Council, paying the applicable fee and including all information required by the Council.

**Submission received**

Submission 9 said the form required by the Council should be *“user-friendly, easy to understand, and very clear what information is necessary”*. This submission also said that refunds should apply: a) a partial refund if the Council fails to provide an answer in the agreed time and b) a full refund if an approval is not possible to maintain, through no fault of the customer.

**Staff analysis**

Council staff agree the application form should be user friendly, easy to understand and very clear. This will be addressed as part of the implementation of the new bylaw.

In terms of offering refunds, the Council’s fees are set on a cost recovery basis reflecting the work involved to grant an approval. Therefore, it would not be appropriate to partly or fully refund these fees.

**Staff recommendation**

No change.

**Clause 21 Assessment of applications**

Clause 21 sets out how applications will be assessed including applications to take bulk water from tanker filling points.

**Submission received**

Submission 12 noted that water tanker operators must have a current registration with the drinking water regulator.

**Staff analysis**

This submission also related to clause 11 and is addressed in the analysis and recommendation about that clause.

**Staff recommendation**

No change.

**Clause 22 Deciding on an application**

- Clause 22 states the Council may grant an application for an approval if it is satisfied the application meets the assessment criteria described in clause 21.
- 

**Submission received**

Submission 9 said there should be a set timeframe for council to respond – *“maybe 20 working days”*.

**Staff analysis**

The Council’s operational staff do not recommend a specific processing timeframe be stated, due to the variability of connections applications, which often require input from contractors where the time required to receive this input is out of Council’s control. Staff endeavour to process connection applications as efficiently as possible.

**Staff recommendation**

No change.

### Clause 23 Conditions placed on approvals

Clause 23 states the Council may include conditions on an approval relating to the purpose for which the supply of treated water is approved, the duration of the approval, the quantity of water that may be supplied, and any other relevant matters.

### Submission received

Submission 11 said *“This clause potentially contradicts the Health Act, by placing a condition on the quantity of water supplied where it falls below the minimum that provides an adequate supply of drinking water”*.

### Staff analysis

It is not the intention of this clause for the quantity of drinking water to be restricted below an adequate supply. The wording of the clause should make this clear.

### Staff recommendation

Amend subclause 23(c) by adding the words “, except where drinking water is involved”.

### “Tracked changes” to the clause as recommended to be amended

The **council** may include conditions on any **approval** for any one or more of the following matters:

- (a) the purpose for which the supply of treated water is approved;
- (b) the duration of the approval;
- (c) the quantity of water that may be supplied, except where drinking water is involved;
- (d) any other matter the **council** considers is reasonable to ensure efficient and safe operation of the **treated water supply system**.



### Clause 31 Fittings to be in good repair

This clause states the Council may require a customer to repair pipes and fittings that are faulty, and the customer must comply with a notice to repair within 5 working days.

#### Submission received

Submission 9 said that 10 to 15 days would be fairer than 5 days to conduct repairs. They also suggested the Council should support those who lack available finances to conduct this work: *“If the occupier fails to carry out the work due to lack of available finances the council will support the occupier with a claim to WINZ for assistance and supply a plumber at a reasonable price to carry out the works”*.

#### Staff analysis

The Council’s operational staff recognise that, in general, a longer period than 5 working days would be fairer for customers. However, shorter timeframes are needed where water loss is an issue.

Council staff recognise that some customers may struggle to pay for repairs. Support could include the Council writing a letter to WINZ explaining why the repair is required. However, supplying a plumber at a reasonable price would be outside the Council’s role. These matters can be addressed on a case-by-case basis and will be considered as part of the implementation of the new bylaw.

Council staff discovered a typographical error in subclause (4), the word “shall” should be the word “must” in accordance with current legislation drafting style.

#### Staff recommendations

Make the following changes to clause 31:

1. In subclause (3) delete the words “5 working days” and substituting the words “10 working days, except if the notice is given under subclause (2)(c), where the customer must comply within 5 working days”.
2. In subclause (4) delete the word “shall” and substitute the word “must”.

#### “Tracked changes” to the clause as recommended to be amended

- (1) A person must not allow any pipe, tap, or other fitting connected with the water supply on their premises to be out of repair or in any way defective so that water is wasted, misused or contaminated.
- (2) Where, in the opinion of the **council**, any pipe, appliance or fitting connected to the water system at any premises:
  - (a) has deteriorated; or
  - (b) is of inferior quality or workmanship; or
  - (c) is causing or is likely to cause waste of water; or
  - (d) is insufficient for the proper supply of water
 the **council** may require, by notice in writing, the **customer** to carry out any work the council considers is necessary to remedy the pipe, appliance or fitting.
- (3) The **customer** must comply with a notice given under subclause (2) within ~~5 working days~~ 10 working days, except if the notice is given under subclause (2)(c), where the customer must comply within 5 working days.
- (4) Subject to the provisions of the Local Government Act 2002, the customer ~~shall~~ must allow the council and its agents to enter the property with or without equipment, access any area of the property for the purposes of determining compliance with these requirements.

#### Related information

Under section 171(1) of the Local Government Act 2002 the council cannot enter a dwelling house to

determine compliance.

- (5) If the occupier fails to carry out the work required by the **council**, the **council** or its agent may make the repair at the occupier's expense.

**Clause 33 Access to inspect and maintain**

Clause 33 says the Council may enter private land to read water meters and to inspect, test, or maintain the treated water supply system. In addition, under emergency conditions the Council may enter private land without notice at any hour to maintain or repair the treated water supply system.

**Submission received**

Submission 9 suggested the time of day for an entry onto private land should be agreed with the owner.

**Staff analysis**

Agreeing a time of day with an owner would unnecessarily restrict the ability for staff to efficiently carry out their work such as meter reading or tracing water leaks. Giving 24 hours' notice, as currently stated in subclauses (1) and (2), should allow the owner or occupier to inform the Council if there are any issues that Council staff should be aware of when entering the property. In an emergency situation under subclause (3), urgency is required and giving notice or agreeing a time would be inappropriate.

**Staff recommendation**

No change.

**Clause 34 Charges**

Clause 34 states the charges relating to the treated water supply system are listed in the council's Fees and Charges Policy.

**Submission received**

Submission 2 said that *"No upper limit on charging ... is problematic"*

**Staff analysis**

Under section 150(4) of the Local Government Act 2002 the Council is not allowed to recover more than the reasonable costs incurred for the matter for which the fee is charged. In effect this does place an upper limit on the fees that are charged.

**Staff recommendation**

No change.

### Clause 35 Offences

Clause 35 states that people who fail to comply with the bylaw commit an offence and under the Local Government Act 2002 they are liable on conviction, to “a fine not exceeding \$20,0000”.

### Submissions received

Submission 13 pointed out that the maximum amount of a fine in the draft bylaw is ‘\$20,0000’ (i.e. with an additional zero) not \$20,000. In addition, two submissions (8 and 9) said there is no need for any penalties.

### Staff analysis

There is a typographical error in the amount of the fine.

The penalties for breach of a bylaw are stated in the Local Government Act 2002 and the “related information” box after clause 35 accurately refers to those provisions. Council staff are trained to use other methods to ensure compliance, with penalties only applied as a last resort for serious offenders.

### Staff recommendation

Amend the “related information” box after clause 35 by deleting the term “\$20,0000” and substituting the term “\$20,000”.

### “Tracked changes” to the clause as recommended to be amended

Any person who breaches this bylaw commits an offence under section 239 of the Local Government Act 2002.

#### Related information

A person who is convicted of an offence of breaching this bylaw is liable to a fine of up to ~~\$20,0000~~ \$20,000 under section 242 (4) of the Local Government Act 2002.

Examples of breaches of this bylaw include:

- use of ordinary supply for extraordinary purposes,
- use of extraordinary supply for purposes other than specified by **council**
- not meeting the conditions of an approval
- not complying with a restriction or prohibition on the use of treated water without a temporary exemption granted by the **council**
- work on the **treated water supply system** without an approval
- connecting to or disconnecting from the **treated water supply system** without approval
- failure to remedy deficient pipes

### Clause 37 Applications, approvals etc under previous bylaw

Clause 37 states that licences, permits and approvals granted under the previous Water Supply Bylaw will continue until their date of expiry or, if no expiry date is specified, they will expire 12 months after the new bylaw commences. Also, any applications made before the new bylaw commences will be dealt with by the Council as if they were made under the new bylaw.

### Submission received

Submission 11 asked for specific confirmation of the licences, permits, dispensations, permissions or other forms of approval that apply to their premises and to clarify what happens when their current approval expires.

### Staff analysis

- Operational staff are discussing the specific details of the arrangements directly with the person who made the submission. In addition, this enquiry indicated that the new bylaw needs to clarify that arrangements for ordinary supply made under the previous Water Supply Bylaw will not expire.

- 

### Staff recommendation

In subclause (1) add the words “, except for ordinary supply approvals,” after the words “in clause 36”.

### “Tracked changes” to the clause as recommended to be amended

- (1) Every licence, permit, dispensation, permission or other form of approval granted under the Water Supply Bylaw revoked in clause 36, except for ordinary supply approvals, that were in force immediately before the commencement of this bylaw, continues in force as if it is an approval of that kind issued under this bylaw; but:
  - (a) it expires on the date specified in that approval; or
  - (b) if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw.
- (2) Any application for a licence, permit, dispensation, permission or other form of approval made under the Water Supply Bylaw revoked in clause 36, filed before the day on which this bylaw commenced, must be dealt with by the council as if it was made under this bylaw.
- (3) Any meter which was installed by the **customer** before the commencement of this bylaw must continue to be maintained by the customer until it is, in the opinion of **council**, no longer fit for use, when it will be replaced by a **council** meter.

**APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED**

Number	Full name	Organisation
1	Llani Harding	Individual submission
2	Greg Smith	Individual submission
3	Rosana Pou Ferguson	Manuel Pou Family Whanau Trust
4	Francis Jackie Pou Maroroa	Manuel Pou Family Whanau Trust
5	Jonathan Natusch	Individual submission
6	Michaela Radenkovic	Individual submission
7	Yvonne Steinemann	Individual submission
8	Carl Mather	Individual submission
9	Carol Sumner	Individual submission
10	John Tiatoa	Ministry for the Environment
11	Ricki Freemantle	Department of Corrections
12	Dr Bart Willems	Nga Tai Ora - Public Health Northland
13	Rolf Mueller-Glodde	Individual submission



## **Treated Water Supply Bylaw**

Governing Body of Far North District Council

Resolution in Council 23 September 2021.

Under sections 145 and 146 of the Local Government Act 2002 the Governing Body of the Far North District Council made the following bylaw about treated water supply.

The bylaw is due for review by 23 September 2026.



## Contents

Clause	Description	Page
1	Title	4
2	Related information boxes	4
3	Commencement	4
4	Application	4
 <b>Part 1: Preliminary provisions</b>		
5	Purpose	4
6	Interpretation	4
 <b>Part 2: The treated water supply system</b>		
7	Treated water supply system	7
8	Point of supply	7
9	Point of supply for different types of ownership	8
10	Types of treated water supply	8
11	Supply of treated water for extinguishing fires	8
12	Other types of water supply	9
13	Interruptions to the supply made by council	9
14	Meters	9
 <b>Part 3: Terms and conditions of supply</b>		
15	Demand management	10
16	Emergency water restrictions	10
17	No compensation for water restrictions	10
18	Work on the treated water supply system	10
19	Applications for supply	11
 <b>Part 4: Approvals</b>		
20	Applications for other purposes	11
21	Making an application	11
22	Assessment of applications	12
23	Deciding on an application	12
24	Conditions placed on approvals	12
25	Objections	12
26	Renewing an approval	13
27	Amending an approval	13
28	Transferring of approval	13
29	Suspending or cancelling an approval	13
30	Other obligations not affected	14
 <b>Part 5: Protection of the treated water supply system</b>		
31	No connection to other water supplies or fittings	14
32	Fittings to be in good repair	14
33	Prevention of contamination	14
34	Access by council staff to the point of supply and private land	15

**Part 6: Charges**

35	Charges	15
----	---------	----

**Part 7: Offences and penalties**

36	Offences	15
----	----------	----

**Part 8: Savings and transitional provisions**

37	Water supply bylaw revoked	15
38	Applications, approvals etc under previous bylaw	15

**Schedule**

39	Diagrams illustrating parts of the water supply system	16
----	--	----

	Schedule: Diagrams illustrating parts of the water supply system	17
--	--	----

## 1 Title

This bylaw is the Treated Water Supply Bylaw.

## 2 Related information boxes

Boxes headed "Related information" in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.

## 3 Commencement

This bylaw comes into force two working days after the date it is made by the governing body of the Far North District Council.

### Related information

This bylaw is due for review by 23 September 2026.

## 4 Application

This bylaw applies to the district of the Far North District Council.

## Part 1: Preliminary provisions

## 5 Purpose

The purpose of the bylaw is to:

- (a) fairly and efficiently manage treated water supply in the district;
- (b) ensure public health and safety;
- (c) protect council's assets, namely the treated water supply system;
- (d) protect the public from nuisance; and
- (e) protect the treated water supply system from misuse.

## 6 Interpretation

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

**approval** means an approval granted under this bylaw and includes all conditions to which the approval is subject

**backflow** means the unplanned reversal of the flow of water or mixtures of water and contaminants back into the treated water supply system

**backflow prevention device** means a testable device that prevents **backflow** and, for the purpose of this bylaw, a backflow prevention device refers to those devices installed at the property boundary

**council** means the governing body of Far North District Council, or any person delegated to act on its behalf

**customer** means a person who uses, or has obtained the right to use or direct the manner of or use of, treated water that is supplied by the **council**

**direct connection** includes any arrangement of pipes, hoses, or fittings, temporary or otherwise which may cause **backflow** into the **council's** water supply system

**drinking water** has the same meaning as in section 69G of the Health Act 1956

### Related information

As at 29 June 2021, the definition is:

Drinking water

- (a) means—

- (i) water that is **potable**; or
- (ii) in the case of water available for supply, water that is—
  - (A) held out by its supplier as being suitable for drinking and other forms of domestic and food preparation use, whether in New Zealand or overseas; or
  - (B) supplied to people known by its supplier to have no reasonably available and affordable source of water suitable for drinking and other forms of domestic and food preparation use other than the supplier and to be likely to use some of it for drinking and other forms of domestic and food preparation use; but
- (b) while standards applying to bottled water are in force under the Food Act 2014, does not include—
  - (i) any bottled water that is covered by those standards; or
  - (ii) any bottled water that is exported; and
- (c) to avoid doubt, does not include any water used by animals or for irrigation purposes that does not enter a dwelling house or other building in which water is drunk by people or in which other domestic and food preparation use occur”

**Drinking water emergency** means a situation where water supply restrictions or interruptions may arise from –

- (a) a water supply shortage or drought; or
- (b) contamination or pollution to the water supply; or
- (c) emergency repair to water supply infrastructure; or
- (d) a natural failure or disruption to the water supply which may endanger public health.

These emergencies may be initiated by the following authorities: the Minister of Health, the Medical Officer of Health, the Northland Regional Council, the **council**, and the Civil Defence Emergency Management Group.

#### **Related information**

In section 4 of the Civil Defence Emergency Management Act 2002 the definition of emergency includes failure or disruption to a lifeline utility. An entity that supplies or distributes water to inhabitants of a city or district is a lifeline utility.

Section 69S of the Health Act 1956 provides the **council** may restrict or interrupt the supply of water in the event of emergency repairs, but must notify the Medical Officer of Health within 24 hours, and take all practicable steps to advise affected persons.

Section 69T of the Health Act 1956 provides the **council** must notify authorities if it identifies or foresees a risk to the adequate supply of **drinking water** and request these authorities apply their powers to mitigate the water supply risk. The authorities include the Medical Officer of Health, Fire and Emergency New Zealand, and the Northland Regional Council.

Section 69ZZA of the Health Act provides for the Minister of Health to declare a **drinking water emergency** if there is a serious risk of harm to public health arising from **drinking water** or if there is a lack of **drinking water** available.

Section 329 Resource Management Act 1991 provides the Northland Regional Council the right to issue water shortage directions which may restrict water takes.

**extraordinary supply** has the meaning set out in clause 10(5) of this bylaw

**engineering standards** means the **council's** Engineering Standards and Guidelines 2004 (revised March 2009)

#### **Related information**

The **council's** Engineering Standards and Guidelines can be located on the Far North District Council website and/or viewed in hardcopy at all of our office locations in the Far North area (see link below):

Online: [www.fndc.govt.nz/Our-Services/Water-Services-in-the-Far-North/Engineering-standards](http://www.fndc.govt.nz/Our-Services/Water-Services-in-the-Far-North/Engineering-standards) Part 6, Water Supply  
 Office locations: <https://www.fndc.govt.nz/Contact/Council-Service-Centres>

**fire hydrant** has the same meaning as in section 2 of the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008

**Related information**

As at 31 July 2008 the definition is:

"...means an assembly usually contained in a pit or box below ground level and comprising a valve and outlet connection from a water main, to permit a controlled supply of water for firefighting. A pillar upstand connected to a water main and fitted with a valve and instantaneous coupling(s) adaptor will also constitute a **fire hydrant**. This does not include ball-type **fire hydrants**"

**occupier** has the same meaning as in section 2(1) of the Local Government Act 1974

**Related information**

As at 1 April 2021, the definition is:

"...in relation to any property, means the inhabitant **occupier** of that property"

**on demand supply** has the meaning set out in clause 10 of this bylaw

**owner** has the same meaning as in section 2(1) of the Local Government Act 1974

**Related information**

As at 1 April 2021, the definition is:

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

**ordinary supply** has the meaning set out in clause 10(3) of this bylaw

**point of supply** has the meaning set out in clause 8 of this bylaw

**potable** in relation to **drinking water**, has the same meaning as in section 69G of the Health Act 1956

**Related information**

As at as at 29 June 2021, the definition is:

"means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards"

**public notice** has the same meaning as in section 5 of the Local Government Act 2002

**Related information**

As at as at 01 July 2021, the definition is:

**Public notice**, in relation to a notice given by a local authority,—

- (a) means a notice published in—
  - (i) 1 or more daily newspapers circulating in the region or district of the local authority; or
  - (ii) 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and
- (b) includes any other **public notice** that the local authority thinks desirable in the circumstances

**public water line** means any service pipe or water main associated with the treated water supply system

**restrictor** means a flow control device fitted to the service pipe to limit the flow rate of water to a **customer's** premises

**service pipe** means the section of water pipe between a water main and the **point of supply**

**standpipe** means a rigidly supported vertical length of pipe connected to a water main, emerging from the ground with a tap or valve, serving as an outdoor water supply point

**treated water supply system** has the meaning set out in clause 7 of this bylaw

**zone of influence** means that section of the ground along the alignment of a buried **public water line** extending both horizontally and vertically where –

- (a) settlement or disturbance of the ground surrounding the **public water line** may cause damage to buildings on the surface above; and
- (b) loads from buildings on the surface could be transmitted to the **public water line**; and
- (c) as detailed in the **council's engineering standards**.

**Related information**

Part 3 of the Schedule to this bylaw has an illustration that shows the extent of the zone of influence.

- (2) The Interpretation Act 1999 applies to this bylaw.

## Part 2: The treated water supply system

### 7 Treated water supply system

- (1) The **treated water supply system** includes all components of the treated water distribution network from treatment plants to the **point of supply** to the **customer**, including but not limited to water mains, pump stations and pumps, valves, **hydrants**, **service pipes**, water meters and **backflow prevention devices**.
- (2) An example of the **treated water supply system** is illustrated in Part 1 of the Schedule to this bylaw.

### 8 Point of supply

- (1) The **point of supply** to an individual **customer** is the point on the **service pipe** which marks the boundary of responsibility between the **customer** and **council**.
- (2) As described in the **engineering standards** the **point of supply** to the **customer** should normally be located on the road reserve boundary. This applies to all properties including properties on rear sections accessed by a right of way.
- (3) The typical layout of the fittings at the **point of supply** is illustrated in Part 2 of the Schedule to this bylaw.

**Related information**

Approximately 400mm of the service pipe between the meter reader and the **customer's** pipe is technically on **council**-owned property. Any work required by the **customer** on this section of the **customer's** pipe is acceptable to the **council**.

- (4) Where there is a **backflow prevention device** then the **point of supply** is the point which is directly downstream of the **backflow prevention device**.
- (5) Where there is no **backflow prevention device** then the **point of supply** is the point which is directly downstream of the water meter.

### 9 Point of supply for different types of ownership

- (1) The nature of the **point of supply** for different forms of property ownership is –
  - (a) For a single **owner** – only one **point of supply**;
  - (b) For company share, body corporate – only one **point of supply**;
  - (c) For leasehold/tenancy in common and unit title, body corporate – each **owner** has an individual supply;
  - (d) For commercial properties in multiple occupation or ownership – to be agreed on a case-by-case basis;
  - (e) For commercial and industrial properties with both fire and service connections – to be agreed on a case-by-case basis.

- (2) For supply that was approved before the date of commencement of this bylaw, the **point of supply** is the arrangement existing at that time, or as determined by an agreement with the **council** for any individual case.

## 10 Types of treated water supply

- (1) **On demand supply** to a property is a supply of treated water that is available on demand directly from the **point of supply**. There are two types of **on demand supply**: **ordinary** and **extraordinary supply**.
- (2) A person who requires **on demand supply** must apply to the **council** for **approval** for a connection to the **treated water supply system**.
- (3) **Ordinary supply** includes treated water used for the following purposes –
- (a) **drinking water**; or
  - (b) use of a hose to wash a car, boat etc. at a residential property; or
  - (c) use of a hose to water a residential garden by hand; or
  - (d) watering of a residential garden by a portable sprinkler, subject to the provisions of clauses 15 and 16 which relate to restrictions and prohibitions on the use of treated water.
- (4) No person may use any water supplied as **ordinary supply** for any other purposes.
- (5) **Extraordinary supply** is all purposes, other than **ordinary supply**, for which treated water from the **point of supply** is used and the **extraordinary supply** may be subject to specific conditions and limitations as determined by Council.

### Related information

Examples of **extraordinary supply** include treated water used for the following purposes:

- filling a residential spa or swimming pool
- water for a fixed residential garden irrigation system
- irrigation water used for agriculture, horticulture or viticulture
- commercial and industrial purposes other than for **drinking water**
- **fire protection systems** within buildings

**Customers** can receive both ordinary and **extraordinary supply**.

- (6) No person may use any water supplied as an **extraordinary supply** for purposes other than the purpose stated in the **approval**.
- (7) The **council** is under no obligation to provide or continue to provide any **extraordinary supply** of water.

## 11 Supply of treated water for extinguishing fires

- (1) Only Fire and Emergency New Zealand personnel may gain access to, and draw water from, any **fire hydrant**.

### Related information

Use of **fire hydrants** by untrained personnel can result in damage to the water supply system.

- (2) Where the **council** provides unmetered connections for **fire hydrants** and **fire protection systems**, the connections must not be used for any other purpose and must be independent of any service connection to a property.

## 12 Other types of water supply

- (1) Other than water used for **ordinary** or **extraordinary supply**, and water used for firefighting purposes, the **council** may supply two other types of treated water –
- (a) bulk supply of water from tanker filling points;
  - (b) water supply from metered **standpipes** on **hydrants**.
- (2) A person who wants water supplied under subclause (1) must apply to the **council** for **approval** to access that supply.

- (3) A person who wants water supplied under subclause (1)(a) must be registered with the **drinking water** regulator.

**Related information**

The Director-General of Health maintains the **drinking water** register. Under section 69G of the Health Act 1956, the **drinking water** register means the register of **drinking water** suppliers and supplies maintained under section 69J of the Health Act 1956, which includes bulk water carriers.

### 13 Interruptions to the supply made by council

- (1) The **council** may interrupt the **ordinary** or **extraordinary supply** of treated water for the following purposes –
- (a) planned maintenance or other work ("**planned interruptions**"); or
  - (b) to carry out emergency inspections or repair work on the **treated water supply system**, to ensure the health or safety of any person, or to avoid or minimise damage to the system or property ("**unplanned interruptions**").
- (2) For **planned interruptions** the **council** will take all reasonable steps to provide 24 hours' written notice of the interruption and plan the work to minimise disruption and inconvenience to the **customer**.

**Related information**

Section 69S(3) of the Health Act 1956 states a maximum timeframe of 8 hours for a planned interruption to supply, after which the supplier must have taken all reasonable steps to notify affected parties.

- (3) For **unplanned interruptions**, the **council** may interrupt the water supply without first notifying the **customer**.
- (4) If a **customer** has a need for an uninterrupted level of supply (in terms of flow, pressure, or quality), it is the responsibility of that **customer** to provide any storage, back-up facilities, or equipment necessary to provide that level of supply.

### 14 Meters

- (1) All **ordinary supply** and **extraordinary supply** of water to any property must have a water meter except where **council** has approved otherwise.
- (2) The **customer** must keep the meter clear and readily readable at all times.
- (3) Any **customer** who disputes the accuracy of a meter or restrictor may apply to the **council** for it to be tested, provided that it is not within six months of the last test.
- (4) If a meter, after being tested, is found to be reading incorrectly, the **council** may make an adjustment to the **customer's** account in accordance with the test results after due allowance for permissible tolerances.

**Related information**

The council applies a tolerance of  $\pm 3\%$  to determine whether a customer's water meter is reading incorrectly.

## Part 3: Terms and conditions of supply

### 15 Demand management

- (1) The **customer** must comply with any restrictions advised by the **council** to manage the demand for treated water, excluding **drinking water**.
- (2) Such restrictions will be advised by **public notice**.



**Related information**

The **council** can put in place treated water restrictions for health and safety reasons under section 145 of the Local Government Act 2002 as a precautionary step to avoid running out of water. For example, restrictions may be applied if the raw water supply is low due to low rainfall, or if a major leak requiring maintenance work is detected in the water mains.

As at July 2021, these restrictions are explained on the waterwise website [Be water wise | Be water wise Northland](#) as follows:

Level Two: No sprinklers

Level Three: No hoses or sprinklers

Level Four: Essential use only - water supplied can only be used for drinking or cooking, to wash clothes and take showers

## 16 Emergency water restrictions

- (1) During a **drinking water emergency**, the **council** may restrict, interrupt or prohibit the use of treated water.
- (2) Restrictions or prohibitions made under subclause (1) will be advised by **public notice** unless otherwise permitted by emergency legislation.

**Related information**

Examples of a **drinking water emergency** are when:

- a drought or water supply shortage has been identified;
- the water supply has been polluted or contaminated;
- the water supply infrastructure requires emergency repairs;
- a natural failure or a disruption to the water supply occurs which is likely to endanger public health

## 17 No compensation for water restrictions

In the case of any restriction or prohibition described in clauses 15 and 16 no **customer** shall be entitled to any payment or compensation from the **council**.

## 18 Work on the treated water supply system

- (1) A person must not carry out any work on the **treated water supply system** except in accordance with an **approval** granted to them.
- (2) The following work may only be done by the **council** or its agent –
  - (a) Connections, alterations to connections, or repairs to connections to the **treated water supply system**;
  - (b) Disconnections from **the treated water supply system**;
  - (c) Installation of a water meter or **restrictor**.
- (3) A person must not construct a building over a **public water line**, whether on public or private land, except in accordance with an **approval** granted to them.
- (4) A person must not construct a building within the **zone of influence** except in accordance with an **approval** granted to them.
- (5) A building developer may apply for an **approval** to divert a **public water line** if –
  - (a) the diversion will be done in accordance with the **engineering standards**; and
  - (b) the developer will pay all the costs of the work.
- (6) A person must not –
  - (a) cause the crushing load imposed on a **public water line** to exceed that which would arise from the soil overburden plus an HN-HO-72 wheel or axle load (as defined by New Zealand Transport Agency Bridge Manual 3rd edition 2013); or
  - (b) place any additional material over or near a **public water line**; or

(c) change the elevation of the land above a **public water line** – except in accordance with an **approval** granted to them.

- (7) A person must not excavate or carry out piling or similar work closer than –
- (a) 5 metres from the centre line of any water main; or
  - (b) 2 metres from the centre line of any **service pipe** – except in accordance with an **approval** granted to them.

## Part 4: Approvals

### 19 Applications for supply

A written application to the **council** must be made for –

- (a) connections to, or disconnections from, an **ordinary** or **extraordinary supply** (see clause 10);
- (b) a change of use of an **ordinary** or **extraordinary supply**;
- (c) other types of supply (see clause 12).

### 20 Applications for other purposes

Other than an application under clause 19, an application must be made to the **council** for an **approval** for any of the following purposes –

- (a) to request any changes to the fittings or placement of fittings for an **ordinary** or **extraordinary supply**;

#### Related information

For example, this could include installing a new water meter, changing the position of a water meter, removing a water meter, or relocating the **point of supply** or the **service pipe**

- (b) to work over or near the **treated water supply system** (see clause 18(3) to (7));
- (c) to request that a water meter is checked or to request a special meter reading;
- (d) to ask for a temporary exemption from a water restriction or prohibition (see clauses 15 and 16).

### 21 Making an application

- (1) An application for an **approval** required by this bylaw must be made to the **council** by the person who needs the **approval** (“**the applicant**”) and –
  - (a) be in the form required by the **council**; and
  - (b) be accompanied by the applicable fee set in the **council’s** Fees and Charges Policy; and

#### Related information

The Fees and Charges Policy can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/ltf-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

- (c) include all information required by the **council**.
- (2) An application is not treated as being made until all the provisions in this clause have been complied with.

### 22 Assessment of applications

- (1) The **council** must assess all applications for **approvals** by considering the following matters as applicable to the application –
  - (a) the purpose for which the water will be used;
  - (b) how much water is required;
  - (c) any documented record of the applicant's non-compliance with this bylaw or any previous water supply bylaw, or **approvals** granted under such bylaws;

- (d) whether approving the application could detrimentally affect the **council's** ability to supply treated water at the volume and/or pressure required for firefighting;
- (e) whether the **approval** may negatively affect the safe and efficient operation of the **treated water supply system**, the health and safety of any person, or the environment.
- (2) When assessing applications to take bulk water from tanker filling points (see clause 11(1)(a)) the **council** must also consider –
  - (a) the suitability of the water tanker for transporting bulk water; and
  - (b) the location the water will be transported to.
- (3) When assessing applications to take water from metered **standpipes** on **hydrants** (see clause 12(1)(b)) the **council** must also consider whether there are any suitable alternative options to source the treated water.
- (4) When assessing applications for a temporary exemption from water restrictions or prohibitions (see clause 18(d)) the **council** must also consider whether the restrictions have, or are they likely to have, a significant negative impact on the applicant's business or personal situation.
- (5) When assessing applications for **approval** to do work over or near the **treated water supply system** (see clause 18(3) to (7)) the **council** must also consider whether the work can be carried out safely without damaging **council's** assets if appropriate conditions are put in place.

## 23 Deciding on an application

- (1) The **council** may grant or decline an application for an **approval** at its sole discretion based on consideration of the factors described in clause 22-
- (2) An **applicant** may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the **council**, in its absolute discretion, decides that a refund (or partial refund) is reasonable in the circumstances.

## 24 Conditions placed on approvals

The **council** may include conditions on any **approval** for any one or more of the following matters –

- (a) the purpose for which the supply of treated water is approved;
- (b) the duration of the **approval**;
- (c) the quantity of water that may be supplied, except where **drinking water** is involved;
- (d) any other matter the **council** considers is reasonable to ensure efficient and safe operation of the **treated water supply system**.

## 25 Objections

- (1) An applicant may object to the **council** –
  - (a) about a decision to decline an **approval** by lodging an objection in writing within 20 working days after the date of the decision; or
  - (b) about a condition of an **approval** by lodging an objection in writing within 20 working days after the date of the decision.
- (2) The **council** will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision in writing to the applicant. The decision must include the reasons for the decision.
- (3) Nothing in this clause affects the right of an applicant to apply for judicial review of a decision to decline an application for an **approval** or a decision to include conditions on an **approval**.

## 26 Renewing an approval

- (1) If an **approval** has a condition specifying a duration for the **approval**, the person granted the **approval** may apply to the **council** to renew the **approval**, before the end of its duration, by:
  - (a) informing the **council**, in writing, the **approval** is still necessary; and

- (b) providing any information requested by the **council** to demonstrate that any conditions under Clause 24 continue to be met.
- (2) An application for renewal must be made in the same manner as an application for an **approval**, with any necessary modifications.
- (3) The application for renewal will be assessed based on consideration of the factors described in clause 22.

## 27 Amending an approval

- (1) A person granted an **approval** may –
  - (a) at any time within the duration of the **approval**; or
  - (b) at any time if the **approval** does not have a duration specified in its conditions – apply to the **council** to amend the **approval** or its conditions.
- (2) An application for amendment must be made in the same manner as an application for an **approval**, with any necessary modifications.
- (3) The application for amendment will be assessed based on consideration of the factors described in clause 22.

## 28 Transferring of approval

**Approvals** are not transferable.

### Related information

For example, a **customer** granted **approval** for an **ordinary supply** cannot supply their neighbour with water from this supply.

## 29 Suspending or cancelling an approval

- (1) The **council** may suspend or cancel an **approval** if –
  - (a) any conditions are not being met;
  - (b) the **approval** is affecting the efficient and safe operation of the water supply system or the health and safety of any person.
- (2) The suspension or cancellation takes effect from the date the person who was granted the **approval** receives written notice of the **council's** decision to suspend or cancel the **approval**. The notice must include the reasons for the **council's** decision.
- (3) Suspending or cancelling an **approval** does not affect the **council's** powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that were the reasons for the suspension or cancellation.
- (4) The person who was granted an **approval** that is suspended or cancelled under this clause may object to the **council** about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The **council** will make a decision on an objection within 20 working dates of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in subclauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an **approval**.
- (7) Any fees paid for the **approval** are not refundable if the **council** suspends or cancels the **approval**.

## 30 Other obligations not affected

An **approval** does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that applies to the matters covered by the **approval**.

## Part 5: Protection of the treated water supply system

### 31 No connection to other water supplies or fittings

- (1) No person other than **council** or its agents may connect to the **treated water supply system** without an **approval** from the **council**.
- (2) No person other than **council** or its agents may make or maintain a **direct connection** between the **treated water supply system** and any drainage system, sanitary fitting, or any apparatus used for the reception or conveyance of any liquid, gas, or drawn water.

### 32 Fittings to be in good repair

- (1) A person must not allow any pipe, tap, or other fitting connected with the water supply on their premises to be out of repair or in any way defective so that water is wasted, misused or contaminated.
- (2) Where, in the opinion of the **council**, any pipe, appliance or fitting connected to the water system at any premises –
  - (a) has deteriorated; or
  - (b) is of inferior quality or workmanship; or
  - (c) is causing or is likely to cause the waste of water; or
  - (d) is insufficient for the proper supply of water –the **council** may require, by notice in writing, the **customer** to carry out any work the **council** considers is necessary to remedy the pipe, appliance or fitting.
- (3) The **customer** must comply with a notice given under subclause (2) within 10 working days, except if the notice is given under subclause (2)(c), where the **customer** must comply within 5 working days.
- (4) Subject to the provisions of the Local Government Act 2002, the **customer** must allow the **council** and its agents to enter the property with or without equipment, access any area of the property for the purposes of determining compliance with these requirements.

#### Related information

Under section 171(1) of the Local Government Act 2002 the **council** cannot enter a dwelling house to determine compliance.

- (5) If the **occupier** fails to carry out the work required by the **council**, the **council** or its agent may make the repair at the **occupier's** expense.

### 33 Prevention of contamination

- (1) Every **customer** must prevent **backflow** either by providing an adequate air gap or by using a **backflow prevention device**.

#### Related information

Under clause G12.3.2 of the Building Code (Schedule 1 of the Building Regulations 1992) all buildings are required to have equipment installed to prevent contamination of the water supply system. This equipment is usually in the form of a **backflow prevention device**. Technical details regarding **backflow prevention devices** are included in the **engineering standards**.

- (2) No person may return, or allow to return, any water drawn from the **council's** water supply system to any main or pipe or any other part of the **treated water supply system**.

### 34 Access to inspect and maintain

- (1) In order to read meters, the **council** may enter private land within 24 hours of providing notice to the **owner** or **occupier**. The **council** will read meters between the hours of 8am and 6pm.

- (2) In order to inspect, test, or maintain **the treated water supply system**, the **council** may enter private land 24 hours after providing notice to the **owner** or **occupier**. The **council** will inspect, test or maintain the system between the hours of 8am to 6pm.
- (3) Under emergency conditions the **council** may enter private land without notice to the **owner** or **occupier** to maintain or repair the treated water supply system. This may occur at any hour.

## Part 6: Charges

### 35 Charges

Charges involving the **treated water supply system** are listed in the **council's** Fees and Charges.

#### Related information

These charges can be found on the **council's** website at

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/ltf-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

## Part 7: Offences and penalties

### 36 Offences

Any person who breaches this bylaw commits an offence under section 239 of the Local Government Act 2002.

#### Related information

A person who is convicted of an offence of breaching this bylaw is liable to a fine of up to \$20,000 under section 242(4) of the Local Government Act 2002. Examples of breaches of this bylaw include:

- use of **ordinary supply** for extraordinary purposes
- use of **extraordinary supply** for purposes other than specified by the **council**
- not meeting the conditions of an **approval**
- not complying with a restriction or prohibition on the use of treated water without a temporary exemption granted by the **council**
- work on the **treated water supply system** without an **approval**
- connecting to or disconnecting from the **treated water supply system** without an **approval**
- failure to remedy deficient pipes

## Part 8: Savings and transitional provisions

### 37 Water supply bylaw revoked

The Water Supply Bylaw made by the **council** on 16 October 2009 and all amendments made to that bylaw are revoked.

### 38 Applications, approvals etc under previous bylaw

- (1) Every licence, permit, dispensation, permission or other form of **approval** granted under the Water Supply Bylaw revoked in clause 37, except for **ordinary supply approvals**, that was in force immediately before the commencement of this bylaw, continues in force as if it is an **approval** of that kind issued under this bylaw; but –
  - (a) it expires on the date specified in that **approval**; or

- (b) if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw.
- (2) Any application for a licence, permit, dispensation, permission or other form of **approval** made under the Water Supply Bylaw revoked in clause 37, filed before the day on which this bylaw commenced, must be dealt with by the **council** as if it was made under this bylaw.
- (3) Any meter which was installed by the **customer** before the commencement of this bylaw must continue to be maintained by the **customer** until it is, in the opinion of **council**, no longer fit for use, when it will be replaced by a **council** meter.

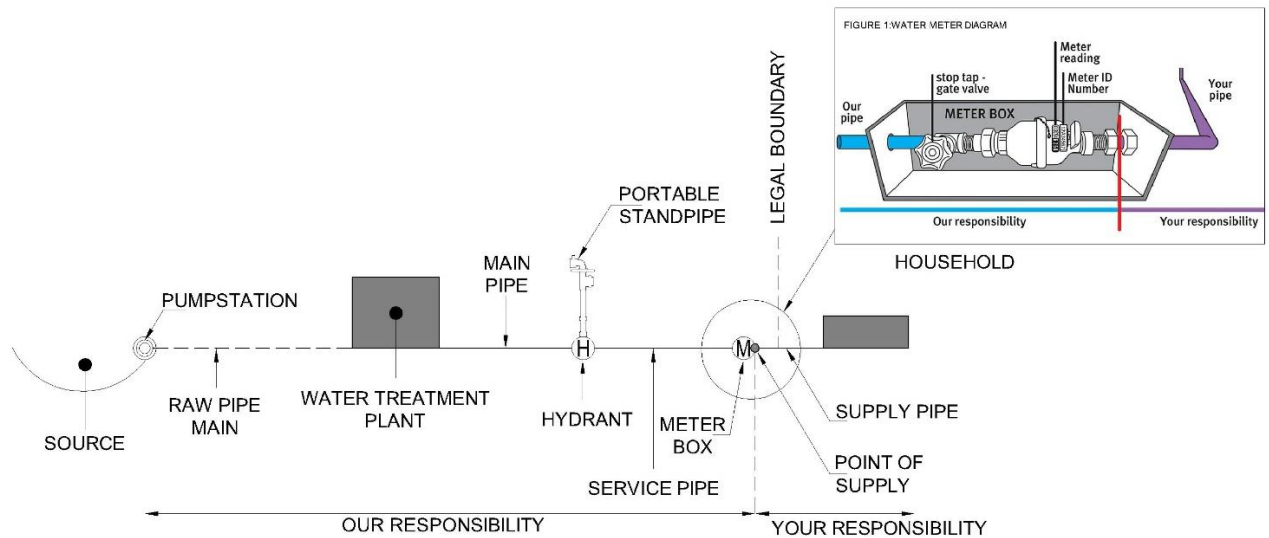
## Schedule: Diagrams illustrating parts of the water supply system

Clauses 5, 6, 7, 8, 9 and 18

The Schedule is included solely to assist in understanding the meaning of some provisions of this bylaw, it has no legal effect and if there is an inconsistency between the content of the Schedule and the provisions of this bylaw, the provisions of this bylaw prevail.

### Part 1: Treated water supply system

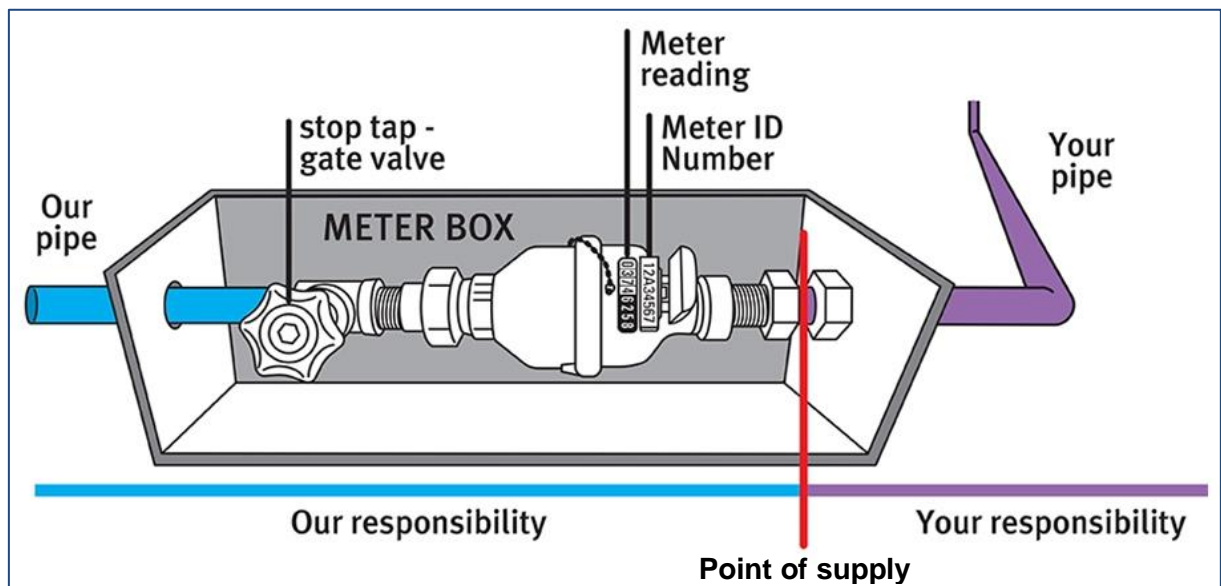
Illustration of the components of the **treated water supply system**.





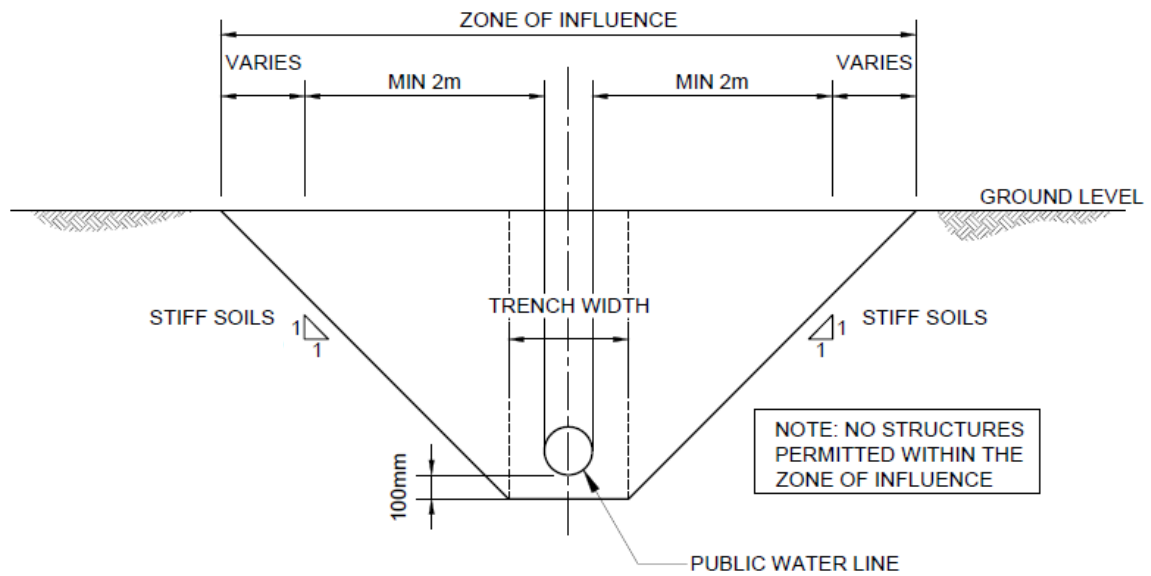
**Part 2: Point of supply layout**

Illustration of typical layout of the fittings at the **point of supply**.



### Part 3: Zone of influence

Illustration of the zone of influence around a **public water line**.



### 6.3 APPOINTED MEMBER ALLOWANCES POLICY

**File Number:** A3298961

**Author:** Caroline Wilson, Manager - District Administration

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

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to seek approval from Council to adopt the policy on appointed member allowances.

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Joint Climate Change Adaptation Committee (JCCAC) has prompted the possible need for an appointed member allowances policy to be adopted. There is no clarity from the Northland Regional Council (the administering body) to date as to whether appointed members from each of the Councils will be remunerated according to the policy of the administering body or from each individual Council – the terms of reference for the joint committee are silent on this matter.
- There is increasing interest in appointing external expertise to Councils own committees.
- This policy has been created in consultation with the councils within the region to ensure a consistent approach and fee structure for appointed members.
- This report was presented to the Strategy and Policy Committee meeting on 20 July 2021. The Strategy and Policy Committee makes the following recommendation to Council.

#### TŪTOHUNGA / RECOMMENDATION

**That Council adopts the Appointed Members Allowances Policy.**

#### 1) TĀHUHU KŌRERO / BACKGROUND

Council has not previously appointed external expertise to their committees, with the exception of the Assurance Risk and Finance Committee which has had an independent member for a number of triennia, under a contractual arrangement.

Members themselves bring a significant amount of experience to the decision-making table, but there may be some circumstances where specific expertise may be required, or that Council wishes to establish a specific committee. This policy does not preclude the ability to contract professional services (if required) but rather complements the public service ethos that many of our community members have and who may wish to assist Council with their knowledge by way of joining one of our committees. In the interests of fairness, it is appropriate that they are recognised for this contribution.

Council recently entered into an agreement for a Joint Climate Change Adaptation Committee and is also discussing options for external participation at a committee level.

The joint committee terms of reference have been silent on the matter of appointed members remuneration and whether the administering body's policy apply (in this case NRC) or whether each individual councils' own policy will apply. This is still a work in progress.

It is time to consider the adoption of a policy to ensure appointed members are fairly and transparently recompensed for their participation and provide clarity to the current appointed member's remuneration irrespective of the decision made by NRC and the JCCAC.

This policy will be complemented, in due course, with an "Appointment of non elected members to committees of Council" policy which will outline the process for appointing members similar to that of the "Appointment of Directors to Council Organisations" policy, which is before Council today.

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

The council recognises that appointed (non-elected) members bring skills and expertise to the decision-making process. Having a fair and transparent allowances policy ensures that the financial impact of their participation does not act as a disincentive to participation. A transparent, fair and balanced policy on the payment of allowances to appointed members promotes public confidence in the council's financial stewardship.

Many councils have independent advisory committees and/or specific expertise appointed to committees of Council. In such cases, councils have adopted an allowances policy to provide a consistent and transparent approach to recognising their contribution and encouraging expertise to the table that may otherwise not be available to members in their decision-making.

This policy was designed in consultation with the Northland Regional, Whangarei and Kaipara District Councils to ensure consistency and equity particularly in light of the joint committee. It also sets the rules for future appointments to council committees.

The policy principles are the same across the region, with some minor localised variations, and the fee structure is relatively consistent.

The three other Northland based Councils either have the following fee structure or are about to propose the following fee to their Council. The TOAT fee has been added to assist with comparison.

Council	Meeting Fee
<b>Northland Regional</b>	\$240 (adopted fee)
<b>Whangarei District</b>	\$280 (adopted fee)
<b>Kaipara District</b>	\$240 (to be adopted in September)
<b>Far North District</b>	\$240
<b>TOAT Member</b>	\$275 (set in legislation)

Cost comparison across other Councils sees the fees set between \$170 - \$400 per meeting fee. Some provide only hourly rates between \$50 to \$70 per hour, up to a typical maximum of \$600 per meeting (Auckland City).

The allowance is slightly less than the current pro-rata equivalent of the councillor base rate (determined by the Remuneration Authority) but above the minimum allowable and will be closer-aligned to councillor base rate if/when we move to 10 councillor structure through the representation review.

This policy will apply to any appointed members to governance committees of the Far North District Council, or any joint committees where the Far North District Council is either the administering body or has their own appointed members. Appointed members would also be eligible to claim vehicle and travel time allowance, under the current Elected Members Allowances and Reimbursement policy.

### Option 1 – adopt the policy

In this option we adopt the policy which is aligned with a regional approach to remuneration of appointed members. This ensures a high degree of consistency, particularly as we may appoint expertise in the future that is either currently appointed (or has been previously appointed) to other councils within the region. It would resolve any issue of perceived disparity with the fee structure and payable allowances. This is the preferred option.

### Option 2 – not adopt the policy at this stage

We could wait for direction from NRC which may be forthcoming prior to this policy coming before Council for adoption. It does require a change to JCCAC terms of reference and approval from each Council which could mean this is delayed until later this year. As we have not yet received a report on a participation model at committee level, we are not yet required to have a policy in place.

However it might be considered prudent to have this approved for when Council does decide to pursue this option and provide clarity to any potential candidates related to allowances.

**Take Tūtohunga / Reason for the recommendation**

Adopt the policy on appointed members allowances to ensure Council is prepared for appointing external expertise to Council committees and/or joint committees.

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

Budget has been allocated in the 2021-2022 financial year should Council wish to pursue the option of appointing external expertise to Committees.

**ĀPITIHINGA / ATTACHMENTS**

1. **Appointed Members Allowances Policy - A3308860** [↓](#) 

**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>	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.	Elected Members Allowances and Reimbursement Policy relates for the provision of vehicle mileage and travel time claims.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This has district wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	There is no particular significance for Māori.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	There are no identified interested parties.
State the financial implications and where budgetary provisions have been made to support this decision.	Budgetary provision has been made in the 2021-22 financial year.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

# Appointed Members Allowances Policy

Drafted: 25 June 2021

## Context

This policy has been developed in consultation with the Northland Regional, Whangarei District and Kaipara District councils to ensure fair, transparent and consistent payment of allowances to non-elected (appointed) members.

Elected members' remuneration, expenses and allowances are governed by the Remuneration Authority. The Authority does not concern itself in a council's methods or policies for rewarding or compensating non-elected members.

## Legislative Context

The Local Government Act 2002 (Schedule 7, clause 31(3)) provides that the Council may appoint to a committee or subcommittee a person who is not an elected member if that person has the skills, attributes and knowledge that will assist the work of the committee or subcommittee.

## Principles

The principle of this policy is for the allowances paid to appointed members to be transparent, accountable, and fair by:

- 1 appointed members not being financially disadvantaged by their participation in committees, working parties or other bodies.
- 2 the financial impact of participation in committees, working parties or other bodies is not a disincentive to participation.
- 3 Fees being set on a fair but conservative basis to reflect an element of public service involved.

The expected outcome of this policy is public confidence in the council's financial stewardship and alignment with our regional counterparts, particularly as appointed members may be engaged to more than one committee and at more than one council within the district.

## Application of this Policy

- 1 This policy applies to attendance at the following:
  - a. Standing Committee Meetings: i.e. a committee appointed by the council (only) that meets on a regular basis to address specific issues covered by the committee's delegations;
  - b. Joint Committee or Subcommittee Meetings if their appointment has been approved by council or committee formal resolution;
  - c. Standing Committee or Subcommittee Workshops if the membership has been approved by council or committee resolution;

- d. Meetings of any other sub-ordinate bodies set up by Standing Committees or Subcommittees if the membership has been approved by council or committee resolution;
- e. Scheduled meetings of External Bodies; provided council has approved by resolution that the appointed member will represent council at these meetings.

2 This policy does not apply to:

- a. The Mayor and Elected Members, who have their remuneration agreed through the Remuneration Authority and a decision of the Council at the beginning of each triennium;
- b. Boards established under specific legislation (e.g. Te Oneroa-a-Tōhe Beach Board) which have separate and specific allowances;
- c. The District Licensing Committee Chair and Members, who have remuneration set by Government regulation;
- d. Independent Hearing Commissioners engaged by the Council, who are remunerated separate from this policy;
- e. Internal or external staff attending a committee or panel meeting as part of their employment;
- f. Any appointed member whose participation on a committee, subcommittee, working party or external body is remunerated by a government agency, another local authority or private/public interest group.
- g. The council's independent Deputy Chair of the Assurance Risk and Finance Committee, as that member is paid by contractual agreement;
- h. Appointments to a Community Board committee or working party recognising that their role is advocacy and largely for the public good;
- i. Council established community committees or working parties, (for example - but not limited to - hall, reserves, cemetery committees);
- j. Workshops or functions not organised by Democracy Services.

### Meeting (workshop) Allowance

---

- a. The council will pay a daily meeting (workshop) allowance for members of \$240 and \$300 for the chair. For clarity, if a member attends two meetings (workshops) on the same day, the allowance may only be claimed once for that day. Members may choose to not claim this allowance;
- b. The meeting (workshop) allowance covers all work associated with participation in the meetings of the body, including that performed outside of meetings (e.g. preparation and post-meeting follow-up);
- c. The allowance will not be paid if a meeting/workshop is cancelled with two days notice. Appointed members are eligible to claim travel and meeting allowances if a meeting lapses due to lack of a quorum and they have travelled to that meeting;
- d. The meeting (workshop) allowance does not cover specific work that may be required of member(s) of the body/group over and above participation in meetings. Such additional or extra work will be remunerated by other means, via specific contract or koha, for example. and must be approved and recorded by the body before it is undertaken and is subject to agreement by the council.



## Vehicle Mileage and Travel Time Allowance

---

The council will pay the vehicle mileage and travel time allowance as set out in its current Elected Members' Expenses and Allowances Policy. The annual cap and minimum distance requirements of the Elected Members' Expenses and Allowances Policy apply. Eligible appointed members may choose to not claim mileage.

The allowance will not be paid for any mileage that is not associated with travel between a member's primary residence and properly scheduled meetings of a committee or subcommittee, in the member's own vehicle, and by the most direct route that is reasonable in the circumstances.

## Exceptions

---

Exceptions to this policy can be made in certain circumstances on a case by case basis. An application must be made to the Chief Executive or their delegate for approval through Democracy Services.

## Procedure for claiming allowances

---

- a. After each meeting, the appointed member is to send an invoice for the allowances they wish to claim, along with relevant receipts to [accountspayable@fndc.govt.nz](mailto:accountspayable@fndc.govt.nz). For the purposes of this policy, appointed members are not classed as employees of Council and must adhere to relevant IRD requirements in relation to tax and expenses.
- b. The Council will aim to pay allowances within a fortnight of receipt of an invoice.

## Related information

---

Far North District Council's Elected Members' Expenses and Reimbursement Policy - [elected-members-allowances-and-reimbursement-policy-2017.pdf \(fndc.govt.nz\)](#)

## Monitoring and Review

---

The Democracy Services team is responsible for overseeing implementation of this policy and for providing guidance for decisions made under the policy.

It will be reviewed:

1. When a formal request to do so is received from either:
  - a. A northland region local authority (to maintain a level of regional consistency with meeting and workshop fees);
  - b. From the chair of a committee or subcommittee
2. At the end of each triennium.
3. If there is a legislative amendment that requires a review of this policy.
4. If a recommendation to review is received by Audit New Zealand.

**6.4 UPDATE OF POLICY - APPOINTMENT OF DIRECTORS TO COUNCIL ORGANISATIONS****File Number: A3382028****Author: Janice Smith, Chief Financial Officer****Authoriser: William J Taylor MBE, General Manager - Corporate Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

The purpose of this report is for Council to agree to the updated Policy 2117 – Appointment and Remuneration of Directors for Council Organisations.

**WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY**

- This policy was created in June 2003 and had not been updated for some time. A revised policy was put to this Committee in March 2021, but the decision was that further work was required, so the current June 2003 policy remains in place.
- No updates have been made to reflect changes to Council Organisations covered by the policy nor changes to the names of Committees.
- A report was presented to the Strategy & Policy Committee at their meeting on 23 March 2021 for consideration. The Committee asked that officers work with Councillors Smith, Vujcich and Clendon to amend the policy.
- The Strategy and Policy Committee considered this report at their meeting on 07 September 2021 and makes the following recommendation to Council.
- The Strategy and Policy Committee resolved that a change be made in the Appointment and Remuneration Policy – “that the Chair of each Council Controlled Organisation Board shall be selected by the members of that board. This has been updated in the attached policy.

**TŪTOHUNGA / RECOMMENDATION**

**That Council approve the updated Policy 2117 – Appointment and Remuneration of Directors for Council Organisations.**

**1) TĀHUHU KŌRERO / BACKGROUND**

Policy 2117 – Appointment and Remuneration of Directors for Council Organisations was originally developed in 2003 when Council was only responsible for Far North Holdings as a Council Controlled Trading Organisation. It has not been updated to reflect changes in either Council Organisations or Committee structures.

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

Policy 2117 is now required to cover a broader range of Council Organisations; this may also change in the future. Officers have worked with elected members to review the policy to ensure it provides for a clear process and covers all entities.

**Take Tūtohunga / Reason for the recommendation**

To update the policy to enable future appointment of Directors to Council Organisations.

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

There are no financial implications arising from this report.

## **ĀPITIHANGA / ATTACHMENTS**

1. **Appointment and Remuneration of Directors for Council Organisations Policy  
Proposal September 2021 - FINAL - A3381975** [!\[\]\(0551a83d441798e532995956b603f604\_img.jpg\)](#) [!\[\]\(54ee180c0037b66a36ce2219a481afde\_img.jpg\)](#)

**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>	Low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Policy 2117 – Appointment and Remuneration of Directors for Council Organisations.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Not applicable.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	There are no specific implications for Māori.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This is a specific policy relating to Council Controlled Organisations.
State the financial implications and where budgetary provisions have been made to support this decision.	None.
Chief Financial Officer review.	The Chief Financial Officer has prepared this report.



www.fndc.govt.nz  
Memorial Ave, Kaikohe 0440  
Private Bag 752, Kaikohe 0440  
askus@fndc.govt.nz  
Phone 0800 920 029

## Appointment and Remuneration of Directors for Council Organisations (#2117)

Date Issued: 19 June 2003

Updated July 2021

### Purpose

The purpose of this policy is to set out, in accordance with section 57 (1) of the Local Government Act 2002 (LGA), an objective and transparent process for the:

- a) identification and consideration of the skills, knowledge and experience required of directors of a council organisation.
- b) appointment of directors to a council organisation; and
- c) remuneration of directors of a council organisation.

### Policy Objectives

The objectives of this policy are to ensure:

- that the process of appointing board members to Council Controlled Organisations (CCO's) of FNDC is undertaken in an objective and transparent manner, while protecting individual privacy.
- that board appointments:
  - are made based on an assessment of skills, knowledge and experience, having regard to the nature of scope of the organisation's objectives and activities.
  - consider the contribution that directors can make to the board as a whole and to the achievement of the organisation's objectives and activities.
  - consider the context in which council, as a publicly accountable body operates.
- continuity through smooth succession of board members and board chairs.

### Other relevant legislation

In addition to this policy, the appointment and re-appointment of directors to Council Organisations are governed by their respective constitutions, trust deeds or, in some cases specific legislation. In the event of a conflict, the regulatory requirements of those documents take precedence over this policy.

## Background

---

**“Candidate”** is a person who has been nominated, submitted a written application or identified through search activities.

**“Council Organisation”** is defined in section 6 of the LGA as an organisation in which the council has a voting interest or the right to appoint a director, trustee or manager (however described).

**“Council Controlled Organisation”** is defined in section 6 of the LGA in which the council controls, directly or indirectly, 50% or more of the votes or has the right, directly or indirectly, to appoint 50% or more of the directors.

## Board Diversity and Inclusion

---

Far North District Council (FNDC) values and supports the benefits that diversity of thought, experience and skills bring to our CCO boards as well as the council as a whole; that a culture of inclusion and diversity is cultivated through clear tone from the top, with the Council and elected members, SLT and boards championing diversity and inclusion in support of FNDC’s values.

FNDC recognises that increasing diversity and fostering inclusive board culture is an essential element in supporting high performing boards, driving long-term success, making improved decisions, and delivering better outcomes for the communities of the Far North District.

The board of a CCO should be made up of a diverse range of people who are able to bring relevant expertise to the organisation. For the board to be fully effective, it should comprise directors with a range of complementary skills and experience to ensure that ideas are challenged and tested, and that decision-making is robust.

All board appointments must collectively reflect the diverse nature of the environment in which FNDC and its CCOs operates and be made on merit in the context of the skills, experience and knowledge which the board requires to be effective.

FNDC is committed to supporting and/or providing initiatives:

- that lead to an inclusive recruitment and selection process of board appointments.
- support a diverse range of aspiring directors to develop skills, knowledge, board room experience and to establish relationships and networks; and
- build a diverse pool of experienced directors for Far North District organisations

## Policies

---

### 1. Eligibility

Council can consider any person as eligible to be a Director/Board Member provided that:

- they have not been previously disqualified from being a director or board member within New Zealand.
- they have not been convicted of a crime involving dishonesty.
- they are not an undischarged bankrupt.
- they are not a currently elected member of the Council
- they are not a current employee of the Council.

## 2. Skills

The council considers that any person that it appoints to be a director of a CO should, as a minimum, have the following characteristics:

- sound judgement and decision-making.
- a public service ethos.
- a high standard of personal integrity.
- commercial and governance experience.
- clear communication skills and an ability to debate in a reasoned manner.
- The ability to build and maintain relationships.
- effective teamwork and collaboration.
- ability to think strategically.
- risk assessment and contingency management.
- commitment to the principles of good corporate citizenship.
- understanding of the wider interests of the Council, as a publicly accountable shareholder.

## 3. Appointments Committee

As soon as practicable after each local body triennial election, or as otherwise required, the Council will establish an Appointments Committee for the purpose of recommending the appointment of directors to Council Controlled Organisations. The members of the committee will comprise the chairperson of the CCO board, an external commercial advisor (or similar) with relevant experience and knowledge, and up to two other members nominated by the Council. These members would ideally be Councillors with an interest in CCO's and one of these appointees would be appointed as the Chair of the Appointments Committee.

Any recommendation made must be the unanimous decision of the committee.

## 4. Appointment Process

The Appointments Committee will prepare a list of possible candidates to be interviewed. In preparing the list, the committee will use several resources including, but not exclusively, public advertising, personal recommendations, and self-referrals, identifying individuals with the required skills and competencies.

The appointment committee will be responsible for:

- approving the criteria against which applications will be assessed.
- approving an independent recruitment consultant to assist with the selection process, if it decides it is warranted.
- preparing a shortlist of candidates to interview.
- interviewing the shortlisted candidates and evaluating them against the approved criteria; and
- reporting on its assessment of each candidate against its criteria and recommending appointments of directors to council.

When making this decision the committee will also consider:

- The costs of any advertisement and process
- The availability of qualified candidates
- The urgency of the appointment (e.g. a CO that is without a quorum cannot hold board meetings).



The Appointments Committee will report to the Council on the outcome of the appointments process and the committee's recommendations. The Council will be the final decision-maker.

The Council expects all participants in the appointment process to undertake the work required of them in a timely manner.

## 5. Final Appointment

The council will make the final decision in committee (thus protecting the privacy of natural persons). Public announcement of the appointment will be made as soon as practicable after the council has made its decision.

## 6. Reappointment

Where a director's term of appointment has expired and he or she is offering him or herself for reappointment, the Appointments Committee will consult with the Chairperson of the CO with regard to:

- Whether the skills of the incumbent add value to the work of the organisation
- Whether there are other skills the organisation needs
- The Director's length of tenure
- Succession planning

The Committee will then consider the information obtained and form a view on the appropriateness of reappointment or making a replacement appointment. The outcome of the review will be advised to Council, who will make the final decision in relation to re-appointment if appropriate.

Council may reappoint an existing director for a further term without activating the formal appointment process. Where it is not intended to reappoint the incumbent, the appointment process outlined above will apply.

## 7. Removal of Directors

Council have the right to remove a Director if:

- The Director becomes an undischarged bankrupt
- The Director is convicted of a crime involving dishonesty
- The Director is prohibited from managing a company by the Registrar of Companies
- The Director is not acting in good faith.
- The Director is unable to perform the duties as a Director

Should it be necessary to remove a Director the default process in the Companies Act 1993 would be followed unless the company constitution specifies a different process.

The default process is to:

- call a shareholder meeting for the specific purpose of removing the director in question. There can be other purposes, but they must appear in the notice of the meeting.
- at the meeting, shareholders can remove the director through an ordinary resolution; and
- if a majority of shareholders votes in favour of the resolution, it passes and the directors' removal from their office becomes effective.



## 8. Rotation of Directors and Length of Tenure

The Directorship shall be reviewed for appropriateness by the board of the relevant organisation each year. A statement advising that the review has been completed will be included in the Annual Report of the Company.

Directors will normally be appointed for periods of three years. Subject to a review of the director's performance after the first three-year period, the normal tenure for a director will be six years.

Following six years of services, a director may be appointed for a further three years if the benefit of such an extension is considered to outweigh the potential advantages of seeking and appointing a new candidate.

It is desirable that a director is not reappointed to the same organisation after nine years of service. The board shall develop and maintain:

- a skills and corporate knowledge matrix, identifying the skills currently represented by the board and clearly identifying those that need to be considered by a future appointment.
- A succession plan to ensure that the tenure of Directors is reviewed in line with this policy

The above to be discussed and reviewed with the Shareholder at least once a year.

## 9. Appointment of a Chairperson

The Chair of each CCO board will be appointed by the Board.

In general terms, the skills and attributes sought for CCO Chairs are the same as those sought for CCO Directors (see section 2), but in addition would include the following:

- strong leadership skills, with the ability to work collaboratively with the board to create a sustainable enterprise.
- ability to think in a visionary and strategic manner.
- have a strong understanding of, and experience in, governance; and
- ability to ensure that the organisation is accountable and delivers high quality products, facilities, and services.

## 10. Conflicts of Interest

Far North District Council expects that directors of Council-controlled organisations will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations, the council requires directors to follow the provisions of the New Zealand Institute of Directors' Code of Ethics. All directors are appointed 'at the pleasure of the council' and may be dismissed for breaches of this code.

## 11. Remuneration

Far North District Council will decide whether directors on CCO boards are to be remunerated. The level of remuneration of directors will be set by council in accordance with the factors below.

To ensure transparency, fees will be set by the council for the board members and Chairs, rather than allocating a pool to be distributed by the board. Fees are to be met from the council organisation's own resources.

The council supports the payments by CCOs of directors' liability insurance and the indemnification of directors.

- **Level of remuneration**

Where CCO directors are remunerated, the level of remuneration will be set taking into account the following factors:

- the need to attract and retain appropriately qualified directors
- the levels of remuneration paid by comparable organisations in New Zealand
- any changes in the nature of the CCO's business
- any other relevant factors.

Remuneration of directors of all CCOs will be reviewed at least once per triennium, or whenever the performance of the CCO or the role of the CCO and its board changes significantly.

## 12. Review

This Policy is to be reviewed by the Assurance, Risk and Finance Committee provided this is a delegated function of the Committee. If Council does not provide for this delegation at each triennium then the policy will be reviewed by Council.

The policy will be reviewed:

- Every three years or
- At the request of the Chair of the Assurance, Risk and Finance Committee or
- At the request of the Board of the CCO
- In response to a change in legislation or statutory requirements.

**6.5 HOUSING FOR THE ELDERLY, OXFORD STREET, KAITAIA****File Number: A3368007****Author: Jeanette England, Assets Manager - District Facilities****Authoriser: Andy Finch, General Manager - Infrastructure and Asset Management****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To seek approval from Council to demolish an existing Housing for the Elderly (HFTE) building in Oxford Street, Kaitaia as it has been found to be unsafe for habitation.

**WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

- The latest condition assessment undertaken at the block of HFTE units in Oxford Street, Kaitaia revealed significant structural issues and following further investigations staff have decided that this building is unsafe for habitation.
- The tenants have been relocated to alternative accommodation within Kaitaia.
- Demolition of this building is proposed at a cost of approximately \$60,000. This is an operational expense.
- Once demolished, Council are being asked to either:
  1. leave the land vacant for future development of HFTE units or;
  2. invest in the rebuild of these units which will improve the value on divestment.

**TŪTOHUNGA / RECOMMENDATION**

**That Council:**

- a) **approves Option 2 to demolish the units at Lot 25, DP13820 – Oxford Street, Kaitaia due to structural deficiencies which make these units unsafe for habitation.**
- b) **approves an Operational budget of \$60,000 for the demolition of the units at Lot 25, DP13820 – Oxford Street, Kaitaia and;**

**Either**

- c) **leaves the site vacant pending future work on divestment of the Housing for the Elderly portfolio**

**Or**

- d) **approves the rebuild of three (3) new units on this site at an estimated cost of \$100,000 to \$150,000 per unit**
- e) **approves unbudgeted capital expenditure of up to \$336,500.**

**1) TĀHUHU KŌRERO / BACKGROUND**

The units at 13-15 Oxford Street in Kaitaia were built in the 1970's. This building is single storey and houses three (3), one bedroom units. During recent condition assessments, these units were identified as having structural issues that made them unsafe for tenants. The tenants from these three units have been relocated to alternative accommodation within the portfolio in Kaitaia.

Currently there are 17 people on the waitlist for Oxford Street with 31 for Kaitaia overall.

During the Long Term Plan (LTP) 2021/2031 Council consulted on the future of the HFTE portfolio. The outcome of this consultation was that Council would investigate future divestment options with a Community Housing Provider (CHP). The resolution on divestment is as noted below:

### **1.1 Housing for the Elderly**

*1.1a) That Council instructs the Chief Executive Officer to commence the process of identifying one or more Community Housing Providers to purchase Far North District Council's Housing for the Elderly assets.*

This investigation is still pending and is linked to opportunities that may arise out of discussions with FNHL and/or Kainga Ora. FNHL have commented that should divestment to FNHL occur then it may be possible for them to leverage a government lease for replacement negating the need for Council capital investment. This opportunity might be lost if divestment does not occur within a short time frame.

Currently work programmes and resourcing suggests that divestment could take up to three years. It would be subject to a final Council decision.

In the 2021/2031 LTP, as a result of full condition assessments of all HFTE units being completed, Council provided funding of \$1,795,688 per annum for the next three years to upgrade all the HFTE portfolio. This total amount includes \$113,500 for these particular units.

The condition assessments recommended that these three units should be vacated, and an Engineering and Structural report be commissioned (Attachment 1 - Report dated 9 July 2021 from Haigh Workman Civil & Structural Engineers).

This report has now been received by staff and we have recommended that these units no longer be available for tenants. The report identified that the stability of the concrete block wing walls is critical for safety within these units which have visible and measurable damage, with a risk of collapse. This damage is a result of building over the old stream and streambank, which was filled in with the realignment of Tangonge Drain between 1961 and 1973. The fill material has been analysed as being of very low strength resulting in settlement causing the foundations to crack.

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

Staff seek guidance from Council on the options provided below given Council is considering the full or partial divestment of this portfolio

### **Option 1 - Do nothing**

- Leaving the building uninhabited could potentially invite people sleeping rough in the buildings
- The building could become run down and unsightly which would invite vandalism.

### **Option 2 – Demolish Only**

- Demolish the building for safety reasons
- Leave the site in a tidy condition pending further work on future HFTE divestment opportunities, noting on the property files that this land can only be used for future social housing stock, in particular HFTE.

### **Option 3 – Demolish and Rebuild**

- Demolish the existing building for safety reasons
- Rebuild on this site which could partially be funded from the current upgrade budgets of which there is \$113,500 allocated specifically to units 13, 14 and 15 Oxford Street
- Staff have made enquiries with a few companies that provide prefabricated homes and it is estimated to be around \$100,000 to \$150,000 per unit to replace
- Investigate further options for replacement of these units.
- This would require unbudgeted capital expenditure of up to \$336,500. This falls outside of staff financial delegations.

**Take Tūtohunga / Reason for the recommendation**

Staff consider Option 2 as the preferred option. This would remove the safety issues raised and provide a site suitable to future building.

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

Unbudgeted operational expense will be required for the demolition. It is estimated that this will cost approximately \$60,000 as there is asbestos containing materials on parts of the exterior walls and this will incur engagement of a specialist contractors and disposal costs.

If Council decides that the units are to be rebuilt the cost of the rebuild could be included in the 2022/2023 Annual Plan.

**ĀPITI HANGA / ATTACHMENTS**

1. **Geotechnical and Structural Assessment Oxford Street, Kaitaia - A3370189**  

**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>	HFTE portfolio is considered to be significant assets of Council, hence the need for Council's approval to demolish and/or rebuild.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Council's Significance policy includes the HFTE portfolio.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	N/A.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Engagement with local iwi has not been undertaken and it is not considered necessary until such time as Council prepares to either fully or partially divest this portfolio.
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).	Tenants have been relocated to alternative accommodation.
State the financial implications and where budgetary provisions have been made to support this decision.	Refer relevant section.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.



21 178

09 July 2021

Attention: Far North District Council

**Re: Oxford Street, Kaitaia (Lot 25, DP 13820)**

**Building damage**

#### **Introduction**

Haigh Workman Ltd (Haigh Workman) has been commissioned by Far North District Council (FNDC) to undertake a geotechnical and structural assessment at Lot 25, DP 13820 - Oxford Street, Kaitaia. The site assessment is to determine the cause of damage to the existing residential units, which includes internal cracks in the dwelling and foundation slab.

The property is legally described as Lot 25, Deposited Plan 13820 with a land area of approximately 1138 m<sup>2</sup>. The property is irregular in plan shape, with access to the dwelling via a shared pathway. The site is occupied by a single-storey residential flat, comprising three individual units. The existing dwelling comprises a lightweight timber framed structure, with concrete block walls separating the units.

The site boundary is adjacent to the Tangonge Drain, which captures water from several streams and diverts the water to the Tangonge wetlands west of Kaitaia township. Based on historical aerial photographs, the Tangonge Drain was constructed between 1961 and 1973, which involved realigning existing watercourses into the newly constructed drain network. The pre-existing streams were subsequently filled or left open as stormwater drains. The invert level of the Tangonge Drain is approximately 4.0 m lower than the existing dwelling units at 13-15 Oxford Street. Land along the southern boundary is titled under River Control Purposes (NZGZ 1968 p 2305) and appears to show the alignment of the pre-existing stream, which is located along the southern extent of the existing units.

It is our understanding the building has been subject to flooding in the past. The surrounding topography creates a bowl like feature at the dwelling location, i.e., the dwelling is in a low-lying area. Drainage should be considered to move the 'low-point' away from the dwelling and create a sump to convey the water into the Tangonge Drain.

---

Phone: +64 9 407 8327 • Fax: +64 9 407 8378 • [info@haighworkman.co.nz](mailto:info@haighworkman.co.nz) • [www.haighworkman.co.nz](http://www.haighworkman.co.nz)

PO Box 89 • 6 Fairway Drive • Kerikeri 0245 • New Zealand





Figure 1 - Site Location

#### Property File Review

Haigh Workman Ltd have not received the property file at the time of preparing this report. The purpose of ordering the property file was to review the drawings and information, including foundations and the internal concrete block walls and wing walls. It is our understanding the dwelling is supported on shallow concrete spread foundations.

#### Structure and Foundation conditions

Observed damage to the dwelling includes external cracks in the concrete block walls and surrounding concrete pavement around the dwelling. Similar internal cracks of the concrete block wall were also observed within the units. A foundation separation gap between the units was observed, with the edge of the concrete slab also cracked indicating development of stresses in the structure due to differential settlement across the foundations. During the site visit we were advised, anecdotally, that the concrete slab in one of the units was cracked and was to be confirmed when the carpets were lifted.

The damage observed to the dwelling is considered a result of differential settlement across the building and build up of stresses within the foundations.





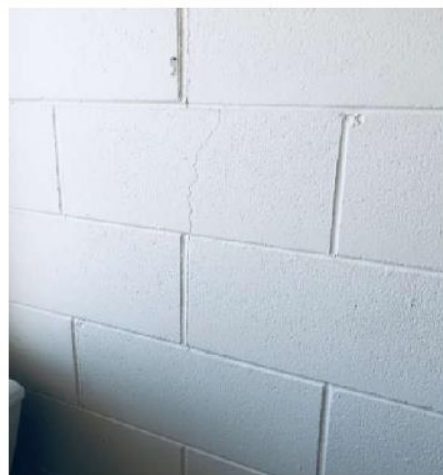
Cracks in concrete front wall (Unit B, A & B) due to differential settlement. The cracks are extending from top to bottom and progressing further into the foundation. Refer to the photo on the right for the development of cracks in the slab.



Cracks in front concrete slab (Unit B)



A similar crack show above extended inside the structure.



Crack in concrete wall (Similar to front wall of unit B) developing in unit B toilet wall.



Crack in foundation between units A and B. All the crack patterns are similar and indicating the development of stresses in the structure due to differential settlement.



Cracks in the concrete wing wall at rear side of unit A. The wing wall is partly supporting the roof system. (Settlement due to shrink swell of soils) – north-eastern wall

#### Published Geology

A review of the published geology maps has been undertaken by Haigh Workman Limited, which indicates the site geology comprises alluvial soils of the Karioitahi Group, described as unconsolidated to poorly consolidated sand, peat, mud, and shell deposits (estuarine, lacustrine, swamp, alluvial and colluvial).

#### Ground Investigations

Haigh Workman undertook geotechnical investigations on 10 June 2021. The investigations comprised the drilling of two hand auger boreholes (BH01 & BH02). The boreholes were advanced to a maximum depth of 3.0 m, with the purpose of determining the subsoil conditions, strength profiles, and collecting a sample for laboratory testing. Vane shear tests were undertaken at regular intervals during the advancement of the hand augers. Conditions at the time of our site investigation were damp, with surface ponding and saturation observed at low points around the dwelling.

Fill material was encountered at BH01 to approximately 1.8 mbgl, comprising intermixed fine-grained soils with organic lenses and dark brown and black soils below 1.5 m. Vane shear strength readings indicate firm to stiff soils with groundwater measured at 0.6 mbgl at completion of drilling. BH02 was undertaken on the northern side of the dwelling and encountered alluvial deposits from the surface, with vane shear strengths indicating stiff soils and groundwater measured at 1.0 mbgl.

A single disturbed bag sample was collected for Atterberg limits and linear shrinkage testing from BH02 (0.6m to 1.0m). Laboratory test results are presented in Appendix C.

#### Geotechnical Assessment

We understand that the existing dwelling has suffered some movement, indicated by cracking of the concrete slab and concrete block walls, and racking of the internal doors and windows. A detailed survey of the building has not been provided to Haigh Workman Ltd, however from observation, it would appear the building has settled towards the Tangonge Drain.



Geotechnical investigation locations were located to determine the subsoil conditions. Observations made during drilling was that BH01 encountered fill material with low undrained shear strength and organic content. BH02 was logged as natural alluvial fine-grained soils with moderate to high plasticity, refer appended laboratory results.

Table 1 – Images around dwelling and damage observed.

	
<p>Units – Oxford Street (Lot 25, DP 13820)</p>	<p>Units – western side of dwelling – Tangonge Drain on RHS.</p>
	
<p>Alignment of pre-existing stream</p>	<p>Pre-existing stream alignment</p>





Pre-existing stream alignment



Pre-existing stream (now an open drain) along the back of the properties on Oxford Street.



Windows are racked due to settlement of building



Organic material within BH01.

### Laboratory Test Results

A disturbed sample was collected within BH01 and sent to Babbage Laboratory to undertake Atterberg limit testing and linear shrinkage to assist with determining the soil behaviour. The New Zealand Building Code outlines expansive soils are those with a liquid limit greater than 50% and a linear shrinkage greater than 15%. Case histories of shrink-swell cases indicates soils with a liquid limit (LL) greater than 50% and plasticity index (PI) greater than 30% are considerably more susceptible to shrinkage. Test results on the samples collected are summarised below.

Sample I.D.	Depth (m)	Water Content %	Liquid Limit	Plastic Limit	Plasticity Index	Linear shrinkage (%)
BH01	0.6 to 1.0	49.8	95	37	58	22

The results indicate that the soils supporting the foundations are expansive and are considered susceptible to volume change due to seasonal effects, i.e., shrinkage during summer or sustained dry periods. Based on the



laboratory results, it is our opinion that the site would be classified as highly expansive (Class H<sub>2</sub> in accordance with AS2870:2011) and deepened concrete encased foundations would be necessary to mitigate the effects of expansive soils. Results are plotted on the Casagrande Chart in Figure 2 below, with the sample plotting above the A-Line, which further reinforces the highly expansive nature of the soil (Wesley, 2010).

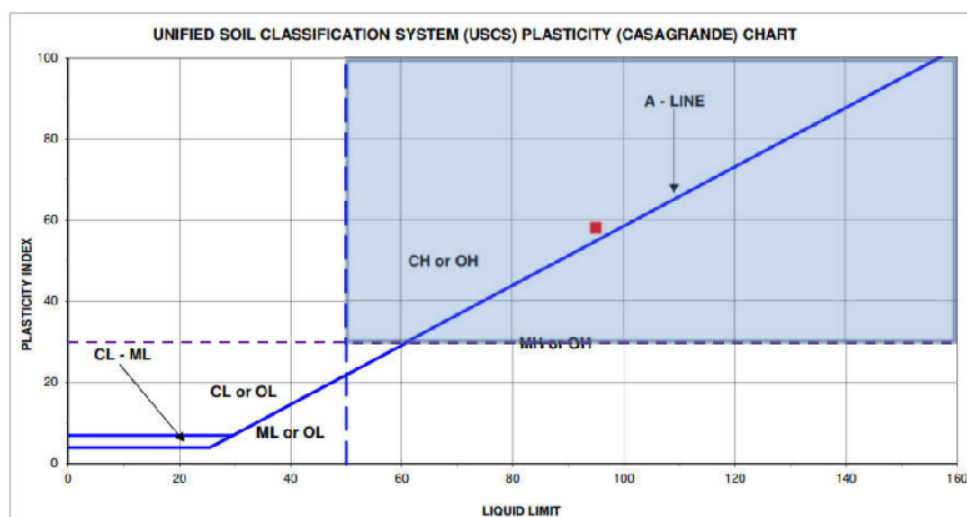


Figure 2 - Casagrande Chart

### Discussion

Several hypotheses for the cause of the reported building damage were developed after the site walkover and review of all the available information. The resulting hypothesis are as follows:

- Structural – Foundation failure
- Geotechnical – Expansive soils, shrink/swell effects of expansive soils have been documented as cause for foundation movements, and other geotechnical, e.g., soft foundation soils, non-engineered fill, settlement, etc.
- Construction – Excavation of the stormwater drain. Potential for lateral movement of the piles or groundwater drawdown.

The results of the Haigh Workman geotechnical investigation and laboratory test data confirms that the natural site soils are expansive and are prone to shrinkage because of soil moisture variations. Expansive soils have been documented to negatively impact foundations during dry conditions where foundations are not deeper than the zone of soil shrinkage due to volume change in the soil, i.e., change in moisture content alters the voids within the soil column. Damage to the north-eastern concrete block wing wall has likely been worsened from the effects of expansive soils.

Fill material was encountered at BH01 location. It is not known exactly where the existing drain was located, however based on the alignment of the existing drain and historical aerial photographs, we consider the location of BH01 is more than likely located on the streambank of the pre-existing stream and could have been deeper nearer the southern extent of the building. The condition of the fill was highly variable with soil strengths indicating the fill has not been engineered with undrained shear strength (corrected for plasticity index) in the order of 30 kPa in the upper 1.0 m, and organic content encountered from 1.2 mbgl. We consider the fill material to be highly susceptible to settlement due to loading and is likely that the damage to the building has been ongoing since it was built, with



seasonal shrink-swell behaviour exacerbating the damage. Settlement potential for this site is difficult to estimate due to the unknown non-engineered fill properties and the underlying alluvial soils. Based on the pre-existing stream depth (assuming the invert stream level was 3.0m lower than the surrounding land), we estimate the maximum fill thickness to be in order of 3.0 m and settlement potential could vary between 50 mm to 200 mm.

The existing Tangonge drain invert level is approximately 4.0 m below the existing ground level at the units, which may have resulted in groundwater dewatering at the time of construction. The units were constructed sometime after the drain was constructed and the impact of groundwater dewatering settlement is not considered a likely cause for the damage, i.e., the effect of any potential groundwater drawdown has likely finished and not likely to occur again unless the drain is further deepened due to the changes in the stress history of the soil.

It is our opinion that the original foundation design did not consider the fill material underlying the building, which has subsequently settled and the building foundations having to take on additional stresses. The damage to the foundations and attached concrete block walls is likely been ongoing for a sustained period, exacerbated due to the highly expansive properties of the soils during drought and drier periods and the resultant volume changes in the soil column. Consolidation settlement is expected to have finished.

### Conclusions

Based on our assessment, the main contributors that have led to damage occurring to the dwelling are as follows:

- The location of the building is directly over a pre-existing stream that has been filled in. The fill, based on the geotechnical investigation, is not engineered and not suitable to support building foundations. The resultant settlement across the structure likely occurred shortly after it was constructed, with observable damage to the structure occurring later due to a progressive increase in stresses over time.
- Soils at the site are highly expansive and seasonal effects will lead to damage on shallow foundations. The property file for the building has not been provided, however based on observation, the foundations are expected to be shallow concrete spread foundations and based on the time it was built (circa 1980s), the foundation embedment will likely be founded within the shrinkage zone.

Our professional opinion is that the existing building will require immediate attention. The exposed concrete block wing walls are considered at risk of failure / collapse. Further assessment is required to determine the correct course of action with remediation. The foundation slab has cracked in places near the pre-existing drain location. Provided the building is weather tight the crack is not expected to worsen. Angular distortion was not measured across the foundation slab during our site visit, however tilt across the slab was observed during the internal inspection. Damage to the slab is not easily repairable, and due to the age of the slab, any attempt to raise the slab will likely result in irreparable structural damage. If the tilt across the slab is too great to maintain a habitable dwelling, then the most economical solution will likely involve demolition and rebuild with knowledge of the fill material and flood hazard. The racking of the doors and windows can be corrected if the internal frames are in a good condition and will require ongoing maintenance due to the seasonal movement.

### Limitations

This report has been prepared for the use of Far North District Council with respect to the brief outlined to us. This report is to be used by our Client and their Consultants and may be relied upon when considering geotechnical advice. Furthermore, this report may be utilised in the preparation of building and/or resource consent applications with local authorities. The information and opinions contained within this report shall not be used in other context for any other purpose without prior review and agreement by Haigh Workman Ltd.

The recommendations given in this report are based on site data from discrete locations. If any changes are made, we must be allowed to review the new development proposal to ensure that the recommendations of this report remain valid. Inferences about the subsoil conditions away from the test locations have been made but cannot be guaranteed. We have inferred an appropriate geotechnical model that can be applied for our analyses. However, variations in ground conditions from those described in this report could exist across the site. Should conditions encountered differ



to those outlined in this report we ask that we be given the opportunity to review the continued applicability of our recommendations.

Prepared by

Wayne Thorburn

Senior Geotechnical Engineer

CPEng, CMEngNZ

Approved by

John Papesch

Senior Civil Engineer, Director

CPEng, CMEngNZ

Sushil Kharche

Senior Structural Engineer

MEngNZ

Attached:

1. Investigation location plan
2. Investigation records (Borehole logs and laboratory testing)
3. Historical Aerial Photographs



## **Attachment – Investigation Location Plan**



















## **Attachment – Investigation Records**

Borehole Logs (BH01 and BH02)

Laboratory Test Results

PO Box 89, 0245 6 Fairway Drive Kerikeri, 0230 New Zealand		Phone 09 407 8327 Fax 09 407 8378 <a href="http://www.haighworkman.co.nz">www.haighworkman.co.nz</a> <a href="mailto:info@haighworkman.co.nz">info@haighworkman.co.nz</a>
<b>Borehole Log - BH01</b> <span style="float: right;"><b>JOB No. 21 178</b></span>		
CLIENT: FNDC      SITE: Oxford Street, Kaitia (Lot 25, DP 13820) Date Started: 10/06/2021      DRILLING METHOD: Hand Auger      LOGGED BY: WT Date Completed: 10/06/2021      HOLE DIAMETER (mm): 50mm      CHECKED BY: JP		
<b>Soil Description</b> <small>Based on NZGS Logging Guidelines 2005</small>	Depth (m) Geology Graphic Log Water Level Sensitivity	Vane Shear and Remoulded Vane Shear Strengths (kPa) Scala Penetrometer (blows/100mm)
Clayey SILT; brown. Firm to stiff, moist, slightly plastic. Rootlets present. [FILL]  At 0.4m: fine to coarse gravel inclusions  Silty CLAY; grey, streaked dark brown and orange. Firm, moist to wet, moderately to highly plastic. Rootlets present.  At 1.2m: Organics and topsoil speckles more frequent.  Below 1.5m: Frequent rootlets. Intermixed grey, brown, light brown, black and orange.  CLAY; greenish grey. Stiff, wet to saturated, highly plastic. [KARIOITAHU GROUP ALLUVIUM]	0.0 0.5 1.0 1.5 2.0 2.5 3.0 3.5 4.0 4.5 FILL KARIOITAHU GROUP	v/GW @ 0.6m  63 47 94 81 128 47
End of hole at 2.5m (Target Depth)		
<b>LEGEND</b> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <b>TOPSOIL</b> </div> <div style="text-align: center;">  <b>CLAY</b> </div> <div style="text-align: center;">  <b>SILT</b> </div> <div style="text-align: center;">  <b>SAND</b> </div> <div style="text-align: center;">  <b>GRAVEL</b> </div> <div style="text-align: center;">  <b>FILL</b> </div> </div> <p>       Note: UTP = Unable to penetrate. T.S. = Topsoil.        Hand Held Shear Vane S/N: 1698        Scala penetrometer testing not undertaken.        Groundwater at 0.6m below ground level on completion of drilling     </p> <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 10px;">       Corrected shear vane reading        Remoulded shear vane reading        Scala Penetrometer     </div>		

X:\21 JOBS\21 178 FNDC - Oxford Street - Kaitia\Engineering\GEOTECH\Logs\BH01 to BH02







PO Box 89, 0245 6 Fairway Drive Kerikeri, 0230 New Zealand		Phone 09 407 8327 Fax 09 407 8378 <a href="http://www.haighworkman.co.nz">www.haighworkman.co.nz</a> <a href="mailto:info@haighworkman.co.nz">info@haighworkman.co.nz</a>
<b>Borehole Log - BH02</b>		
Hole Location: Refer to Site Plan		
<b>JOB No. 21 178</b>		
<b>CLIENT:</b> FNDC <b>Date Started:</b> 10/06/2021 <b>Date Completed:</b> 10/06/2021	<b>SITE:</b> Oxford Street, Kaitia (Lot 25, DP 13820) <b>DRILLING METHOD:</b> Hand Auger <b>HOLE DIAMETER (mm):</b> 50mm	<b>LOGGED BY:</b> WT <b>CHECKED BY:</b> JP




Soil Description <small>Based on NZGS Logging Guidelines 2005</small>	Depth (m)	Geology	Graphic Log	Water Level	Sensitivity	Vane Shear and Remoulded Vane Shear Strengths (kPa)	Scala Penetrometer (blows/100mm)
Clayey SILT; brown and light brown. Stiff, moist, slightly plastic. Rootlets present. [FILL]	0.0	FILL					
Fine to coarse GRAVEL; whitish brown. Loose, wet.	0.5						
SILT; greyish brown, streaked brown. Firm to stiff, wet, non to slightly plastic. Rootlets present. [KARIOITAHU GROUP ALLUVIUM]	1.0	KARIOITAHU GROUP				41	119
Silty CLAY; light greyish, streaked orange. Stiff to very stiff, wet to saturated, moderately to highly plastic. Rare dark brown mottles and rootlets.	1.5					56	131
	2.0						194
	2.5					102	188
	3.0					59	141
End of hole at 3.0m (Target Depth)	3.0						
	3.5						
	4.0						
	4.5						

**LEGEND**

 <b>TOPSOIL</b>	 <b>CLAY</b>	 <b>SILT</b>	 <b>SAND</b>	 <b>GRAVEL</b>	 <b>FILL</b>
--	---	---	---	---	---

**Note:** UTP = Unable to penetrate. T.S. = Topsoil.  
 Hand Held Shear Vane S/N: 1698  
 Scala penetrometer testing not undertaken.  
 Groundwater at 1.0m below ground level on completion of drilling

Corrected shear vane reading   
 Remoulded shear vane reading   
 Scala Penetrometer 

X:\21 JOBS\21 178 FNDC - Oxford Street - Kaitia\Engineering\GEOTECH\Logs\BH01 to BH02



Babbage Geotechnical Laboratory  
Level 4  
68 Beach Road  
Auckland 1010  
Telephone  
E-mail  
P O Box 2027  
New Zealand  
64-9-367 4954  
[wec@babbage.co.nz](mailto:wec@babbage.co.nz)

Please reply to: W.E. Campton

Page 1 of 3

Haigh Workman Ltd.  
PO Box 89  
Kerikeri 0245

Job Number: 63632#L  
BGL Registration Number: 2828  
Checked by: WEC

Attention: **JOHN POWER**

1<sup>st</sup> July 2021

## ATTERBERG LIMITS & LINEAR SHRINKAGE TESTING

Dear John,

**Re: 13-15 OXFORD STREET, KAITAIA**

**Your Reference: Job # 21 178**

**Report Number: 63632#L/AL 13-15 Oxford St**

The following report presents the results of Atterberg Limits & Linear Shrinkage testing at BGL of a soil sample delivered to this laboratory on the 23<sup>rd</sup> of June 2021. Test results are summarised below, with page 3 showing where the sample plots on the Unified Soil Classification System (Casagrande) Chart. Test standards used were:

<b>Water Content:</b>	NZS4402:1986:Test 2.1
<b>Liquid Limit:</b>	NZS4402:1986:Test 2.2
<b>Plastic Limit:</b>	NZS4402:1986:Test 2.3
<b>Plasticity Index:</b>	NZS4402:1986:Test 2.4
<b>Linear Shrinkage:</b>	NZS4402:1986:Test 2.6

Borehole Number	Sample Number	Depth (m)	Water Content (%)	Liquid Limit	Plastic Limit	Plasticity Index	Linear Shrinkage (%)
BH01	BAG	0.60 – 1.00	49.8	95	37	58	22

The whole soil was used for the water content test (the soil was in a natural state), and for the liquid limit, plastic limit and linear shrinkage tests. The soil was wet up and dried where required for the liquid limit, plastic limit and linear shrinkage tests.

As per the reporting requirements of NZS4402: 1986: Test 2.1: water content is reported to two significant figures for values below 10%, and to three significant figures for values of 10% or greater. Test 2.2: liquid limit, test 2.3: plastic limit, and test 2.6: linear shrinkage are reported to the nearest whole number.

200037591 031 13-15 Oxford Street, Kaitaia Limits & LS Report.docx  
BGL is an operating division of Babbage Consultants Limited



Job Number: 63632#L

1<sup>st</sup> July 2021

Page 2 of 3

Please note that the test results relate only to the sample as-received, and relate only to the sample under test.

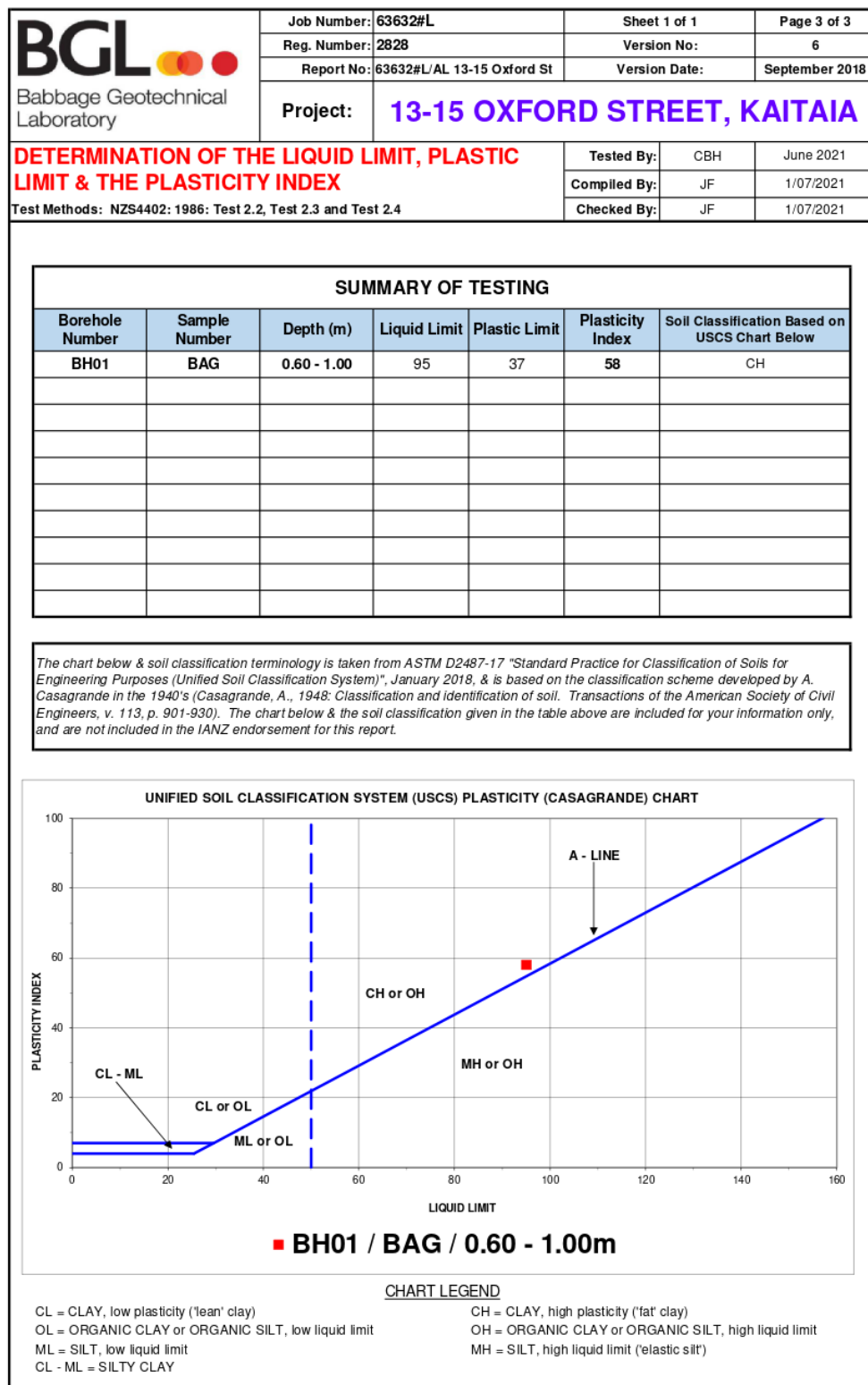
Thank you for the opportunity to carry out this testing. If you have any queries regarding the content of this report please contact the person authorising this report below at your convenience.

Yours faithfully,

Justin Franklin  
**Signatory (Assistant Laboratory Manager)**  
**Babbage Geotechnical Laboratory**



All tests reported herein have been performed in accordance with the laboratory's scope of accreditation. This report may not be reproduced except in full & with written approval from BGL.



1/07/2021

13-15 Oxford Street, Kaitaia LIMITS.xlsx





## **Attachment – Investigation Records**

Historical Aerial Photographs

---

*Job No. 21 178*



2021



1950 – Historic watercourse alignment



1961 – Historic watercourse alignment – can see it runs under existing 2021 building



1973 – New spillway constructed, and watercourse filled in. Dwellings being built on Oxford Street (not the subject dwelling)





1985 – Subject dwelling has been built over the existing watercourse location.

**6.6 EXEMPTION TO BE GRANTED - SECTION 7 OF THE LOCAL GOVERNMENT ACT 2002  
- COUNCIL CONTROLLED ORGANISATIONS****File Number: A3279339****Author: Janice Smith, Chief Financial Officer****Authoriser: William J Taylor MBE, General Manager - Corporate Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To seek exemption under S7 of the Local Government Act 2002, for Roland's Wood Trust, Te Ahu Charitable Trust, and the Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust.

**WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY**

- On 13 December 2018 Council resolved, pursuant to Section 7(3)-(5) of the Local Government Act 2002 (the Act), to grant Roland's Wood Trust, Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust and Te Ahu Charitable Trust exemptions from the meaning of a Council-Controlled Organisation.

The exemption acknowledges the negative impact of compliance costs arising from the Act for small, non-trading organisations and exempt organisations are not subject to the provisions of Part 5 of the Act - Council-controlled organisations and Council organisations.

- The purpose of the report is to seek approval to continue the exemptions granted in 2018.

**TŪTOHUNGA / RECOMMENDATION**

**That Council grant the following exemptions under Section 7 of the Local Government Act 2002:**

- Roland's Wood Trust is exempt under Section 7(3)-(5) of the Local Government Act 2002 on the grounds that the Trust is considered to be "a small organisation";**
- Te Ahu Charitable Trust is exempt under Section 7(3)-(5) of the Local Government Act 2002 on the grounds that the Trust is considered to be "a small organisation";**
- Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust is exempt under Section 7(3)-(5) of the Local Government Act 2002 on the grounds that the Trust is considered to be "a small organisation";**
- where the Trust Deeds requires financial statements to be prepared and an auditor appointed, the organisations are not exempted from these requirements and audited accounts must be presented to Council within six (6) months of the organisation's balance date.**

**1) TĀHUHU KŌRERO / BACKGROUND**

Section 7 of the Local Government Act 2002 (the Act) provides that, given particular circumstances, Council-controlled organisations (CCO's) can be granted an exemption which removes them from the meaning of a CCO's as set out in Section 6 of the Act. The effect of this is that exempt organisations are then not subject to the provisions of Part 5 of the Act, thereby reducing their cost of compliance.

Section 7(3) empowers a local authority to exempt a small organisation, that is not a Council-controlled Trading Organisation (CCTO), from the meaning of a CCO or Council Organisation after taking into account matters specified in subsection (5).

Whilst "small" is not defined within the Act, Section 7(5) of the Act specifies the matters to be considered as:

- (a) the nature and scope of the activities provided by the organisation; and*
- (b) the costs and benefits, if an exemption is granted, to the local authority, the council-controlled organisation, and the community.*

Section 7(4) states that an exemption must be granted by Council resolution. Council may, at any time, revoke an exemption it has granted.

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

On 13 December 2018, Council granted exemption under Section 7 of the Act to the following organisations:

Roland's Wood Trust - this trust administers a bequest of one hundred and two thousand dollars (\$102,000) for the purpose of maintaining a reserve near Kerikeri. Council has received approval from the High Court to transfer the funds to the Friends Of Roland's Wood Trust and the process for doing this is currently being determined.

The Te Ahu Charitable Trust - the Trust has operated the centre since 2017 and Council have become tenants within the building. This has not changed the reasoning behind seeking exemption as the Trust retains charitable status and the costs associated with the ongoing requirements of the Act are prohibitive for the Trust.

Pou Herenga Tai Twin Cost Cycle Trail Trust - this Trust commenced activity in 2018. The Trust has charitable status and the costs associated with the ongoing requirements of the Act are prohibitive for the Trust.

There has been no change in the status of any of these two Trusts and so it is recommended that exemptions be granted for the Roland's Wood Trust, the Pou Herenga Tai Twin Cost Cycle Trail Trust and the Te Ahu Charitable Trust.

Once an organisation has been granted exemption it is no longer subject to the provisions of the Act, in particular Part 5 which outlines the requirements for monitoring and preparing financial statements for audit by the Auditor General.

### **Monitoring of Exempt CCO's**

Exemption under Section 7 of the Local Government Act 2002 means that any such exempt organisation is no longer required to prepare and submit a Statement of Intent or other plan as defined in part 5 of the Act.

### **Audit of Exempt CCOs and Other Organisations**

Exemption under Section 7 of the Local Government Act 2002 means that any such exempt organisation is no longer required to prepare and submit financial statements as defined in part 5 of the Act apart from the Te Ahu Charitable Trust where there is an ongoing need for the financial accounts to be audited by the Auditor General as the trust is captured by the "auto pilot" rules outlined in the IPSAS accounting standard.

However, an exemption given by a local authority from the accountability provisions set out under the Act does not absolve the organisation from the normal accounting or reporting requirements and which may also be stipulated in the Trust Deed or Rules.

Under the Public Audit Act 2001, the Auditor-General must audit the financial statements and other information that a public entity is required to have audited (Section 15). Where an exempt Council organisation is a public entity by virtue of the control test in Section 5 of the Public Audit Act 2001, the Auditor-General will continue to be the exempt organisation's auditor. In these circumstances, the audit will be conducted under the authority of the Public Audit Act, rather than the Local Government Act. Where there is no audit requirement, Council would no longer need to audit an exempt CCO.

## **Exemption Criteria**

Far North District Council introduced a set of criteria to determine whether a Council organisation should be granted an exemption from the CCO provisions of the Act. These are:

- (a) For Council organisations and CCO's with a turnover of less than \$100,000.00 per annum, no audit is required (unless specified in a Trust Deed) but accounts must be presented to Council within six (6) months of balance date
- (b) For Council organisations and CCO's with a turnover of between \$100,000.00 and \$250,000.00 per annum, Council may grant an exemption lasting up to three years pursuant to the provisions of the Act
- (c) For CCO's and other organisations with turnover in excess of \$250,000.00 per annum, no exemption is granted.

The basis of these criteria is the nature and scope of organisations of these sizes where the costs of complying with the CCO requirements exceed the benefits that the organisations provide to the community.

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

It is recommended that the exemption be granted for the Roland's Wood Trust, Te Ahu Charitable Trust and Pou Herenga Tai Twin Coast Cycle Trail Trust, pursuant to the provisions of Section 7(3)-(5) of the Local Government Act 2002, on the grounds that the nature and scope of organisations of these sizes are such that the costs of complying with the CCO requirements exceed the benefit that the organisations provide to the community.

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

There are no specific financial implications relating to this report.

#### **ĀPITI HANGA / ATTACHMENTS**

**Nil**

**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>	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.	Section 7(3)-(5) of the Local Government Act 2002.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	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. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	No impact for Māori.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (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.	There are no budgetary implications.
Chief Financial Officer review.	The Chief Financial Officer prepared this report.



**6.7 UPDATE ALTERNATE ON NORTHLAND REGIONAL COUNCIL CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP**

**File Number:** A3384332

**Author:** Kim Hammond, Meetings Administrator

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

**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To formally appoint Councillor Stratford as the delegate for the Civil Defence Emergency Management Group representative on behalf of Council.

**WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY**

- Various organisations appreciate the oversight of a Council elected member.
- Appointments vary between roles that Council have been invited to, and others that are required by legislation or formal agreement.
- At the Council meeting on 19 December 2021, Council appointed Councillor Collard as the delegate to the Civil Defence Emergency Management Group (CDEM) and Deputy Mayor Court as the alternate.
- A request has been made that Councillor Stratford now be appointed as the alternate for CDEM.

**TŪTOHUNGA / RECOMMENDATION**

**That Council agree to appoint Councillor Stratford as the alternate to the Civil Defence Emergency Management Group on behalf of Far North District Council.**

**1) TĀHUHU KŌRERO / BACKGROUND**

Civil Defence Emergency Management Groups are a core component of the CDEM act 2002. There are 16 CDEM Groups formed across New Zealand as committees of elected councillors from each Council within regional boundaries. The Northland CDEM Group is made up of Northland Regional Council, Far North District Council, Kaipara District Council and Whangarei District Council.

The Council resolved at their meeting on 19 December 2021 to appoint Councillor Collard as delegate and Deputy Mayor Court as alternate to CDEM.

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

During the Mid-Term Governance Review there was a discussion where an agreement was made that Councillor Stratford would replace Deputy Mayor Court. Councillor Collard is intended to remain as the primary representative.

This report seeks to formalise that discussion.

Civil Defence Emergency Management Group meetings are held quarterly in Whangārei.

**Take Tūtohunga / Reason for the recommendation**

Civil Defence Emergency Management Group is a Northland Regional Council forum. Civil Defence is managed regionally through the Northland Regional Council and this group is a collective of Whangārei, Kaipara, Far North and Regional Council elected members, Police and Fire and Emergency Representatives. This Group maintain oversight over Northland Civil Defence matters across the regional and progress against the Civil Defence Emergency Management Plan.

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

There are no financial implications or budgetary provisions associated with this report.

**ĀPITIHANGA / ATTACHMENTS**

**Nil**

**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 issue is of low significance under the Significance and Engagement Policy.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This appointment aligns with the Civil Defence Emergency Management Act 2002.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This decision is of local relevance, however, sits under Council's delegations to make the decisions. Local Board input has not been sought on this issue.
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. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	There are no implications specific for Māori in making appointments.
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).	There are no implications on any identified persons.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications associated with this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**6.8 2021 MEETING SCHEDULE AMENDMENT****File Number: A3382579****Author: Kim Hammond, Meetings Administrator****Authoriser: William J Taylor MBE, General Manager - Corporate Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To seek Council's approval to amend the meeting schedule for 2021. The proposed changes are:

- Rescheduling the Strategy and Policy Committee meeting from Tuesday 12 October to Tuesday 19 October 2021.
- Rescheduling the Regulatory Compliance Committee meeting from Tuesday 19 October 2021 to Tuesday 12 October 2021.
- Adopting the Representation Review Deliberations for Thursday 21 October 2021

**WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY**

- During a 2021 Mid-Term Governance Review elected members expressed a desire to spread out the Committee meetings over a two-week period.
- Council agreed to the new meeting schedule at their meeting on 12 August 2021.
- Since that meeting Elected Members identified a clash. Swapping the October Strategy and Policy and Regulatory Compliance Committee meetings would lessen the impact on Chairpersons. This is due to conference dates being affected by COVID-19 restrictions and were unforeseen at the time.
- The Council Representation Arrangement Deliberations will be held on Thursday 21 October 2021 from 1.00 pm.

**TŪTOHUNGA / RECOMMENDATION**

**That Council adopt the amended 2021 calendar as attached.**

**1) TĀHUHU KŌRERO / BACKGROUND**

Council held a mid-term Governance Review Workshop on 30 June 2021. Feedback was given that there are often workshop discussions, or briefings related to Committees that require more time. Committee Chairs (three of four that were present) requested the four committees currently held over a two-day period, in the same week, in the six weekly cycle be moved to a one committee per day on Tuesday and Wednesday over the two weeks. Committee meetings will be held in the afternoons following a morning workshop session when available or required. This request was approved at the Council meeting 12 August 2021.

Since then, and due to COVID-19 restrictions requiring moving of conference dates, Democracy Services have received requests from Councillor Smith and Councillor Stratford, as Chairs of each Committee, to consider swapping the October Strategy and Policy meeting with the Regulatory Committee meeting to avoid calendar conflicts.

Democracy Services have also scheduled a Council meeting for the Council Representation Arrangement Deliberations on 21 October 2021 from 1.00 pm. When adopting the initial proposal Council also adopted a timetable. While the timetable included consultation, public notification, hearings, final proposal adoption date and period for objections a deliberation date was omitted.

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

**PROPOSED NEW COMMITTEE AND COUNCIL MEETING SCHEDULE (for October only)**

Strategy and Policy Committee	Moved from Tuesday 12 October 2021 to Tuesday 19 October 2021.
Infrastructure Committee	Remains the same Wednesday 13 October 2021.
Regulatory and Compliance Committee	Moved from Tuesday 19 October 2021 to Tuesday 12 October 2021.
Assurance, Risk and Finance Committee	Remains the same Wednesday 20 October 2021.
Council – Representation Review Hearings	21 October 2021 commencing at 1pm.

**Take Tūtohunga / Reason for the recommendation**

Changes are proposed for the October Committee meeting cycle previously adopted at the Council meeting on 12 August 2021 to avoid conflicts with conference attendance, that have been subsequently delayed due to COVID-19.

The swapping of Committee meeting dates does not result in additional time being added to the Formal Meeting calendar.

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

Costs for supporting these meetings are covered within operational budgets.

**ĀPITI HANGA / ATTACHMENTS**

1. 2021 Formal Meeting Calendars Update Version 2 - A3384168  

**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 matter 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.	The relevant legislation as referenced in the report is the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.
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 Boards are responsible for setting their own meeting schedule.
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. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	There are no particular implications for Māori.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This report does not have any implications on persons identified in legislation.
State the financial implications and where budgetary provisions have been made to support this decision.	Financial implications are covered within operational budgets.
Chief Financial Officer review.	This report has not been reviewed by the Chief Financial Officer.

2021 Formal Meetings Update																											
2021																											
August				September				October				November				December											
Sat																										Sat	
Sun	1																									Sun	
Mon	2	PAG	GSAG										1													Mon	
Tue	3												2													Tue	
Wed	4		KHCB		1		KHCB						3	KHCB	CBEC		1	WKSH	ARF							Wed	
Thu	5		BWCB		2	BWCB	MTFJ						4	Council	CBEC		2		BWCB							Thu	
Fri	6				3				1				5				3		National Council							Fri	
Sat	7				4				2				6				4									Sat	
Sun	8				5				3				7				5									Sun	
Mon	9				6				4				8	CENTA	PAG GSAG		6									Mon	
Tue	10		ERC	WKSH	7		S&P   REG		5				9		THCB		7		THCB							Tue	
Wed	11	CBEC	RTC		8	INF ARF	CDEM		6				10	Workshop	CDEM		8	KHCB	RTC							Wed	
Thu	12	Council	CBEC		9		Workshop		7				11		BWCB		9		Workshop							Thu	
Fri	13				10				8				12		National Council		10									Fri	
Sat	14				11				9				13				11									Sat	
Sun	15				12				10				14				12									Sun	
Mon	16		Drainage		13				11				15				13									Mon	
Tue	17				14		ERC	WKSH	12				16		ERC & REG		14		ERC							Tue	
Wed	18		Workshop		15				13	WKSH		RTC	INC	17		CB Workshop		15		Workshop						Wed	
Thu	19		Workshop		16		CB Workshop		14				18		Workshop		16		Council	MTFJ						Thu	
Fri	20				17				15				19		Hearings		17									Fri	
Sat	21				18				16				20				18									Sat	
Sun	22				19				17				21				19									Sun	
Mon	23				20				18				22				20									Mon	
Tue	24			THCB	21				19	WKSH		SPP	23			Zone 1	21									Tue	
Wed	25		Workshop		22		Workshop		20	WKSH		ARF	24	SPP		INC	22									Wed	
Thu	26		Workshop		23		Council		21	WKSH		Council - Rep arr	25	Workshop		R&P	23									Thu	
Fri	27		National Council		24				22				26			R&P	24									Fri	
Sat	28				25				23				27				25									Sat	
Sun	29				26				24				28				26									Sun	
Mon	30		Mayoral Forum		27				25				29			Mayoral Forum	27									Mon	
Tue	31				28				26				30	WKSH		REG	28									Tue	
Wed					29		Workshop		27	Council - Adopt AR		YEM					29									Wed	
Thu					30		Workshop		28	Dec of Independence		YEM					30									Thu	
Fri									29			YEM HUI					31									Fri	
Sat									30			YEM HUI														Sat	
Sun									31																	Sun	
		August				September				October				November				December									

Conflicts

13 October - Rep review hearing clash pm moved to 15 October  
 23 November - Zone 1/Norhtland fwd together clash Moved SPP Committee to 24 November AM

## 7 INFORMATION REPORTS

### 7.1 COMMUNITY BOARD UPDATES SEPTEMBER 2021

**File Number:** A3377000

**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, 24 August 2021.
- b) Kaikohe-Hokianga Community Board, 04 August 2021.
- c) Bay of Islands-Whangaroa Community Board, 5 August 2021 and 02 September 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.

#### 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. 2021-08-24 Te Hiku Community Board Unconfirmed Minutes - A3349676  
- 2. 2021-08-04 Kaikohe-Hokianga Community Board Unconfirmed Minutes - A3325034  
- 3. 2021-08-05 Bay of Islands-Whangaroa Community Board Minutes - A3317377  
- 4. 2021-09-02 Bay of Islands-Whangaroa Community Board Unconfirmed Minutes - A3373820  



**MINUTES OF  
TE HIKU COMMUNITY BOARD MEETING  
HELD VIRTUALLY VIA MICROSOFT TEAMS  
ON TUESDAY, 24 AUGUST 2021 AT 10:00 AM**

**PRESENT:** Chairperson Adele Gardner, Member Jaqi Brown, Member Darren Axe, Member Sheryl Bainbridge, Member John Stewart, Member William (Bill) Subritzky, Member Felicity Foy

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Member Jaqi Brown opened the meeting with a karakia/prayer.

**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND CONFLICTS OF INTEREST**

**CONFLICT OF INTEREST**

**RESOLUTION 2021/40**

Moved: Chairperson Adele Gardner

Seconded: Member William (Bill) Subritzky

**Member Darren Axe declared a conflict of interest in relation to item 7.13 – Funding Applications and the application received from Pukenui Coast Care.**

**CARRIED**

**3 PUBLIC FORUM**

Shaun Clarke - Chief Executive Officer, spoke to the Board in regards to the precautions and essential services that Far North District Council are facing with COVID-19.

**4 NGĀ TONO KŌRERO / DEPUTATIONS**

Nil.

**5 SPEAKERS**

Josie Thomson representing Kaitia College spoke to their application and Item 7.13 – Funding Applications.

Raewyn Penell representing Northland Floral Art Society spoke to their application and Item 7.13 – Funding Applications.

Indranee Reddy representing Te Whakaora Tangata spoke to their application and Item 7.13 – Funding Applications.

**6 CONFIRMATION OF PREVIOUS MINUTES**

**6.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 6.1 document number A3281866, pages 12 - 17 refers.

**RESOLUTION 2021/41**

Moved: Chairperson Adele Gardner  
 Seconded: Member Darren Axe

**That Te Hiku Community Board agrees that the minutes of the meeting held 6 July 2021 be confirmed as a true and correct record.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

## 7 REPORTS

### 7.1 LEASE 6 SOUTH ROAD KAITAIA TO THE KAITAIA CENTRE NGA HOA AWHINA INC.

Agenda item 7.1 document number A3287442, pages 18 - 20 refers.

#### **RESOLUTION 2021/42**

Moved: Member Darren Axe  
 Seconded: Member John Stewart

**That Te Hiku Community Board recommends that Council:**

- a) approves granting The Kaitaia People Centre Nga Hoa Awhina Inc a new nine year lease on part of the building located at 6 South Road, Kaitaia, being Pt Section 20Blk V Takahue SD from 1 September 2021 at Market rent.
- b) agrees that the General Manager Infrastructure & Asset Management is authorised to negotiate and agree to the terms and conditions of the lease.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

### 7.2 KAITAIA DRAINAGE AREA 2020/2021 EXPENDITURE

Agenda item 7.2 document number A3343374, pages 21 - 27 refers.

#### **RESOLUTION 2021/43**

Moved: Chairperson Adele Gardner  
 Seconded: Member Darren Axe

**That Te Hiku Community Board note the following financial summary for the past financial year 2020/2021:**

Kaitaia	Budget
2019-2020 Residual funds (reserve funds available)	\$46,646
2020 Opening Balance (rated income)	\$70,036
2020-2021 Expenditure	\$55,556
2020-2021 Closing Reserve Balance	\$61,126

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.3 KAITAIA DRAINAGE AREA 2021/2022 PROGRAMME**

Agenda item 7.3 document number A3343390, pages 28 - 35 refers.

**RESOLUTION 2021/44**

Moved: Chairperson Adele Gardner

Seconded: Member John Stewart

**That Te Hiku Community Board:**

- a) approve the Kaitaia Drainage Area 2021/2022 work programme;
- b) request staff send a letter to Mr van Bysterbelt with instruction to reinstate the crossing/culverts that he removed on Pukepoto Main Outfall and Reid's West drain at his own cost;
- c) request staff arrange a workshop with the Kaitaia Drainage Area Committee in October 2021 or November 2021 to discuss the draft Kaitaia Area Drainage Management Plan;
- d) request staff send an annual letter, preferably in summer, to remind property owners of their requirements to comply with the Land Drainage Bylaw; and,
- e) approve that the general contingency budget for 2021/2022 be increased to \$5,000 and that a spray contingency be added for \$6,000.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.4 KAITAIA DRAINAGE AREA 2022/2023 PROGRAMME**

Agenda item 7.4 document number A3343392, pages 36 - 41 refers.

**RESOLUTION 2021/45**

Moved: Member Jaqi Brown

Seconded: Member John Stewart

**That Te Hiku Community Board:**

- a) note the report "Kaitaia Drainage Area 2022/2023 Programme" for information;
- b) approve that the general contingency budget for 2022/2023 be increased to \$5,000 and that a spray contingency be added for \$6,000.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.5 WAIHARARA AND KAIKINO DRAINAGE AREAS 2020/2021 EXPENDITURE**

Agenda item 7.5 document number A3343565, pages 42 - 47 refers.

**RESOLUTION 2021/46**

Moved: Member Darren Axe

Seconded: Member Jaqi Brown

**That Te Hiku Community Board note the following financial summary for the past financial year 2020/2021:**

<b>Waiharara</b>	<b>Budget</b>
<b>2019-2020 Residual funds (reserve funds available)</b>	<b>\$21,950</b>
<b>2020 Opening Balance (rated income)</b>	<b>\$9,000</b>
<b>2020-2021 Expenditure</b>	<b>\$6,119</b>
<b>2020-2021 Closing Reserve Balance</b>	<b>\$24,831</b>
 <b>Kaikino</b>	 <b>Budget</b>
<b>2019-2020 Residual funds (reserve funds available)</b>	<b>\$12,873</b>
<b>2020 Opening Balance (rated income)</b>	<b>\$8,003</b>
<b>2020-2021 Expenditure</b>	<b>\$4,263</b>
<b>2020-2021 Closing Reserve Balance</b>	<b>\$16,614</b>

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.6 WAIHARARA AND KAIKINO DRAINAGE AREAS 2021/2022 PROGRAMME**

Agenda item 7.6 document number A3343567, pages 48 - 54 refers.

**RESOLUTION 2021/47**

Moved: Member Darren Axe

Seconded: Member John Stewart

**That Te Hiku Community Board:**

- a) **approve the Waiharara and Kaikino Drainage Area 2021/2022 work programme;**
- b) **request that contractors spray the drains in late spring (late September / early October) and late autumn (late April / early May);**
- c) **approve an increase to the 'additional spraying' budget items, to \$4,301 and \$4,043 respectively;**
- d) **request staff to arrange a workshop with the Waiharara and Kaikino Drainage Areas Committee in October 2021 or November 2021 to discuss the draft Waiharara and Kaikino Areas Drainage Management Plan;**

- e) request staff send an annual letter, preferably in summer, to remind property owners of their requirements to comply with the Land Drainage Bylaw; and,
- f) request staff investigate extending of the Hobson Drain Extension.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

## 7.7 WAIHARARA AND KAIKINO DRAINAGE AREAS 2022/2023 PROGRAMME

Agenda item 7.7 document number A3343752, pages 55 - 59 refers.

### RESOLUTION 2021/48

Moved: Chairperson Adele Gardner

Seconded: Member Darren Axe

**That Te Hiku Community Board:**

- a) note the report “Waiharara and Kaikino Drainage Areas 2022/2023 Programme”; and
- b) approve an increase to the Waiharara Drainage Area’s ‘Additional spraying’ budget item to \$4,301.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

## 7.8 MOTUTANGI DRAINAGE AREA 2020/2021 EXPENDITURE

Agenda item 7.8 document number A3343774, pages 60 - 65 refers.

### RESOLUTION 2021/49

Moved: Member Darren Axe

Seconded: Member William (Bill) Subritzky

**That Te Hiku Community Board note the following financial summary for the past financial year 2020/2021:**

<b>Motutangi</b>	<b>Budget</b>
<b>2019-2020 Residual funds (reserve funds available)</b>	<b>\$71,595</b>
<b>2020 Opening Balance (rated income)</b>	<b>\$41,520</b>
<b>2020-2021 Expenditure to date</b>	<b>\$21,030</b>
<b>2020-2021 Closing Reserve Balance</b>	<b>\$92,085</b>

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.9 MOTUTANGI DRAINAGE AREA 2021/2022 PROGRAMME**

Agenda item 7.9 document number A3343790, pages 66 - 72 refers.

**RESOLUTION 2021/50**

Moved: Member Darren Axe  
Seconded: Member John Stewart

**That Te Hiku Community Board:**

- a) approve the Motutangi Drainage Area 2021/2022 work programme; and,
- b) request staff send an annual (preferably in summer) letter to remind property owners of their requirements to comply with the Land Drainage Bylaw.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.10 MOTUTANGI DRAINAGE AREA 2022/2023 PROGRAMME**

Agenda item 7.10 document number A3343805, pages 73 - 77 refers.

**RESOLUTION 2021/51**

Moved: Chairperson Adele Gardner  
Seconded: Member Darren Axe

**That Te Hiku Community Board note the report “Motutangi Drainage Area 2022/2023 Programme” for information.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.11 CHAIRPERSON AND MEMBERS REPORTS**

Agenda item 7.11 document number A3328862, pages 78 - 88 refers.

**RESOLUTION 2021/52**

Moved: Chairperson Adele Gardner  
Seconded: Member Darren Axe

**That the Te Hiku Community Board note the reports from Chairperson Gardner and Members Axe, Bainbridge, Brown and Subritzky.**

At 11.57 am, Member Jaqi Brown left the meeting. At 12:02 pm, Member Jaqi Brown returned to the meeting.

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**RESOLUTION 2021/53**

Moved: Member Sheryl Bainbridge

Seconded: Chairperson Adele Gardner

**That the Te Hiku Community Board request add to the front of the Community Board agendas to include the following: "Specific to the Te Hiku Community Board – drainage area committees – Motutangi, Waiharara and Kaikino and Kaitaia drainage areas".**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.12 TE HIKU STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 31 JULY 2021**

Agenda item 7.12 document number A3330054, pages 89 - 91 refers.

**RESOLUTION 2021/54**

Moved: Chairperson Adele Gardner

Seconded: Member Sheryl Bainbridge

**That the Te Hiku Community Board receive the report Te Hiku Statement of Community Board Fund Account as at 31 July 2021.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.13 FUNDING APPLICATIONS**

Agenda item 7.13 document number A3314718, pages 92 - 164 refers.

**RESOLUTION 2021/55**

Moved: Member Sheryl Bainbridge

Seconded: Member Darren Axe

**That the Te Hiku Community Board:**

**a) uplifts the funding application from Pukenui Coast Care for consideration.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**RESOLUTION 2021/56**

Moved: Member Sheryl Bainbridge

Seconded: Member Jaqi Brown

- b) decline the application from Pukenui Coast Care due to the community meeting that was held with the local residents and feedback received from the local community that they would like to see natural regeneration of the landscape take place.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Sheryl Bainbridge, John Stewart and William (Bill) Subritzky

Against: Nil

Abstained: Members Darren Axe and Felicity Foy

#### **RESOLUTION 2021/57**

Moved: Chairperson Adele Gardner

Seconded: Member William (Bill) Subritzky

- c) approves the sum of \$1,080 (plus GST if applicable) be paid from the Board's Community Fund account to Awanui Sports Complex Inc for flood prevention of the complex grounds to support the following Community Outcomes:**
- i) Communities that are healthy, safe, connected and sustainable**
  - ii) Proud, vibrant communities**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

#### **RESOLUTION 2021/58**

Moved: Member Sheryl Bainbridge

Seconded: Chairperson Adele Gardner

- d) approves the sum of \$2,214 (plus GST if applicable) be paid from the Board's Community Fund account to Friends of Rangikapiti Reserve for production and installation of interpretation and way-finding signage to support the following Community Outcomes:**
- i) Communities that are healthy, safe, connected and sustainable**
  - ii) Proud, vibrant communities**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

#### **RESOLUTION 2021/59**

Moved: Member Sheryl Bainbridge

Seconded: Member Darren Axe

- e) approves the sum of \$4,107 (plus GST if applicable) be paid from the Board's Community Fund account to Kaitaia College for arts expo – dance production to support the following Community Outcomes:**
- i) Communities that are healthy, safe, connected and sustainable**



**ii) Proud, vibrant communities****CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**RESOLUTION 2021/60**

Moved: Member Sheryl Bainbridge

Seconded: Member Jaqi Brown

- f) declines the application received from Karikari Peninsula Residents and Ratepayers Association for the annual Seniors Christmas Lunch.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**RESOLUTION 2021/61**

Moved: Chairperson Adele Gardner

Seconded: Member John Stewart

- g) approves the sum of \$788 (plus GST if applicable) be paid from the Board's Community Fund account to Mangonui Lions for Mangonui Fun Run to support the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**RESOLUTION 2021/62**

Moved: Member Sheryl Bainbridge

Seconded: Chairperson Adele Gardner

- h) approves the sum of \$2,500 (plus GST if applicable) be paid from the Board's Community Fund account to Northland Floral Art Society NZ for Designer of the Year competition and show to support the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**RESOLUTION 2021/63**

Moved: Member Jaqi Brown  
Seconded: Member John Stewart

- i) **decline the application received from Te Whakaora Tangata for Family Restoration Programme Far North and note that the Te Whakaora Tangata could apply for funding from the Department of Internal Affairs who is more likely to allocate funding towards social services.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**7.14 PROJECT FUNDING REPORTS**

Agenda item 7.14 document number A3325351, pages 165 - 172 refers.

**RESOLUTION 2021/64**

Moved: Chairperson Adele Gardner  
Seconded: Member Darren Axe

**That Te Hiku Community Board note the project reports received from:**

- a) **Friends of Rangikapati Reserve**  
b) **Hullabaloo Outreach (Jacman Entertainment)**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**8 INFORMATION REPORTS****8.1 COMMUNITY AND CUSTOMER SERVICES ACTIVITIES - 6 MONTHLY REPORT**

Agenda item 8.1 document number A3284093, pages 173 - 181 refers.

**RESOLUTION 2021/65**

Moved: Chairperson Adele Gardner  
Seconded: Member William (Bill) Subritzky

**That Te Hiku Community Board receive the report Community and Customer Services Activities - 6 Monthly Report.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**8.2 TE HIKU COMMUNITY BOARD ACTION SHEET UPDATE AUGUST 2021**

Agenda item 8.2 document number A3332077, pages 182 - 185 refers.

**RESOLUTION 2021/66**

Moved: Chairperson Adele Gardner

Seconded: Member Sheryl Bainbridge

**That the Te Hiku Community Board receive the report Te Hiku Community Board Action Sheet Update August 2021.**

**CARRIED**

In Favour: Chairperson Adele Gardner, Members Jaqi Brown, Darren Axe, Sheryl Bainbridge, John Stewart, William (Bill) Subritzky and Felicity Foy

Against: Nil

**8 TE KAPINGA HUI / MEETING CLOSE**

The meeting closed at 1.01 pm.

The minutes of this meeting will be confirmed at the Te Hiku Community Board meeting to be held on 5 October 2021.

.....  
**CHAIRPERSON**

**MINUTES OF  
KAIKOHE-HOKIANGA COMMUNITY BOARD MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON WEDNESDAY, 4 AUGUST 2021 AT 10.30 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:** Kathryn Trewin (Funding Advisor), Shayne Storey (Community Development Advisor), Ana Mules (Team Leader – Community Development & Investment), Sheryl Gavin (Manager – Corporate Planning & Community Development), Jacine Warmington (Manager – Community & Customer Services), Marlema Baker (Meeting Administrator).

**1 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND CONFLICTS OF INTEREST**

Apologies from the Far North District Council Chief Executive Shaun Clarke were noted.

**2 PUBLIC FORUM**

Murray Sine – Rawene Resident (Gundry Road) – Would like native plants planted in the Council section between his property and his neighbour and would not like Council to spray there anymore.

**3 NGĀ TONO KŌRERO / DEPUTATIONS**

- Manuwai Wells and Sarah Wynyard – introducing their roles as Kaiarahi for Family Court.

**4 SPEAKERS**

Funding Applicants

- Medina – Hokianga Country Music Festival funding application.
- Janine McVeagh – Walks of Hokianga funding application.
- Debbie Rafael – Kaikohe Districts Sportsville funding application.

Meeting adjourned 11:06 am – 11:18 am

**5 CONFIRMATION OF PREVIOUS MINUTES**

**5.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 6.1 document number A3052587, pages 10 - 15 refers.

**RESOLUTION 2021/57**

**That the Kaikohe-Hokianga Community Board confirms the minutes of their meeting held 7 July 2021 as a true and correct record.**

**CARRIED**

## 6 REPORTS

### 6.1 FUNDING APPLICATIONS

Agenda item 7.1 document number A3296323, pages 16 - 56 refers

#### RESOLUTION 2021/62

Moved: Member Kelly van Gaalen

Seconded: Member Emma Davis

**6.1a) That the Kaikohe-Hokianga Community Board approves the sum of \$4316 (plus GST if applicable) be paid from the Board's Community Fund account to Hokianga Community Education Trust for costs towards Walks of the Hokianga publication to support the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

**CARRIED**

#### RESOLUTION 2021/63

Moved: Member Louis Toorenburg

Seconded: Member Alan Hessell

**6.1b) That the Kaikohe-Hokianga Community Board approves the sum of \$3235 (plus GST if applicable) be paid from the Board's Community Fund account to Hokianga Country Music Festival for costs towards 2021 Hokianga Country Music Festival to support the following Community Outcomes:**

- iii) Communities that are healthy, safe, connected and sustainable**
- iv) Proud, vibrant communities**

**CARRIED**

#### RESOLUTION 2021/64

Moved: Member Alan Hessell

Seconded: Member Emma Davis

**6.1c) That the Kaikohe-Hokianga Community Board approves the sum of \$1000 (plus GST if applicable) be paid from the Board's Community Fund account to Kaikohe and Districts Sportsville for costs towards Māori Warden monitoring of Penney Cres parking to support the following Community Outcomes:**

- v) Communities that are healthy, safe, connected and sustainable**
- vi) Proud, vibrant communities**

**CARRIED**

Member John Vujcich declared a conflict on item 6.1c and 6.1d and did not participate in the discussion or decision.

#### RESOLUTION 2021/66

Moved: Member Moko Tepania

Seconded: Member Alan Hessell

**6.1d) That the Kaikohe-Hokianga Community Board approves the sum of \$xxx (plus GST if applicable) be paid from the Board's Community Fund account to Kaikohe and Districts Sportsville for costs towards a Kaikohe heated pool feasibility study to support the following Community Outcomes:**

- vii) **Communities that are healthy, safe, connected and sustainable**
- viii) **Proud, vibrant communities**

**CARRIED**

**RESOLUTION 2021/65**

Moved: Member Moko Tepania

Seconded: Member John Vujcich

**6.1e) That the Kaikohe-Hokianga Community Board amends their resolution of 2 June 2021 and approves the sum of **\$4724.16** (plus GST if applicable) be paid from the Board's Community Fund account to Far North District Council for travel costs and attendance costs towards three students attending Outward Bound in association with the Mayors Taskforce for Jobs. to support the following Community Outcomes:**

- ix) **Communities that are healthy, safe, connected and sustainable**
- x) **Proud, vibrant communities**

**CARRIED**

**RESOLUTION 2021/67**

Moved: Member John Vujcich

Seconded: Member Emma Davis

**6.1f) That the Kaikohe-Hokianga Community Board further directs the balance of funding initially set aside (but not required) for the Outward Bound students be added to the funds set aside for Rural Travel Funding in the amount of **\$xxx**.**

**CARRIED**

**6.2 PROJECT FUNDING REPORTS**

Agenda item 7.2 document number A3296412, pages 57 - 67 refers

**RESOLUTION 2021/58**

Moved: Member Kelly Van Gaalen

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board note the project reports received from:**

- a) **Jacman Entertainment - Hullabaloo**
- b) **Kaikohe Rugby Football and Sports Club – Mitre 10 Televised Game**
- c) **Kaikohe Rugby Football and Sports Club – Consents for Lights**

**CARRIED**

Chair Edmonds declared a conflict as a member of the Kaikohe Rugby Football Club and abstained.

**7 INFORMATION REPORTS**

**7.1 KAIKOHE CIVIC HUB WORKING PARTY UPDATE**

Agenda item 8.1 document number A3270160, pages 68 - 69 refers

**RESOLUTION 2021/59**

Moved: Member Moko Tepania

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board receive the report Kaikohe Civic Hub Working Party update.**

**CARRIED**

## **7.2 COMMUNITY AND CUSTOMER SERVICES ACTIVITIES - 6 MONTHLY REPORT**

Agenda item 8.2 document number A3294184, pages 70 - 77 refers

### **RESOLUTION 2021/58**

Moved: Member Kelly van Gaalen

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board receive the report Community and Customer Services Activities - 6 monthly report.**

**CARRIED**

### NOTES:

Member Van Gaalen congratulates Libraries for the great work they've been doing.

Member Byers requests Ward-specific information be brought to the Kaikohe-Hokianga Community Board: roading, footpaths, capital spend, resource consents, building consents.

Member Davis would like information on halls included.

## **8 RESOLUTION TO EXCLUDE THE PUBLIC**

### **RESOLUTION 2021/61**

Moved: Member Moko Tepania

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:**

<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>6.1d and 6.1f – Funding Applications</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.

**CARRIED**

**9 RESOLUTION TO READMIT THE PUBLIC****RESOLUTION 2021/68**

Moved: Chairperson Mike Edmonds

Seconded: Member Moko Tepania

**That the Kaikohe-Hokianga Community Board moves out of Public Excluded and into Ordinary meeting.**

**CARRIED**

**6.1 FUNDING APPLICATIONS – CONTINUED**

Agenda item 7.1 document number A3296323, pages 16 - 56 refers

**MOTION**

Moved: Member Emma Davis

Seconded: Member Louis Toorenborg

6.1d) That the Kaikohe-Hokianga Community Board approves the sum of \$xxx (plus GST if applicable) be paid from the Board's Community Fund account to Kaikohe and Districts Sportsville for costs towards a Kaikohe heated pool feasibility study to support the following Community Outcomes:

- vii) Communities that are healthy, safe, connected and sustainable
- viii) Proud, vibrant communities

**LOST**

**RESOLUTION 2021/69**

Moved: Member Moko Tepania

Seconded: Member John Vujcich

**6.1f) That the Kaikohe-Hokianga Community Board further directs the balance of funding, initially set aside (but not required) for Outward Bound students, be set aside for future applicants from the Kaikohe-Hokianga ward in the amount of \$1275.84.**

**CARRIED**

**10 TE KAPINGA HUI / MEETING CLOSE**

The meeting closed at 12:06 pm.

The minutes of this meeting will be confirmed at the Kaikohe-Hokianga Community Board Meeting held on 1 September 2021.

.....  
**CHAIRPERSON**



**MINUTES OF  
BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD MEETING  
HELD AT THE BAYSPORT COMPLEX, HARMONY LANE, WAIPAPA  
ON THURSDAY, 5 AUGUST 2021 AT 10.08 AM**

**PRESENT:** Chairperson Belinda Ward, Deputy Chairperson Frank Owen, Member Lane Ayr, Member Manuela Gmuer-Hornell, Member Bruce Mills, Member, Member Manuwai Wells, Member Dave Hookway-Kopa

**STAFF PRESENT:** Glenn Rainham (Manager – Infrastructure Operations), Aram Goes (Maintenance and Operations Manager), Nina Gobie (Team Leader – Facilities Operations), Kathryn Trewin (Funding Advisor), Christina Rosenthal (Team Leader – Environmental Health Services), Sian Smith (Strategy and Policy Specialist), Kim Hammond (Meetings Administrator), Carla Ditchfield-Hunia (Manager – Legal Services), Sue Monk (Manager – Customer Care)

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Member Manuwai Wells opened with a karakia.

**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND CONFLICTS OF INTEREST**

**APOLOGY**

**RESOLUTION 2021/59**

Moved: Chairperson Belinda Ward  
Seconded: Member Manuela Gmuer-Hornell

**That the apology received from Rachel Smith be accepted and leave of absence granted.**

**CARRIED**

Note: Apologies were also noted from Councillor David Clendon.

**3 PUBLIC FORUM**

Anton Haagh (owner of Duke of Marlborough) spoke to the board in regards to item 7.1 – Alfresco Dining Application – Duke of Marlborough Limited

Miles Frankum - Russell Church spoke to the board in regards to the \$8,000 previously received from the board and asked what the next steps were to get the carpark sealed or asked for permission to out in a concrete path.

Robina Needham spoke to the board in regards to Item 7.2 – Road Naming Report – 54 – 56 Puketona Road, Paihia.

Rosemary Gardner (representing Russell Heritage) spoke to the board in regards the draft district plan and how this will impact Russell.

**4 SPEAKERS**

At 10:50 am, Member Frank Owen left the meeting. At 11:02 am, Member Frank Owen returned to the meeting.

Jaime Pavlicevic, representing Kerikeri Gymnastics Club, spoke to the board in regards to Item 7.5 Funding Applications

Shirley May, representing Bay of Islands Jazz and Blues Festival, spoke to the boards in regards to Item 7.5 Funding Applications

David Scoffham, representing Duffus Memorial Trust, spoke to the board in regards to Item 7.5 Funding Applications.

## 5 NGĀ TONO KŌRERO / DEPUTATIONS

Member Manuwai Wells and Sarah Wynyard-Davis - Ministry of Justice kaiārahi (Family Court Navigators) provided the board with an overview of the work that they are doing.

Meeting adjourned from 11:45 am – 12:04 pm.

## 6 CONFIRMATION OF PREVIOUS MINUTES

### 6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3295304, pages 10 - 16 refers.

#### RESOLUTION 2021/60

Moved: Chairperson Belinda Ward  
Seconded: Member Bruce Mills

**That the Bay of Islands-Whangaroa Community Board confirm the minutes of the Bay of Islands-Whangaroa Community Board meeting held 8 July 2021 are a true and correct record.**

**CARRIED**

Abstained: Member Dave Hookway-Kopa

## 7 REPORTS

### 7.1 ALFRESCO DINING APPLICATION - DUKE OF MARLBOROUGH LIMITED

Agenda item 7.2 document number A3281464, pages 24 - 97 refers.

#### MOTION

Moved: Member Manuela Gmuer-Hornell  
Seconded: Member Dave Hookway-Kopa

That the Bay of Islands-Whangaroa Community Board:

- a) approve the Alfresco Dining Application from the Duke of Marlborough Limited; and,
- b) approve the relocation request for 3 public seats to be relocated to an agreed area by Infrastructure and Asset Management staff, with all associated costs covered by the applicant.

#### AMENDMENT (WITHDRAWN)

Moved: ~~Deputy Chairperson Frank Owen~~  
Seconded: ~~Member Manuwai Wells~~

~~That the Bay of Islands-Whangaroa Community Board: Alfresco Dining Application from the Duke of Marlborough Limited be left to lie on the table, until the next meeting, until an urgent review of the Alfresco Dining policy is done in particular in relation to The Strand Russell.~~

#### AMENDMENT

Moved: Chairperson Belinda Ward

Seconded: Member Manuela Gmuer-Hornell

That the Bay of Islands-Whangaroa Community Board:

- a) approve the Alfresco Dining Application from the Duke of Marlborough Limited; until it expires on 30<sup>th</sup> June 2022;
- b) request an urgent review of the Alfresco Dining Policy (#3116) is done in particular in relation to The Strand, Russell to ensure the Alfresco Dining Policy (#3116) is fit for purpose;
- c) decline the relocation request for 3 public seats situated in front of the Duke of Marlborough Limited;
- d) note community board members engage with the Russell community to develop a Placemaking kaupapa for The Strand, Russell.

**CARRIED**

Against: Member Dave Hookway-Kopa

The amendment became the substantive motion

#### **RESOLUTION 2021/61**

Moved: Chairperson Belinda Ward

Seconded: Member Manuela Gmuer-Hornell

That the Bay of Islands-Whangaroa Community Board:

- a) approve the Alfresco Dining Application from the Duke of Marlborough Limited; until it expires on 30<sup>th</sup> June 2022.
- b) request an urgent review of the Alfresco Dining Policy (#3116) is done in particular in relation to The Strand, Russell to ensure the Alfresco Dining Policy (#3116) is fit for purpose.
- c) decline the relocation request for 3 public seats situated in front of the Duke of Marlborough Limited.
- d) note community board members engage with the Russell community to develop a Placemaking kaupapa for the Strand, Russell.

**CARRIED**

Against: Member Dave Hookway-Kopa

The meeting was adjourned from 1:55 pm to 2:20 pm.

#### **7.2 ROAD NAMING - 54-56 PUKETONA ROAD, PAIHIA**

Supplementary Agenda item 7.1 document number A3311290, pages 4 - 7 refers.

#### **RESOLUTION 2021/62**

Moved: Member Lane Ayr

Seconded: Member Manuela Gmuer-Hornell

That the Bay of Islands-Whangaroa Community Board, pursuant to Council's Road Naming and Property Addressing Policy #2125, name a private road, Osler Ave, that is currently addressed at 54-56 Puketona Road, Paihia.

**CARRIED**

Abstained: Member Dave Hookway-Kopa

**7.3 COMMUNITY AND CUSTOMER SERVICES REPORT 1 JANUARY – 30 JUNE 2021**

Agenda item 8.1 document number A3293910, pages 129 - 139 refers.

**RESOLUTION 2021/63**

Moved: Member Bruce Mills

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board receive the report Community and Customer Services Report 1 January – 30 June 2021.**

**CARRIED**

**7.4 CHAIRPERSON AND MEMBERS REPORT**

Agenda item 7.1 document number A3295312, pages 17 - 23 refers.

**RESOLUTION 2021/64**

Moved: Member Bruce Mills

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward, Member Manuela Gmuer-Hornell, and Member Bruce Mills.**

**CARRIED**

**7.3 FUNDING APPLICATIONS**

Agenda item 7.3 document number A3299161, pages 98 - 101 refers.

**MOTION**

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Bruce Mills

That the Bay of Islands-Whangaroa Community Board approves the sum of \$18,406 (plus GST if applicable) be paid from the Board's Community Fund account to Duffus Memorial Trust for costs towards repainting and refurbishment of Russell pensioner cottages to support the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

**LOST**

**MOTION**

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Lane Ayr

That the Bay of Islands-Whangaroa Community Board approves the sum of \$15,000 (plus GST if applicable) be paid from the Board's Community Fund account to Kerikeri Gymnastics Club for costs towards venue hire to the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

**AMENDMENT**

Moved: Member Manuwai Wells  
Seconded: Member Manuela Gmuer-Hornell

That the Bay of Islands-Whangaroa Community Board approves the sum of \$7,500 (plus GST if applicable) be paid from the Board's Community Fund account to Kerikeri Gymnastics Club for costs towards venue hire to the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

The amendment became the substantive motion.

**RESOLUTION 2021/66**

Moved: Member Manuwai Wells  
Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$7,500 (plus GST if applicable) be paid from the Board's Community Fund account to Kerikeri Gymnastics Club for costs towards venue hire to the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

**CARRIED**

**MOTION**

Moved: Chairperson Belinda Ward  
Seconded: Member Manuela Gmuer-Hornell

That the Bay of Islands-Whangaroa Community Board approves the sum of \$4,287 (plus GST if applicable) be paid from the Board's Community Fund account to Bay of Islands Jazz and Blues Festival for costs towards transport and promotion to the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

**AMENDMENT**

Moved: Member Lane Ayr  
Seconded: Member Manuwai Wells

That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,485.74 (plus GST if applicable) be paid from the Board's Community Fund account to Bay of Islands Jazz and Blues Festival for costs towards transport and promotion to the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

The amendment became the substantive motion.

**RESOLUTION 2021/67**

**Moved: Member Lane Ayr**  
**Seconded: Member Manuwai Wells**

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,485.74 (plus GST if applicable) be paid from the Board's Community Fund account to Bay of Islands Jazz and Blues Festival for costs towards transport and promotion to the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**

**ii) Proud, vibrant communities**

In Favour: Chairperson Belinda Ward, Deputy Chair Frank Owen Members Lane Ayr, Manuela Gmuer-Hornell, Bruce Mills and Manuwai Wells

Against: Member Dave Hookway-Kopa

**CARRIED****7.4 PROJECT FUNDING REPORTS**

Agenda item 7.4 document number A3299176, pages 123 - 128 refers.

**RESOLUTION 2021/68**

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Bruce Mills

**That the Bay of Islands-Whangaroa Community Board**

- a) note the project report received from Bay of Islands Country Music Festival;
- b) request that Jacman Entertainment – Hullabaloo Outreach resubmit their report with additional information that includes details related to the free water provided to attendees as stipulated in the successful funding application.

**CARRIED****8 TE KAPINGA HUI / MEETING CLOSE**

The meeting closed at 3:55 pm.

The minutes of this meeting will be confirmed at the Bay of Islands-Whangaroa Community Board meeting to be held on 2 September 2021.

.....  
**CHAIRPERSON**

**MINUTES OF  
BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD MEETING  
HELD VIRTUALLY VIA MICROSOFT TEAMS  
ON THURSDAY, 2 SEPTEMBER 2021 AT 10.00 AM**

**PRESENT:** Chairperson Belinda Ward, Member Lane Ayr, Member Manuela Gmuer-Hornell, Member Frank Owen, Member Manuwai Wells, Member Rachel Smith

**IN ATTENDANCE:** Councillor David Clendon, Councillor Kelly Stratford

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Chairperson Belinda Ward opened with a karakia.

**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND CONFLICTS OF INTEREST**

**APOLOGY**

**RESOLUTION 2021/68**

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

**That the apology received from Member Bruce Mills and Member Dave Hookway-Kopa be accepted and leave of absence granted.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

**2.1 SPEAKING RIGHTS FOR COUNCILLOR DAVID CLENDON**

**RESOLUTION 2021/69**

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board welcome Councillor Clendon and that he be permitted to speak during member debate.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

**3 PUBLIC FORUM**

Lorraine Bentley spoke in regards to Item 7.2 - Pa Road Petition.

## 4 NGĀ TONO KŌRERO / DEPUTATIONS

Nil.

## 5 SPEAKERS

Camilla Hope-Simcock and John Andrews spoke on behalf of Williams Trust Group in regards to Item 76 – Funding Applications.

Annika Dickey spoke on behalf of Our Kerikeri in regards to Item 76 – Funding Applications.

Eljon Fitzgerald spoke on behalf of Whangaroa Community Trust in regards to Item 76 – Funding Applications.

## 6 CONFIRMATION OF PREVIOUS MINUTES

### 6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3343925, pages 10 - 17 refers.

#### RESOLUTION 2021/70

Moved: Chairperson Belinda Ward

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board confirm the minutes of the Bay of Islands-Whangaroa Community Board meeting held 5 August 2021 are a true and correct record with an amendment on page 2 – remove speakers name Josephine Reid Tereti and add replace it with Sarah Wynyard-Davis.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

## 7 REPORTS

### 7.1 CHAIRPERSON AND MEMBERS REPORT

Agenda item 7.1 document number A3343891, pages 18 - 24 refers.

#### RESOLUTION 2021/71

Moved: Member Frank Owen

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward, Member Lane Ayr, and Member Manuela Gmuer-Hornell.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith



**CARRIED****7.2 PA ROAD PETITION**

Agenda item 7.2 document number A3346692, pages 25 - 57 refers.

**RESOLUTION 2021/72**

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board receives the Pa Road Petition.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED****MOTION**

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Manuwai Wells

That the Bay of Islands-Whangaroa Community Board:

- a) acknowledges staff will complete a Post Construction Road Safety Audit

At 11:29 am, Member Frank Owen left the meeting. At 11:33 am, Member Frank Owen returned to the meeting.

**AMENDMENT**

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

- b) acknowledges staff have yet to complete Post Construction Road Safety Audit, and request a report to come back to Community Board.

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Members Manuela Gmuer-Hornell and Rachel Smith

**CARRIED**

The amendment became the substantive motion.

**RESOLUTION 2021/73**

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board:**

- a) receives the Pa Road Petition; and,  
b) acknowledges staff have yet to complete Post Construction Road Safety Audit, and request a report to come back to Community Board.

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Frank Owen and Manuwai Wells

Against: Nil  
Abstained: Members Manuela Gmuer-Hornell and Rachel Smith

**CARRIED**

Meeting adjourned for a brief break from 11:49 am to 11:56 am.

### 7.3 BAY OF ISLANDS-WHANGAROA FOOTPATH PROGRAM 2021-24

Agenda item 7.3 document number A3348636, pages 58 - 61 refers.

#### RESOLUTION 2021/74

Moved: Chairperson Belinda Ward  
 Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands – Whangaroa Community Board:**

- a) **agree to the 2021/2024 footpath programme to include the following ‘top ten’ prioritised and completion of works is dependent on availability of associated budgets: and,**

Top ten list of New Footpaths BWCB				
Priority	Road	Town	Description	Estimate (+/- 30%)
1	Taumatamakuku Crescent	Moerewa	SH1 & including cul-de-sac	\$ 150,000.00
2	Kellet Street	Opua	Opua School frontage	\$ 3,000.00
3	Florence Avenue	Russell	Hope Avenue to Pomare Road	\$ 240,000.00
4	Reed Street	Moerewa	Existing to Pembroke Street	\$ 70,000.00
5	Whangaroa Road	Whangaroa	Existing to Lower Street	\$ 177,800.00
6	Snowdon Avenue	Moerewa	Arterial route to SH1	\$ 75,000.00
7	Skudders Beach Road	Kerikeri	Titoki Place to Paretu Drive	\$ 75,250.00
8	Bowen Street	Kawakawa	McFarlane Street to End	\$ 30,000.00
9	Omaunu Road	Kaeo	Cemetery Road bridge / Whangaroa Health	\$ 400,000.00
10	School Road	Totara North	TNRRA & Totara North Community Plan	\$ 170,000.00

- b) **acknowledge the estimate figures provided are indicative and require finalisation through design and tender process; and,**  
 c) **delegate authority to Council staff to alter completion order of works within the existing list in association with the Bay of Islands-Whangaroa Community Board.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

NOTE: Page 58 - 59 in the agenda, the Bay of Islands-Whangaroa Community Board is incorrectly referred to as Bay of Islands-Whangaroa Community Ward.

**7.4 ROAD NAMING - 785 PUNGAERE ROAD, WAIPAPA**

Agenda item 7.4 document number A3342681, pages 62 - 69 refers.

**RESOLUTION 2021/75**

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board, pursuant to Council's Road Naming and Property Addressing Policy #2125, name a private right-of-way (ROW), Bayridge Lane that is currently addressed at 785 Pungaere Road, Waipapa as per map (A3272742).**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell and Frank Owen

Against: Nil

Abstained: Members Manuwai Wells and Rachel Smith

**CARRIED**

**7.5 ROAD NAMING - 7A KENT ST, WHANGAROA**

Agenda item 7.5 document number A3343333, pages 70 - 80 refers.

**RESOLUTION 2021/76**

Moved: Chairperson Belinda Ward

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board pursuant to Council's Road Naming and Property Addressing Policy #2125, name a private right-of-way (ROW), Gilligans Lane that is currently addressed at 7a Kent Street, Whangaroa.**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell and Frank Owen

Against: Nil

Abstained: Members Manuwai Wells and Rachel Smith

**CARRIED**

**7.6 FUNDING APPLICATIONS**

Agenda item 7.6 document number A3343040, pages 81 - 124 refers.

**RESOLUTION 2021/77**

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Frank Owen

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$4000 (plus GST if applicable) be paid from the Board's Community Fund account to Henry & William Williams Memorial Museum Trust for costs towards concept development for Place, Faith & Family: Paihia 1823-2023 to support Community Outcomes.**

i) **Communities that are healthy, safe, connected and sustainable**

ii) **Proud, vibrant communities**

<u>In Favour:</u>	Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells
<u>Against:</u>	Nil
<u>Abstained:</u>	Member Rachel Smith
<b>CARRIED</b>	

## 7.6 FUNDING APPLICATIONS

### MOTION

Moved: Member Frank Owen

Seconded: Member Manuela Gmuer-Hornell

That the Bay of Islands-Whangaroa Community Board approves the sum of \$5,000 (plus GST if applicable) be paid from the Board's Community Fund account to Our Kerikeri Community Charitable Trust for costs towards purchasing a permanent Christmas tree for Kerikeri to the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

### AMENDMENT

Moved: Member Frank Owen

Seconded: Member Manuwai Wells

That the Bay of Islands-Whangaroa Community Board approves the sum of \$10,000 (plus GST if applicable) be paid from the Board's Community Fund account to Our Kerikeri Community Charitable Trust for costs towards purchasing a permanent Christmas tree for Kerikeri to support Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

The amendment became the substantive motion.

### RESOLUTION 2021/78

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$10,000 (plus GST if applicable) be paid from the Board's Community Fund account to Our Kerikeri Community Charitable Trust for costs towards purchasing a permanent Christmas tree for Kerikeri to support Community Outcomes:**

- i) **Communities that are healthy, safe, connected and sustainable**
- ii) **Proud, vibrant communities**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil  
Abstained: Member Rachel Smith

**CARRIED**

## 7.6 FUNDING APPLICATIONS

### RESOLUTION 2021/79

Moved: Chairperson Belinda Ward  
Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$5,000 (plus GST if applicable) be paid from the Board's Community Fund account to Te Puna Aroha for costs towards Moerewa Christmas 2021 to support Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

## 7.6 FUNDING APPLICATIONS

### RESOLUTION 2021/80

Moved: Member Manuela Gmuer-Hornell  
Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board confirms their resolution of 3 June 2021 and approves the sum of \$3,000 (plus GST if applicable) be paid from the Board's Community Fund account to Bay of Islands Walkways and Walking Trust for costs towards Russell to Okiato shared pathway signage to support Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

## 7.6 FUNDING APPLICATIONS

### RESOLUTION 2021/81

Moved: Chairperson Belinda Ward

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board confirms their resolution of 3 June 2021 and approves the sum of \$30,000 (plus GST if applicable) be paid from the Board's Community Fund account to Whangaroa Community Trust for costs towards Kaeo playground shade structure to support Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells

Against: Nil

Abstained: Member Rachel Smith

**CARRIED**

## 7.6 FUNDING APPLICATIONS

### RESOLUTION 2021/82

Moved: Member Lane Ayr

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board approves the unspent sum of \$5,189 (plus GST if applicable) be retained by the Kerikeri Sports Complex Management Group for costs towards construction of a playground at the complex to support Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

In Favour: Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell and Frank Owen

Against: Nil

Abstained: Members Manuwai Wells and Rachel Smith

**CARRIED**

## 7.7 PROJECT FUNDING REPORTS

Agenda item 7.7 document number A3342912, pages 125 - 265 refers.

### RESOLUTION 2021/83

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board note the project reports received from:**

- a) Kaeo Festival Group – Ngā Purapura Kaeo**
- b) Kerikeri Theatre Company – The Sound of Music**
- c) Simson Park Hall & Management Committee – Roof replacement**

<u>In Favour:</u>	Chairperson Belinda Ward, Members Lane Ayr, Manuela Gmuer-Hornell, Frank Owen and Manuwai Wells
<u>Against:</u>	Nil
<u>Abstained:</u>	Member Rachel Smith
<b>CARRIED</b>	

Member Manuwai Wells closed with a karakia.

## **8 TE KAPINGA HUI / MEETING CLOSE**

The meeting closed at 1:08 pm.

The minutes of this meeting will be confirmed at the Bay of Islands-Whangaroa Community Board meeting held on 7 October 2021.

.....  
**CHAIRPERSON**

**7.2 COUNCIL ACTION SHEET UPDATE SEPTEMBER 2021****File Number:** A3376599**Author:** Kim Hammond, Meetings Administrator**Authoriser:** Aisha Huriwai, Team Leader Democracy Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide Council with an overview of outstanding Council decisions from 1 January 2020.

**WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

- Council staff have reintroduced action sheets as a mechanism to communicate progress against Council decisions and confirm when decisions have been implemented.
- The focus of this paper is on Council decisions.
- Action sheets are also in place for Committees and Community Boards.

**TŪTOHUNGA / RECOMMENDATION**

**That Council receive the report Action Sheet Update September 2021.**

**1) TĀHUHU KŌRERO / BACKGROUND**

The Democracy Services Team have been working on a solution to ensure that elected members can receive regular updates on progress against decisions made at meetings, in alignment with a Chief Executive Officer key performance indicator.

Action sheets have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings.

Action sheets are not intended to be public information but will provide updates to elected members, who, when appropriate can report back to their communities and constituents.

Officers recognise that the action sheet format is not yet fully meeting the expectations of the elected members. This is a system generated report over which officers have no current ability to change the format. Discussions are underway with the software provider to assess costs of a customisation option for these reports to make them bespoke to our council requirements.

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

The outstanding tasks are multi-facet projects that take longer to fully complete.

The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

**Take Tūtohunga / Reason for the recommendation**

To provide Council with an overview of outstanding Council decisions from 1 January 2020.

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

There are no financial implications or need for budgetary provision in receiving this report.

**ĀPITI HANGA / ATTACHMENTS**

1. 2020-01-01 - 2021-09-15 Council Updated Action Sheet - A3396633  



Meeting	Title	Resolution	Notes
Council 9/04/2020	Request for funding of development of a supplementary water source for Kaikohe	<b>RESOLUTION 2020/15</b> <b>That the Council:</b> <ol style="list-style-type: none"> <li>agrees to a budget of \$2,000,000 for a supplementary water supply for Kaikohe in the final Annual Plan for 2020/2021.</li> <li>approves the Chief Executive engaging Williamson Water and Land Advisory to provide detailed engineering design and cost estimates to connect the reservoir to the treatment plant in the Wairoro Stream.</li> <li>directs that the 10 August 2017 resolution of Council be initiated to investigate and address drought resilience in Kaikohe, and that hapu, community board and communities be involved in the process.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>	Council though - Long Term Plan deliberations added additional funds to support the MN10 project with Te Tai Tokerau Trust to build better water resilience for Kaikohe.
Council 21/05/2020	Request for Financial Assistance for Kawakawa Community Owned Under Veranda Lighting Scheme	<b>RESOLUTION 2020/25</b> <b>That Council:</b> <ol style="list-style-type: none"> <li>approve financial contributions of \$6,720 (GST exclusive) each to the Kawakawa Business and Community Association (KBCA) and no more than \$6,500 for the Kaikohe Business Association for expenses related to the Central Business District lighting schemes in those towns, to be funded from the Eastern and Western Amenity Development Levy Funds respectively.</li> <li>agree to consultation for a targeted rate be added to the Long Term Plan for future funding of these schemes.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>	<p><b>14 May 2021</b> - Funding has been paid to the 2 township associations for the running of the lighting schemes.</p> <p><b>05 Aug 2021</b> - Advice from finance that this has been paid. The second part to the resolution though for us to consult on a potential targetted rate to cover the cost for future years and this consultation did not occur. Is there a budget for it? Do we expect them to source funding outside of Council?</p> <p><b>08 Sep 2021</b> - Janice advised there is annual funding allocated for under veranda lighting scheme in Kaikohe and Kawakawa 8 Sept 2021 per the resolution.</p>
Council 21/05/2020	Options for controlling and regulating trade in public places	<b>RESOLUTION 2020/29</b> Moved: Mayor John Carter Seconded: Cr Felicity Foy <b>That Council, under the Local Government Act,</b> <ol style="list-style-type: none"> <li>adopt Option Three – make a new bylaw, as the most appropriate response to addressing the perceived problems associated with trading in public places.</li> </ol>	<p><b>29 Apr 2021</b> - now being considered as part of a new road use bylaw - report to strategy and policy committee agenda 4th May 2021</p>

Meeting	Title	Resolution	Notes
		<b>b) develop guidelines and education programmes after the adoption of the bylaw.</b>  <b>CARRIED</b>	
Council 10/12/2020	Roadside Rubbish and Recycling	<b>RESOLUTION 2020/91</b> <b>That Council:</b> <b>a) requests further investigation and analysis of future options for litter control, solid waste monitoring, kerbside collections will be considered in the S17A Service Delivery Review.</b> <b>b) requests a report outlining the findings of the review including future service level enhancements when the review is completed.</b>  <b>CARRIED</b>	<b>14 May 2021</b> - A regional approach is being developed for solid waste. Work is being done to develop a governance model to support a regional approach.
Council 8/04/2021	Hihi Wastewater Treatment Plant Capital Works Business Case	<b>RESOLUTION 2021/24</b> <b>That Council:</b> <b>a) acknowledge the current risk being carried at Hihi Wastewater Treatment Plant.</b> <b>b) direct staff to consult with Iwi and the Hihi community on most sustainable and affordable future focused solution (with consultation to begin by May).</b> <b>c) direct staff to evaluate short term mitigation while the long-term solution is being developed.</b>  <b>CARRIED</b>	<b>19 Apr 2021</b> - a) No action required, b) Initial meeting with Engagement Lead scheduled for 28.04.2021 to agree approach - expected completion date TBC, c) Inspection of tank already in train - delays experienced due to wet weather as tank needs to be emptied first, a process that will take 2 days - expected completion date 31 May 2021 <b>24 May 2021</b> b) Drop in session held with community 11 July. Community confirms existing site and wetlands as preferred locations. Concern is cost v connections with clear steer on defining affordability for them. Online survey open for feedback, this closed 31 July. Responses to drop in session and survey being drafted by project team. Mana whenua have requested independent engagement and this is being scheduled by project team. Next Project team meeting 6 July. Project team formed and engagement plan in development. Contact made with Iwi and community contacts. Informal attendance at ratepayer assn meeting. Possible formal engagement opportunity beginning July

Meeting	Title	Resolution	Notes
			<p><b>24 May 2021</b> c) Condition assessment to be commissioned. Previously considered options to be referenced. AM investigating other options. Inf Planning input re RC.</p> <p><b>05 Aug 2021</b> b) <b>05 Aug 2021</b> c) Condition assessment has been commissioned but experiencing ongoing delays due to weather.</p>
Council 21/12/2020	Kerikeri CBD Ring Road Acquisition of Strategic Property	<p><b>RESOLUTION 2020/106</b></p> <p><b>That Council:</b></p> <ul style="list-style-type: none"> <li>a) confirm its intent to complete the Kerikeri ring road development as identified in the Integrated Transport Strategy;</li> <li>b) authorise the CEO to negotiate and purchase the property at 13 Homestead Road, Kerikeri, as a strategic asset.</li> <li>c) resolve to continue acquiring properties for the future transportation needs of Kerikeri on a case by case basis and as they became available for the western route.</li> <li>d) receive an options report to the Infrastructure Committee in March 2021, outlining the next steps of the Strategic Western Route, including LTP considerations, to progress the project.</li> </ul> <p style="text-align: right;"><b>CARRIED</b></p>	<p><b>16 Jun 2021</b> - A scoping paper for a future report to IC/Council has been agreed with Cllrs Court, Smith, Clendon and Foy. This paper is now being developed with a target date of the last quarter of 2021 calendar year.</p>
Council 20/05/2021	New Parking and Road Use Bylaws	<p><b>RESOLUTION 2021/20</b></p> <p><b>That Council determine, under section 155(1) of the Local Government Act 2002, that two new bylaws regulating parking and road use, made under the Land Transport Act 1998, are the most appropriate way of addressing the problems in the Far North District:</b></p> <ul style="list-style-type: none"> <li>i) competition for space in the central business districts.</li> <li>ii) congestion in the central business districts.</li> </ul> <p style="text-align: right;"><b>CARRIED</b></p>	<p><b>02 Jul 2021</b> - Proposal for new bylaws approved for consultation by Strategy &amp; Policy Committee on 7 September 2021</p>

Meeting	Title	Resolution	Notes
Council 20/05/2021	Parking Enforcement Services	<p><b>RESOLUTION 2021/23</b></p> <p><b>That Council:</b></p> <p><b>a) makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency); and</b></p> <p><b>b) commences a trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district.</b></p> <p><b>CARRIED</b></p>	<p><b>20 Jul 2021</b> - Parking Trial for WoF and Unregistered vehicles began 1 July 2021, In discussion with NZTA regarding receiving delegation in time for the draft bylaw released for public consultation</p>
Council 20/05/2021	Review on Erosion Issues for Freese Park	<p><b>RESOLUTION 2021/28</b></p> <p><b>That Council approves:</b></p> <p><b>a) the Freese Park Erosion Management Consultation Strategy summarised in this report.</b></p> <p><b>b) the proposal to present concept designs 1A, 1B, 2 and 3 during public consultation, as presented in Attachment A.</b></p> <p><b>and notes:</b></p> <p><b>c) that an extensive investigation has been conducted into the coastal erosion processes at Freese Park.</b></p> <p><b>d) that erosion of the foreshore is occurring at a rate of approximately 0.7m/yr.</b></p> <p><b>e) a high-level options assessment has led to the selection of 'hold the line' as a preferred solution to the erosion issue. This will involve constructing a rock riprap structure of some description at the existing alignment of the erosion scarp. Advancing the seawall seawards towards the Mean High-Water Springs (MHWS) mark is also possible but is dependent on cost, consenting and public preference. Two options (one option includes two sub-options) have been presented (Attachment A).</b></p> <p><b>CARRIED</b></p>	<p><b>09 Aug 2021</b> – The Freese Park public engagement plan was submitted to elected members soon after the presentation at the May Council meeting. Since this time the project team has worked with Sheryl Gavin (Manager Corporate Planning &amp; Community Development) to confirm approach and staff involvement in the engagement process. Engagement collateral has largely been compiled and a date is being arranged for the first hui. Engagement with stakeholders (including local residents) is also about to get underway.</p>
Council 1/07/2021	Subsoil Lease to FNHL - The Strand, Russell	<p><b>RESOLUTION 2021/50</b></p>	

Meeting	Title	Resolution	Notes
		<p><b>That the Far North District Council:</b></p> <p>a) grants consent, pursuant to the Local Government Act 1974, to Far North Holdings Limited, for a new lease of the subsoil beneath The Strand, Russell; and that,</p> <p>i) Term: 14 years</p> <p>ii) Annual Rental: \$1.00 plus GST (if any)</p> <p>iii) Expiry Date: 30 June 2035</p> <p>iv) Renewal: Nil</p> <p style="text-align: right;"><b>CARRIED</b></p>	
Council 1/07/2021	Proposal to Construct an Erosion Protection Structure on Council Owned Reserve, Omapere	<p><b>RESOLUTION 2021/51</b></p> <p><b>That Council:</b></p> <p>a) approves the construction of, and associated occupation with, an erosion protection structure on Far North District Council owned local purpose reserved legally described as Lot 5 DP196729; and</p> <p>b) approval is provided subject to a memorandum of encumbrance being recorded on the titles of Lot 1 DP196729 and Lot 1 DP310507 and that the encumbrance records the agreement that the owners of those properties:</p> <p>i) bear full responsibility for the maintenance, repair, removal of the seawall (if required) during its lifetime, and end of its lifetime.</p> <p>ii) incur cost of the agreement construction and registration against title.</p> <p>iii) notify FNDC of any variation or modification of the erosion protection structure</p> <p>To avoid doubt, approval is given both within Council's capacity as the administering body of the reserve and an affected person within the meaning of Section 95 of the Resource Management Act 1991.</p> <p style="text-align: right;"><b>CARRIED</b></p>	<p><b>02 Aug 2021</b> -Work is in the early stages post approval by Council in July 2021.</p> <p>Aug 2021 - FNDC's senior solicitor advises that Corporate Services is still awaiting draft memorandum of Encumbrance for review, from the property owners' lawyer and approval of this Council.</p>

Meeting	Title	Resolution	Notes
Council 12/08/2021	Notice of Motion - Kaimaumau Road	<b>RESOLUTION 2021/58</b> <b>That the Far North District Council:</b> <ul style="list-style-type: none"> <li>a) place speed bumps on the tar seal in the village of Kaimaumau.</li> <li>b) remove all illegal obstacles (road tyres, signs, rocks) obstructing this road immediately.</li> <li>c) agree that traffic calming measures on the metal portion of Kaimaumau Road, along with sealing of the short section of road to the Kaimaumau toilets, be initiated and</li> <li>d) approve an unbudgetted figure of \$50k towards this project.</li> </ul> <b>CARRIED</b>	<b>15 Sep 2021</b> - Staff are putting together a list of stakeholders and contact details. Once this list has been completed then community engagement will start to take place with the completion date being January 2022.
Council 12/08/2021	Koutu Mangeroa Picnic Area Encroachment	<b>RESOLUTION 2021/63</b> <b>That Council</b> <ul style="list-style-type: none"> <li>a) refer this back to the Kaikohe-Hokianga Community Board for consideration.</li> <li>b) agree that a final report be presented to Council no later than December 2021.</li> </ul> <b>CARRIED</b>	
Council 12/08/2021	Appointment of Director to the Board of Northland Adventure Experience Limited 2	<b>RESOLUTION 2021/64</b> <b>That Council:</b> <ul style="list-style-type: none"> <li>a) formally note the resignation from Councillor Moko Tepania from the Northland Adventure Experience Limited Board,</li> <li>b) appoint Councillor David Clendon as a Director on the Northland Adventure Experience Limited Board;</li> <li>c) agree to indemnify Councillor Clendon for professional negligence as a director when acting in good faith in his capacity as a director.</li> </ul> <b>CARRIED</b>	
Council 12/08/2021	Pou Herenga Tai Twin Coast Cycle Trail Bylaw Review	<b>RESOLUTION 2021/65</b>	<b>03 Sep 2021</b> - Drafting of amendments underway

Meeting	Title	Resolution	Notes
		<p><b>That Council:</b></p> <ul style="list-style-type: none"> <li>a) agree, under section 155(1) of the Local Government Act 2002, that a Bylaw is the most appropriate way of addressing problems related to the Pou Herenga Tai - Twin Coast Cycle Trail.</li> <li>b) agree, under section 155(2) of the Local Government Act 2002, that the current Pou Herenga Tai - Twin Coast Cycle Trail Bylaw is not the most appropriate form because: <ul style="list-style-type: none"> <li>i) it is not consistent with relevant laws and legislation</li> <li>ii) it is not certain.</li> </ul> </li> <li>c) agree, the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw be continued with amendment to: <ul style="list-style-type: none"> <li>i) ensure consistency with relevant laws and legislation</li> <li>ii) improve certainty</li> </ul> </li> <li>d) note, that under section 155(2) of the Local Government Act 2002, a full analysis of any implications regarding the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw under the New Zealand Bill of Rights Act 1990 cannot be completed until the amendments to the bylaw have been written.</li> <li>e) agree that a draft policy for the Pou Herenga Tai Twin Cost Cycle Trail Bylaw be presented to the Strategy and Policy Committee in the first quarter of 2022 prior to consultation.</li> </ul> <p style="text-align: right;"><b>CARRIED</b></p>	

**7.3 CEO REPORT TO COUNCIL 01 MAY 2021 - 30 JUNE 2021****File Number:** A3295206**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 May 2021 to 30 June 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 May 2021 - 30 June 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. This report was originally scheduled for the July Council meeting, however due to the large agenda this item was deferred to the September meeting.

**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 May - 30 June 2021 - pdf'd version - A3380656**  





## **Chief Executive Officer's Report to Council**

Period: 1 May 2021 – 30 June 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 period 1 May 2021 – 30 June 2021.

## Welcome to the latest summary report of Council activities

### Introduction from Shaun Clarke, Chief Executive

Since June 2020, the Council has conducted four workshops on Māori wards. It also sought informal feedback from the community in March as part of its Representation Review. In all, the Council received 499 responses on Māori representation. Of those, 408 responses (81.76 per cent) supported Māori wards, while the remaining 91 responses (18.24 per cent) did not. Council made a significant decision on 4 May to establish Māori wards for the 2022 and 2025 local body elections. Elected Members also voted to immediately reconsider the Council's current committee and community board structure, membership, and delegations to ensure Māori representation. At that point in time Northland was the only region in the country where a regional council and all the region's territorial authorities had established Māori wards.

The Long-Term Plan hearings were held, deliberations ensued, and on 24 June the LTP was adopted. This is the culmination of many hours of hard work by Elected Members supported by staff and it was pleasing to have this adopted with audit approval. I would like to thank the Mayor, Councillors and Community Board members for their participation at numerous workshops and for their civic leadership during our community engagement programme *Navigating Our Course*. I'd equally like to thank those staff involved in this programme of work for their support of the Elected Members.

During this period, Significant Natural Areas and the consultation that commenced gained national attention. Letters were sent to approximately 8,000 landowners informing them about results of a regional SNA mapping project undertaken with Northland councils at the direction of Northland Regional Council and the Government. This was the first step in a discussion with landowners about SNAs identified on their properties. All local authorities across the country were tasked by the Government with protecting areas of high ecological value under the Resource Management Act. A number of community-led forums were held to discuss SNAs with staff attending where possible. A live-streamed event with subject matter experts and representatives from key vocal groups was held. The people's voice was heard loud and clear, culminating in a hikoi to Council Chambers on 11 June with an estimated 2,000 people joining the hikoi. Council acknowledged it could have done more to acknowledge Māori as kaitiaki of their whenua and the concerns of the farming community. Minister Shaw understands this, and he supports a pause in the SNA process.

Water reform has been on our radar for a year and Council has been actively preparing for the announcement that was made by government proposing to establish four publicly-owned entities to take responsibility of drinking water, wastewater and stormwater infrastructure across New Zealand. Council has now received a significant amount of critically important information from the Government and we need to give it close consideration so we can provide sound advice to Elected Members.

A powhiri was held to welcome Darren Edwards, appointed as General Manager – Strategic Planning & Policy, back to FNDC. Darren spent five years with the Far North District Council (FNDC) before taking up the position of Group Manager – Environmental Management and Planning at Invercargill City Council in January 2020. The Strategic Leadership Team (SLT) welcomed all new staff with a morning tea. We have people joining us from all over New Zealand and the world, including South Africa, Scotland and Germany. The diverse skills, experiences and perspectives they bring to our organisation make us stronger and more resilient, so we celebrate

2

this diversity. We also held our staff Love Your Work awards where three groups and three individuals were recognised for going 'above and beyond'. Both of these events were supported by Elected Members.

I'd especially like to recognise Senior Librarian, Sabine Weber-Beard, has been chosen to represent New Zealand at the International Federation of Library Associations and Institutions (IFLA) based in The Netherlands. Sabine was one of two New Zealanders elected to the 20-member Regional Division Committee for Asia-Oceania. The Committee supports the development and delivery of action plans that respond to library needs in the Asia-Oceania region. This is a great opportunity for Sabine to develop her leadership skills and influence international library policy.

We continued to receive positive feedback on how we have used CouncilMARK as a tool for our improvement. LGNZ recently met with Local Government Minister Nanaia Mahuta who asked to discuss our 2021 CouncilMARK™ report. The Minister told LGNZ how impressed she was that councils were embracing the benchmarking programme. She specifically mentioned our Council's improvement journey over the last 3-4 years and our independent assessment last year which resulted in a BB rating, an improvement on the B rating we received in 2017. LGNZ passed this information to us, noting our hard work was being noticed and it added to the kudos that we deserved.

The Nothing But Net digital strategy our Council developed last year won the Martin Jenkins Award for Better Policy and Regulation at the Taituarā Local Government Excellence Awards in Wellington. This was a community-driven strategy that aims to ensure that all Northlanders have access to reliable internet and that we use this technology to connect and grow our people. Work included mapping mobile phone black spots and internet speeds, as well as securing central government funds with other Northland councils to improve the region's digital infrastructure. Nothing But Net aims for 100 per cent connectivity and 100 per cent opportunity.

Operational performance during this period saw –

- 27.29% increase in financial interactions at Service Centres
- 5.26% decrease in calls to the Contact Centre
- 4.48% increase in AskUs emails received
- 14.45% increase in building inspections booked
- 18.04% increase in visits to Service Centres
- 74% increase in i-SITE visitor numbers
- 96% increase in i-SITE retail revenue
- 58% increase in i-SITE transaction spend
- 98% increase in i-SITE transaction numbers
- 47% increase in digital library use, reflecting high use of new databases
- 6.5% increase in book checkouts, reflecting an overall upward trend in book borrowing over the year
- 732 RFSs during May - June 2021 received by Animal Management
- Average meeting of response times of 95.4% for urgent RFSs and 94.6% for non-urgent requests by Animal Management

3

- For the 2020/2021 registration period, there are now nearly 8,559 dogs registered. This figure is made up of renewed registrations and new dog registrations
- 89 dogs were impounded with 12 dogs rehomed
- 63 food business verifications were completed and 57 proactive alcohol license Good Host Visits (GHV) were conducted
- 100% of all licensed premises in the district had GHV's in 2020/2021
- 183 noise complaints received, nearly 40 complaints less than the previous period, likely due to shorter days and the winter season
- 168 infringements for stationary vehicle offences have been issued
- 191 Resource Consent applications, nearly 50 more than the previous period
- 93% of processing within statutory timeframes was achieved in May and 98% in June 2021
- Discounts applied to consent processing for 2020/2021 to the end of June totalled \$44,090.58 compared to \$184,927.90 for the previous year
- Building Consents received for May (182) and June (193) were higher than last year for both months
- The total number of consent applications received for the 2021 year was 1885 which far exceeds the forecast of 1400
- 99.27% of Building Consents were issued within the legislative timeframe of twenty working days during the 2020/21 financial year
- The average Statutory days to issue a building consent in the 2021 year was 12.28 working days (and 32.04 calendar days)
- Code Compliance Certificate compliance for May and June is 100%. The overall Code Compliance Certificate compliance for 2021 was 98.88%
- The average statutory day to issue CCC for 2021 was 5.05 days (and 19.13 calendar days)
- 35 Building Warrant of Fitness (BWOFF) audits were undertaken during the May and June period
- 150 RFS relating to BWOFFs were received during May and June
- 72 Notices to Fix were issued for breaches of the Building Act and 4 Infringements were issued for building-related breaches
- A total of 8 Certificates of Acceptance were approved
- 28 pool inspections were carried out during the months of May and June, with a 73 % pass rate
- Hokianga ferry revenue collected to May 2021 is \$637,099.12, which is significantly higher than the same time in the previous financial year (\$467,053.62), noting that last year was impacted severely by COVID-19

Finally, this report is the final one for the 2020/21 performance year, and what a year it has been.

Some of the highlights for me include –

- The hard work done in a short space of time to acquire Provincial Growth and Crown Infrastructure funding. Delivery on the projects FNDC are involved with are tracking well.
- The 5.4% increase in the Your Voice engagement score, meaning we have a workforce who is more engaged than before. This is supported by our second successful all-staff Big

Day event.

- The organisational response to COVID-19 alert level changes and the support provided to communities to enable economic recovery.
- The way staff have driven the Creating Great Workplaces programme, enabling a level of flexibility for staff to work in ways that meet business needs but also suit their lifestyle.
- Water resilience works progressing including Monument Hill bore drill completion..
- Our internal BCA processing more than 99 per cent of consent applications in 20 days or less after a number of critical non-compliance issues were identified in the previous years' audit. Resource Consents are now also consistently processed more than 90 per cent of applications within 20 working days, as required by the Resource Management Act.
- Continuous improvement that Council are making being acknowledged by LGNZ and CouncilMARK.
- Civil defence response to the weather bomb in July 2020 and ensuing community support, and the response to the tsunami warning in March 2021.
- Delivery of some important projects which will make a real difference in the lives of our communities. The Kerikeri wastewater treatment plant, Northern Animal Shelter, a third bore to supply water to Okaihau,,

## Governance

---

### Workshops

The months of May and June featured the following workshops:

- Long Term Plan Deliberations
- Big Ideas Lab
- Representation Review (two workshops)
- Parks and Reserves
- Mid Term Governance Review

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 Workshop and Working Party

A Combined Community Board Workshop was held in June. Presentations / discussions on the Northland Transport Alliance and the four local government wellbeing's were supported by the external expertise of Calvin Thomas (NTA) and Kate Mcnaught (Taitaura). In addition to those two significant topics, there was a presentation on health and safety by the H&S Manager and an update on the Community Board Working Party activities by the Team Leader – Democracy Services. Manager, Corporate Planning and Community Development will be undertaking individual workshops with each community board on the strategic planning / LTP process ahead of the September workshop.

There was discussion about whether these workshops are useful to community board members and officers are discussing a revised format which they will bring to the Chairs prior to setting the next agenda in September.

The Community Board Working Party also convened in the month of June to discuss progress to date and ongoing actions.

### Training

Strategy Essentials, facilitated by the Institute of Directors, was undertaken by Elected Members during the period.

Officers have extended the invitation for a professional development discussion for 2021-22 and have commenced setting dates down for discussion with those members who have taken up the offer.

### Action Sheets/Decision Tracking

Action sheets now form part of each agenda of Council, Committee or Community Board. Work is still underway to refine the reporting to ensure it is capturing all resolutions requiring action.

## **CEO Office**

### **People and Capability**

#### **Leader Development**

An innovative leader development programme was presented to SLT in May and gained approval for its bespoke design and alignment with the strategic goals of FNDC. The programme addresses the dual challenges of integrating learning into the flow of work and applying new knowledge promptly to ensure retention of the skill development. Launch date to all FNDC people leaders is the 8 July. Following this event, leaders will submit applications to participate in the first programme. The programme has the aspirational title of Tō Taumata and each programme will run for a maximum of 6 months.

#### **“Your Voice” Survey 2020 – Group Sessions**

SLT have held 6 Your Voice follow up sessions at Kaitaia, Kaikohe and Kerikeri this has given our people the opportunity to further discuss their comments from the survey. SLT have also committed to visit our outreach areas and have visits planned over the next couple of months. Each team have started their own engagement action planning sessions which will be available on our TK3 page going forward.

#### **CEO Office**

Due to internal movements, the position of Executive Assistant to the Chief Executive Officer has become vacant and is currently being advertised. People and Capability has appointed staff in all advertised positions and the team are now starting to recognise & action individual responsibilities.

#### **Infrastructure & Asset Management Group**

Three waters reform continue to be a focus area and topic of frequent discussions within IAM. The Northland Transportation Alliance celebrated five years of service on the 1<sup>st</sup> of July. Three new roles seconded to the Far North District Council are currently being recruited to.

#### **Strategic, Planning & Policy**

Positive energy is evident within SPP with the commencement of Darren Edwards' employment. The vacant role of Team Leader – Policy (previously Team Leader – Strategy) is currently being recruited to. The General Manager is reviewing the Te Hono vacancies to ensure that they are fit for purpose prior to any advertising. This has provided opportunity for staff to step up in the interim.

#### **Corporate Services Group**

A pilot merger between Transformation & Assurance and Digital Information Services commenced 8 June for a six-month period to 26 November 2021. This is being led by the Chief Transformation & Technology Officer with the Manager – Transformation & Assurance seconded to this position. The purpose of the trial merger is to bring the two teams together, enabling the delivery of IT enabled business change. This will allow for digital transformation and innovation with the

7

following five outcomes expected; strengthened programme delivery, customer centric service design, embedded change management, leadership efficiencies and pathways and addressed business risks.

### District Services Group

Internal talent management has been a focus, with two new internal vacancies generated from the Building Services department realignment, filled by internal promotions. The positions are Team Leader – PIMS/Specialist and Administration Support Specialist.

## Staffing, Salaries and Training

### Current Staffing Levels

Actual Full Time Equivalent (FTE) at 30 June 2021	Annual Plan Establishment (FTE)
354.5	382.85

- The figure for the Actual FTE is based on permanent staff numbers
- Established FTE is based on permanent position numbers

### Vacancies

Department	FTE Available
CEO/Communications/People & Capabilities	3
Corporate Services	5
District Services	7
Infrastructure & Asset Management/NTA	9
Strategic Planning & Policy	4.4
<b>FNDC TOTAL (FTE) * includes part time &amp; full time EST Position Vacancies</b>	<b>28.4</b>

### Salaries and Training

There will be no financial update for June as we still have the system open for accruals.

## Health, Safety & Wellbeing (HSW)

### Summary of Activities

H&S Inspections undertaken at Broadwood, Kaitia Animal Shelter, Simson Park project sites in conjunction with Capital Works Project Managers.

Lone Worker Safety Solutions & Vehicle GPS Project phase 2 completed during the period. Ongoing



end user training for teams to help with understanding and general use of the tools.

Beach Risk Mitigation work ongoing, in partnership with Surf Lifesaving NZ to help identify high risk beach areas.

Flu Vaccinations completed for staff, sessions made available at Kerikeri and Kaikohe with 98 staff taking up the council funded programme.

Traffic Management risk mitigation work has begun for those roles working on the road corridor and are not NTA staff. Will require training and competence development, specialist vehicle kits and PPE. Work is expected to conclude in August.

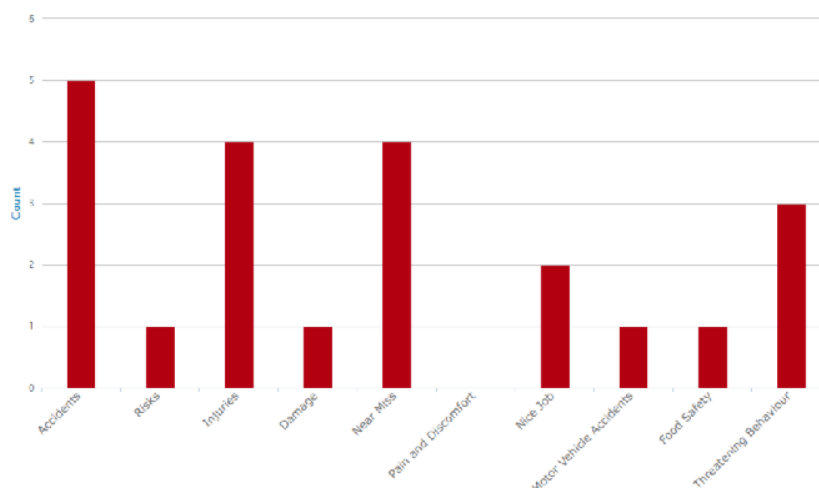
Remote Working Risk Assessments fully completed for all hybrid staff.

### PeopleSafe Stories Types during the reporting period

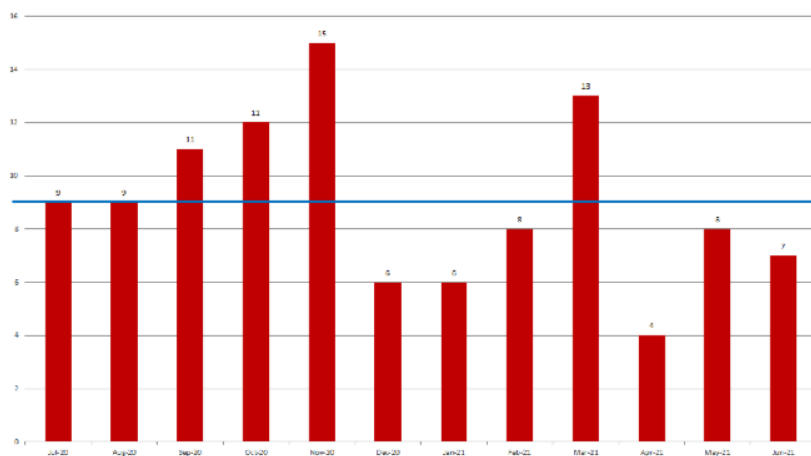
Far North District Council



#### Stories Report Summary



### PeopleSafe 12 Month Rolling Incident Rate



During the two-month reporting period there were 15 PeopleSafe incidents/events told, covering 22 story types. The average number of incidents told per month has increased to 9/month.

## Communication

### Activity summary

The Long Term Plan and Council's proposal to designate Significant Natural Areas (SNAs) in the District were a communication focus for the Council in May and June.

### Media releases

The team issued 12 media releases during the eight-week reporting period. These were about:

- The designation of SNAs on private land
- The Council's decision to adopt Māori wards
- The Council's *Nothing But Net* strategy which won a national award
- A consultation proposal to establish a new water supply bylaw
- The loss of rural banking services
- The Council's decision to extend the feedback period on SNAs
- A live, online forum to address community concerns about SNAs
- The Council inviting applications for events funding
- The Council's Innovating Streets projects
- A warrant of fitness and motor vehicle registration trial
- The adoption of the Long Term Plan 2021-31
- The Council's reaction to the Government's Three Waters Reform proposal

### Publication of media releases

- Two of the 12 media releases issued were published in four local newspapers
- Four of the 12 media releases issued were published in three local newspapers
- Three of the 12 media releases issued were published in two local newspapers
- One of the 12 media releases issued was published in one local newspaper
- Two of the 12 media releases issued weren't published in any of the local newspapers

### Media enquiries

The team responded to 48 media enquiries in May and June. The top topic of enquiry was Significant Natural Areas, accounting for 10 enquiries. Other main subjects of interest were Māori wards, dog control and rating proposals.

### Social media

The Communications and Engagement Teams were active on social media, particularly Facebook, during March and April. Outputs included:

- 39 Facebook posts about a range of topics including information sessions about wastewater schemes, responsible dog ownership and capital works projects.
- 104 new Facebook page 'likes', increasing the number of people who 'like' the Council's Facebook page from 6,239 to 6,343.

### Mayoral support

The team drafted eight Mayoral columns/blogs about:

- Waka Kotahi NZ Transport Agency plans to reduce road funding
- The Council's proposal to designate Significant Natural Areas (two columns)
- Northlanders who received Queen's Birthday Honours
- The Ngāwhā Innovation and Business Park.
- The service volunteer firefighters provide to the community

- The Council's decision to adopt Māori wards
- The Council's 2021 CouncilMARK™ assessment

**CEO support**

The team produced seven editions of weekly newsletter *The Weekender*, as well as talking points for weekly videos to staff.

**Other support and outputs**

- Fortnightly, full-page adverts in four local newspapers about new footpath and road seal extension projects
- Produced a series of slides promoting responsible dog ownership for the screening at the Cathay Cinema before films

## **Strategy**

### **Corporate Planning**

#### **Long Term Plan (LTP)**

The LTP for 2021-31 was adopted by Council on 24 June 2021.

### **Strategy Development, Bylaws and Policies**

#### **Far North 2100 District Strategy**

The workshop planned for 26 May 2021 on the outcomes of the consultation and options going forward for Far North 2100 was postponed until 10 August 2021.

#### **Spatial Planning**

Staff have completed a review of previously developed and in progress place-based plans as requested by elected members at the 15 April 2021 placemaking and spatial planning workshop. This review informs a programme of spatial plans that will be submitted to the 7 September 2021 Strategy and Policy Committee for approval.

Staff have continued to engage with the Ministry of Urban Housing and Development, the other Councils in Northland, Auckland Council and representatives of other government agencies on a proposed corridor spatial plan that would expand from Auckland into Northland.

#### **District Population Reforecast**

The current supplier of population forecasting services, .id, have discontinued the provision of this service to New Zealand customers which includes the Far North District Council. The last fully informed population forecast provided by .id was at the end of 2019 and delivered to the Far North District Council at the beginning of 2020. This population forecast was used to inform the District Plan.

With changes brought on by migration as a result of COVID-19 staff have now commenced the process to procure a new supplier of population forecasting services for the Far North District. This will also align with the plans for population forecasting from Northland Regional Council, Whangārei District Council and Kaipara District Council.

Staff are planning to have a new population forecast available by March 2022 to inform the spatial planning programme of work and network modelling that the Infrastructure and Asset Management Planning team are currently undertaking. However, this planned due date will be dependent on the procurement of this service and the forecasting model and capacity of the awarded supplier of this service.

#### **Climate Change**

Staff are working on the regional climate change adaptation programme that is being developed jointly by each of the four Northland Councils.

Staff met internally to consider locations that are appropriate for piloting the adaptive planning for climate change tools for coastal communities as recommended by the Ministry for the Environment. Adaptive planning will be used to implement the regional climate change adaptation programme

that will be approved by each Council on recommendation from the Joint Climate Change Adaptation Committee. It was agreed in principle by staff that there should be one location in each ward of the Far North District.

The Climate Change Adaptation Te Taitokerau (CATT) group confirmed at the 6 June 2021 meeting the following that will be brought to the Joint Climate Change Adaptation Committee on 30 August 2021.

CATT recommendation:

- a) CATT council staff agree shared policy is the right direction
- b) Should cover adaptation, emissions reduction and carbon removal/storage
- c) Internal policy stocktake for each Council is a good first step
- d) Shared policy needs to be at appropriate level of detail – high level principles and common ground between councils
- e) Needs to be flexible/iterative and consider ongoing changes to national legislation on emissions reductions and adaptation

Far North District Council staff will now consider how to advance the development of a climate change assessment policy for FNDC given the above recommendation. A climate change policy is a year 1 initiative identified in the implementation plan of the adopted climate change roadmap.

### **Regional Accessibility Strategy**

Over the reporting period staff continued to provide support to the collaborative cross Council development of a Regional Accessibility Strategy that is being led by Whangārei District Council.

### **Parks and Reserves**

On 10 June 2021 staff successfully completed a workshop with elected members and community board chairs that considered modifications and revisions to the existing reserves policy. The outcome of this workshop will inform a draft parks and reserves policy that will be put to the Strategy and Policy Committee in early 2022 for approval to go out for public consultation.

### **Bylaw Programme**

On 4 May 2021 the Strategy and Policy Committee agreed to consult on a draft Treated Water Supply Bylaw until 31 May 2021. Staff have reviewed the submissions that resulted from this consultation and have been working on a draft Water Supply Bylaw that will be submitted to the Strategy and Policy Committee on 7 September 2021 for recommendation to the 23 September 2021 Council meeting for adoption. The current Water Supply Bylaw 2009 is scheduled to automatically revoke on 16 October 2021.

On 4 May 2021 the Strategy and Policy Committee recommended to Council that a bylaw is the most appropriate way of addressing problems related to the maintenance of on-site wastewater disposal systems. Council approved this recommendation on 20 May 2021. Staff have been working on the development of a new bylaw during the reporting period as per the direction of Council. The new bylaw is scheduled to be submitted to the Strategy and Policy Committee on 7 September for approval to go out for public consultation until the end of October 2021. The current Control of On-site Wastewater Disposal Systems Bylaw 2010 is scheduled to automatically revoke on 26 May 2022.

On 4 May 2021 the Strategy and Policy Committee recommended to Council the making of two new bylaws, a parking bylaw and road use bylaw, to address congestion and the competition for space in the central business districts. Council approved this recommendation on 20 May 2021. Staff have

14

been working on the development of the two new bylaws during the reporting period. The two new draft bylaws are scheduled to be submitted to the Strategy and Policy Committee on 7 September for approval to go out for public consultation until the end of October 2021. The current Parking and Traffic Control Bylaw 2010 is scheduled to automatically revoke on 17 June 2022.

On 15 June 2021 the Strategy and Policy Committee adopted the Statement of Proposal for the next tranche of roads to be reviewed as part of the rolling review of the Speed Limits Bylaw. This tranche of roads will cover the area west State Highway 1 (Kaitiāia-Awaroa and Broadwood-Kohukohu), the Moerewa urban area, and Te Oneroa-a-Tōhē / Ninety Mile Beach. Consultation on the proposed speed limit changes in these areas will run from 12 July 2021 to 24 August 2021.

During the reporting period staff prepared the material and paper for the 20 July 2021 Strategy and Policy Committee recommending the approval to consult on the continuation of the Solid Waste Bylaw without amendment as required under the Local Government Act 2002. This consultation is proposed to run from 26 July 2021 until 27 August 2021.

During the reporting period staff completed the research on the Pou Herenga Ta – Cycle Trail Bylaw in preparation to have the review of this bylaw completed before its review due date of 8 September 2021. The review and options report for this bylaw will be included on the 20 July Strategy and Policy Committee Agenda.

Staff are planning to run a public survey on the impacts of vehicles on beaches during the month of July 2021. This will inform the research and development of a potential new Vehicles on Beaches Bylaw. The current Vehicles on Beaches Bylaw 2015 is scheduled to automatically revoke on 12 March 2022.

### **Policy Programme**

On 4 May 2021 the Strategy and Policy Committee recommended to Council that the Psychoactive Substance Local Approved Policy should continue without amendment. Council approved this recommendation on 20 May 2021.

Staff have continued to work on the social impact assessment that is required to inform a review of the Class Four Gambling and Totalisator Agency Board Venues Policy.

Staff have continued to work on a review of the Equity and Access Policy during the reporting period.

Staff have continued a review of the following eight policies commonly referred to in Council as 'roading policies' in collaboration with the Roding staff:

1. Community initiated infrastructure roading contribution
2. Dust management policy
3. Limits of council responsibility for formation maintenance of roads
4. Private roads and rights of way
5. Road maintenance policy
6. Road mirrors private crossings policy
7. Road naming and property numbering
8. Road speed limits

An outcome of this review has resulted in a proposed Naming Policy that staff are now planning to put forward to the Strategy and Policy Committee. As well as road naming this will include the naming of social infrastructure assets as well.

## **Iwi/ Hapū Relationships**

The Mayor and Councillors supported by the Chief Executive met with a delegation from Te Whiu to discuss their submission to council on Māori representation, 2021-31 Long Term Plan, and the Memorandum of Understanding.

### **Māori representation**

Having received a notice of motion to establish a Māori Ward or Wards, an extraordinary Council meeting was held on May 4 2021. At that meeting, Council voted in favour of establishing Māori Wards for the 2022 and 2025 local body elections. Council also voted in favour of immediately reconsidering its current committee and community board structure, membership and delegations to ensure greater Māori participation in its decision making.

Council was able to revisit its previous decision on Māori Wards due to the introduction of new legislation, the Local Electoral (Māori Wards and Constituencies) Amendment Act 2021, which saw the removal of a binding poll and provided a window for Councils to review previous decisions. The Council meeting was attended by community and Māori alike with Chambers and the front atrium of the council building full. Council provided a live stream of the meeting at the Kaikohe Memorial Hall.

### **Te Oneroa-a-Tōhe Board**

Staff have begun looking at how to implement the desired outcomes and actions of Te Oneroa-a-Tōhe Beach Management Plan (BMP). One of the key actions relates to the introduction of speed limits along the beach and at the beach access points. While the BMP, has gone through a Resource Management Act 1991 consultation process, a legal opinion identified the legislative need to consult specifically on a speed bylaw for it to be enforceable. Currently, the Northland Transport Alliance and Waka Kotahi - New Zealand Transport Agency are undertaking a consultation campaign on speed limits on several of the District's roads and some highways as part of the wider Road to Zero campaign. The timing has meant that the proposed speed limits for Te Oneroa-a-Tōhe/Ninety Mile Beach were able to be included in this tranche of speed limit reviews.

Technical staff from Iwi and Council continue to work on an implementation plan and possible communication plan for the balance of actions contained in the BMP. The next meeting of the Board is scheduled for Friday 20 August 2021.

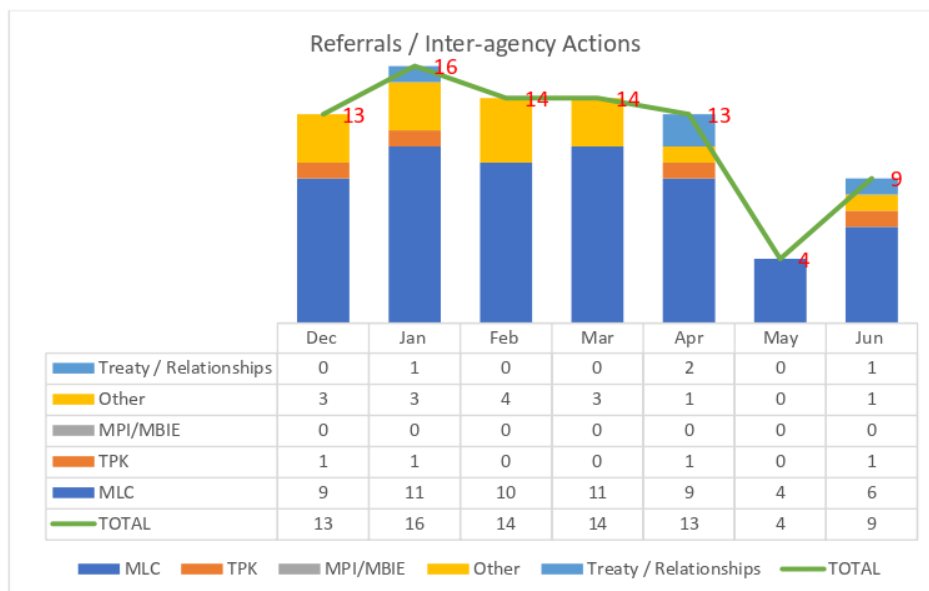
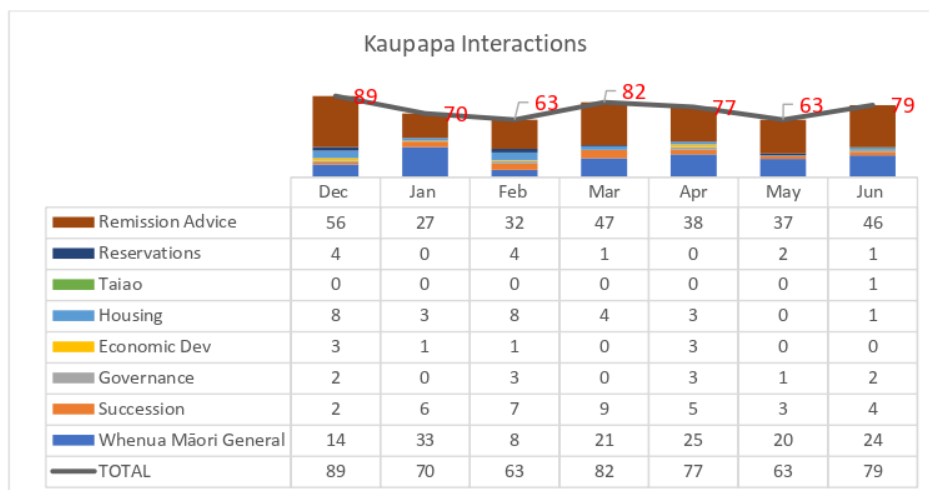
### **Iwi Local Government Authorities Chief Executives Forum (ILGACE)**

The regions' Chief Executives Forum (ILGACE) consisting of 11 Iwi and four Councils met during May 2021. Three waters and other legislative reforms as well as housing were key topics of discussion.

### **Māori liaison**

Interactions with customers continues for Māori Rates Remissions as Council works through changes that will come about from legislative amendments. For May and June 2021, 142 remissions were submitted by customers. This is on par with past months, however, it is expected there will be a decline as staff review properties that will become non-rateable (1800 properties estimated). Referrals to external agencies have reduced to 13 over May and June 2021, with the Māori Land Court continuing to be the agency best suited to assist.





Staff have been working through scenarios on the impacts of [S98B Apportionment of rates for separate rating areas](#) of the [Local Government \(Rating of Whenua Māori\) Amendment Act 2021](#). In particular, the impacts of the redrafted remission policy “ML21/02 Māori Freehold Land used for the purposes of Papakainga or other housing purposes subject to occupation licenses or other informal arrangements” requires further evaluation due to apportionment of Uniform Annual General Charges and targeted rates.

Te Hono assisted in the following projects and programmes of work:

- Supporting the renewal of consent for both Kaitāia and Kaikohe including arranging and attending meetings, assisting with the café styled drop in days in Kaikohe, Rawene and Kaitāia
- Providing advice and support to the strategy team working on: vehicles on beaches and signage bylaws, spatial planning for Kaikohe and Parks and Reserves Policy development
- Providing advice and support to Te Rūnanga o NgaiTakoto and Te Kahu o Taonui

- Assisting the District Plan Team
- Assisting the Community Engagement Team with consultation
- Organising key staff, and attended with them, the strategy planning hui organised for Parengarenga Incorporated Trustees

## **Community Wellbeing**

### **Community Development & Funding**

Council applied for and was successful in receiving \$29,950 from Ministry of Culture and Heritage for the development of an Arts and Culture Strategy.

A number of communities in the Far North who have had Community Plans for some years, are being given an opportunity to review their community plans and provide up-to-date material that reflects recent events, such as our COVID-19 challenges. So far, the response from communities who have been invited to review, has been incredibly positive.

The Far North District Council's digital strategy Nothing But Net, which seeks to find solutions to address the district's digital divide, was awarded the Martin Jenkins Award for Better Policy and Regulation as part of the 2021 LGFA Taituarā Local Government Excellence Awards.

The 2021 Far North Youth Council (FNYC) were welcomed into Council at a whakatau in the Kaikohe Memorial Hall on May 13 2021. The group will be travelling to Wellington in July 2021 for the Festival for the Future, representing the next generation of Far North future leaders.

Council has approved the installation of an electric vehicle charging station on Williams Road, Paihia. The station build is being funded by the Energy Efficiency and Conservation Authority and project managed by local Electric Vehicle enthusiast Craig Salmon. Community development staff are assisting Craig to navigate Council and ensure he has all the required permissions.

## **District Planning**

### **Development of the new District Plan**

The draft District Plan was released for community feedback on 6 March 2021. The non-statutory engagement allowed for Far North communities to become aware of the new draft plan, understand how it may affect them and provide feedback on key issues. Further discussion with communities, stakeholders and iwi authorities has continued through the period from May to June 2021.

Further analysis of feedback on the draft to date has identified 179 survey responses, and approximately 262 individual pieces of feedback containing 2054 feedback points. Council continues to receive feedback since the close of this period, including from agencies, sector, and advocacy groups.

There are two topical issues that continue to be highlighted by the community and these relate to Significant Natural Areas (SNAs) and historic heritage. These topics are subject to ongoing targeted engagement and further reporting to Council will be brought to the July 2021 Strategy and Policy Committee. The programme for targeted engagement on SNA mapping was extended from 6 May

to 11 June 2021 and a separate programme for engagement on heritage areas is being developed for June through to August 2021.

Strong community feedback and concerns have been raised over particular issues with the SNA mapping and methods in the draft district plan.

The feedback has also identified a number of locations that factored strongly in comments regarding the appropriateness of the draft zones. The management of a variety of land uses in and around Waipapa figures prominently with requests for further consideration of enablement of lifestyle zoning, methods to integrate land uses with new sports and recreational land uses as well as managing expansion of industrial zones. Many coastal communities raised concerns over the appropriateness of draft zones in the coastal environment. Feedback and requests for expanded residential zoning and associated infrastructure also figured prominently with our major urban communities.

Engagement with Iwi Authorities is being carried out in May through to July 2021. To date, the District Plan team have attended hui in June with Ngati Kuta, Ngati Hine and Ngati Rehia. Further hui are scheduled for July 2021. This engagement will allow for further refinement of the plan prior to the development of the proposed plan. Council is required to summarise all advice concerning the draft district plan received from iwi authorities and summarise the response to the advice, including any provisions of the proposed plan that are intended to give effect to the advice.

Ongoing review, summary and detailed analysis is being prepared for the full suite of feedback from community, targeted engagement, and Iwi authorities. Progress will continue to be reported to the Strategy and Policy Committee with the aim of developing a proposed plan for notification in the calendar year.

## **Northland Forward Together**

The Chief Executives Forum met on 10 May 2021. The following items were discussed on the agenda.

### **Four Waters Advisory Group Northland - Three Waters Reform Update**

A report 'Four Waters Advisory Group Northland - Three Waters Reform Update' was received. Key aspects of the briefing and related discussion included:

- Northland was working with other upper North Island regions with the potential of signing a Memorandum of Understanding.
- A report had been commissioned to undertake a study to look at the impact on water assets and assist a smooth amalgamation process.
- Councils would shortly receive tailored information packages.
- The reform was reliant on the big metropolitan centres opting into the process. There was the possibility the process could be made mandatory if too many local authorities pulled out.
- Concern was raised that there had been insufficient consideration to the effects of the reform on regional councils; being the regulator.

### **Presentation - Foundation North**

Foundation North Chief Executive, Te Pai Roa Tika Chief Executive, and Te Pai Roa Tika Project Manager were in attendance to explain the new investment impact model that was being

19

established. A fundamental change was a move from grant funding to investment impact funding.

A Te ao Māori lens had been applied when establishing the new fund and it was envisaged that it would be the platform to establish a pipeline of projects that would bring the aspirations of Te Taitokerau to life. The fund would focus on projects that increased equity, regenerated the environment and increased social inclusion.

It was suggested that the Northland councils could add value by supporting and promoting the initiative. In conclusion, it was suggested that there would be merit providing a similar presentation to the Joint Regional Economic Development Service Delivery Working Party to address multiple councils at once.

The Mayoral Forum met 24 May 2021. A number of presentations and updates of work in progress were made.

#### **Update from the Local Government Commission**

Representatives from the local Government Commission (LGC) were in attendance to discuss the Code of Conduct. Key questions included whether the Code of Conduct should be included in legislation, be adopted at the start of the triennium, penalties for breaking the Code of Conduct and whether there should be an independent body to address these issues.

Key feedback included:

- Attention was drawn to the new dynamic that would need to be addressed in Northland with all four councils deciding to establish Māori wards/constituencies
- There was general agreement that an independent process was needed to assess the validity any alleged breaches of the Code of Conduct, undertake investigations and provide recommendations
- There should be consistency across the country and if there was a serious breach upheld, there should be penalties
- The process must be proportionate to the scale of the alleged breach. Minor breaches should be able to be resolved by the Council as opposed to a formal process
- Councils should adopt the Code of Conduct at the start of the triennium to ensure it was 'at the forefront of mind for new Councillors'.
- Training and the induction process for councillors was crucial and it was up to the Chair/Mayor to hold members accountable

#### **Local Government Reform**

DIA Partnerships Director, Justine Smith, provided the presentation 'Future for Local Government'.

Key aspects included:

- The review of local government aimed to identify how the sector needed to evolve over the next 30 years to ensure a system that was fit for purpose but also able to adapt for the future.
- A Review Panel had been established and it was stressed 'this was not a three waters review process' and there was currently 'no intel about their thinking'
- There would be limited engagement with the sector until the interim report was issued late September 2021.
- As a separate piece of work the DIA were looking at models to achieve impact through partnerships.

Key aspects of the discussion included:

20

- It was critical that the 'the local was kept in local government' to ensure that individual community issues were addressed. Furthermore, the structure must ensure there was sufficient funding for infrastructure.
- The review also needed to 'pay attention to what is working well'.
- Concern was raised that the release of the draft recommendations was scheduled within the pre-election period for the next local body elections when potential candidates were making 'life and reputational decisions'. Assurance was given that the Review Panel had also raised this concern.

#### **Climate Change Impacts on Council Infrastructure**

Climate Adaptation Te Taitokerau (CATT) representatives were in attendance to brief the Forum on work programmes and priorities for the joint council working group. Key aspects included:

- The development of the Te Taitokerau Adaptation Strategy (the Strategy) was a key piece of work which was scheduled for completion in August 2021
- The Strategy consisted of three parts; risk assessment, statutory/non-statutory tools and a ten year programme of work
- The intention was to involve the Northland Lifelines Group which was undertaking a similar assessment
- The short-term focus areas for CATT included developing community profiles, undertaking risk and exposure assessments at a district level and developing a Te Ao Māori decision making framework

#### **Three Waters Reform Update**

Whangarei District Council in conjunction with Department of Internal Affairs provided the forum with an update on the three waters reform. Key aspects of the presentation and related discussion included:

- The sector was still waiting for confirmation of the number of water entities and their boundaries and the release of council specific packages. It was advised that it was a six to eight weeks process for cabinet with its decisions expected June/July (*It is noted (June 30 announcement) that the Government is proposing to establish four publicly-owned entities to deliver three waters services across New Zealand. These services would be provided by an entity covering the Northland and Auckland areas (Zone A).*)
- The summary from the Three Waters Reform National Workshops was now available with 11 key themes including the timeframe for reform, whether the process was voluntary or mandated and the future of local government.
- The Water Bill had been delayed, having received approximately 1000 submissions, as was Taumata Arowai being operational.
- It was stressed that councils should not underestimate the work that would be required for local government to align with the new water entities.
- Attention was also drawn to the fact that Ngāpuhi treaty settlement negotiations were progressing, and the Northland councils should start 'gearing up and working together' in preparation.

## Corporate

---

### Transformation and Assurance

#### Audit and Assurance

The Audit New Zealand Fraud Questionnaire for Governance was considered by the Assurance, Risk, and Finance Committee in June and approved by the Council the following month.

#### 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 May 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.

Five risk progress reports were included in the June Risk Management report to the ARF Committee. These risks were on ARF005 Delivery of Service (affordability), ARF007 Compliance NRC Abatements, ARF009 Customer Service Delivery, ARF010 Data Governance. The first dashboard summary of risk management at the group level was also presented to the ARF Committee in June.

The programme of deep dive risk sessions continued over this period with a session on ARF003 Health Safety and Wellbeing Vulnerabilities in May and ARF013 Drinking Water Resilience in June. And ARF003 Health Safety and Wellbeing Vulnerabilities.

#### Transformation

The Creating and Enabling Great Workplaces Programme is in the 'Evaluation' phase. A wellbeing survey was undertaken in June. The results showed most staff experienced an improvement in their wellbeing with the introduction of hybrid working into our operating rhythm. 93% of respondents thought that hybrid working enhanced the reputation of the Council as an employer.

## Customer Experience Programme

### Customer Satisfaction

Our new digital customer feedback system continues to be embraced by customers and staff. The system's main benchmark measure is still Customer Satisfaction (CSAT), and our results are generally trending upwards). Over the year we can report:

- RFS CSAT 3.79 (no change)
- Building Consents CSAT 3.95 (14% ▲)
- Building Inspections CSSAT 3.89 (68% ▲)
- Resource Consents CSAT 3.45 (0.3% ▲)
- Visitor CSAT 4.94 (no change)\*
- Libraries CSAT 4.90 (6% ▲)\*
- LIM's CSAT 4.05 (new)
- Property Files Requests CSAT 4.37 (new)

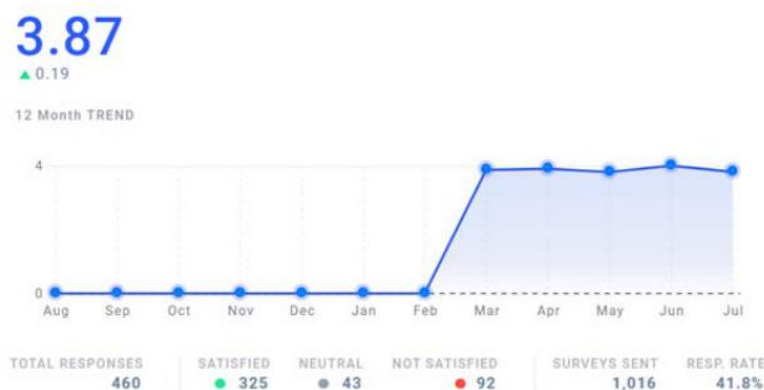
\*results are to December 2020, these venues are about to go live in our new system with venue specific QR codes. Scores are out of 5.

Customers are loving the new system and in the four months we have been using the system we have received 2,025 responses which is close to four times more than our old system. The system relies on us having a valid email address and we have a response rate of 41% which shows higher than average engagement. This valuable data provides us with more accurate reporting, trends and customer insights.

We are using this new system to:

1. Recover bad experiences
2. Enhance our customer culture
3. Gaining a better understanding of our customers
4. Finding #WOW improvement ideas
5. Using 'voice of customer' to inform business decisions

### June Customer Satisfaction (new system, scale out of 5)





The new system's Customer Satisfaction is a 5-point scale, we have converted the old performance measure below to highlight the monthly Customer Satisfaction results and volume of responses from the old and new systems over the year.



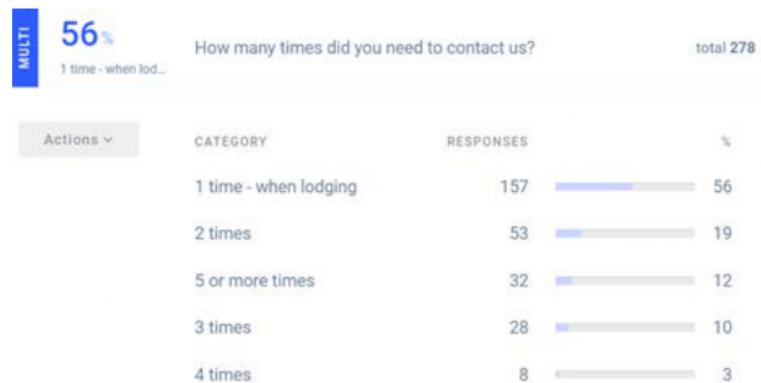
#### Net Promotor Score (scale -100 to +100)



Net Promotor Score (NPS) is a reputational benchmark. Since we started measuring in March, our score has increased 15.1 points.



### Date and Promise Measures



We exceeded the keeping customers informed KPI target and achieved a 13.85% increase in this measure.

## Digital Information Services

### Business Intelligence and GIS

#### Executive Summary

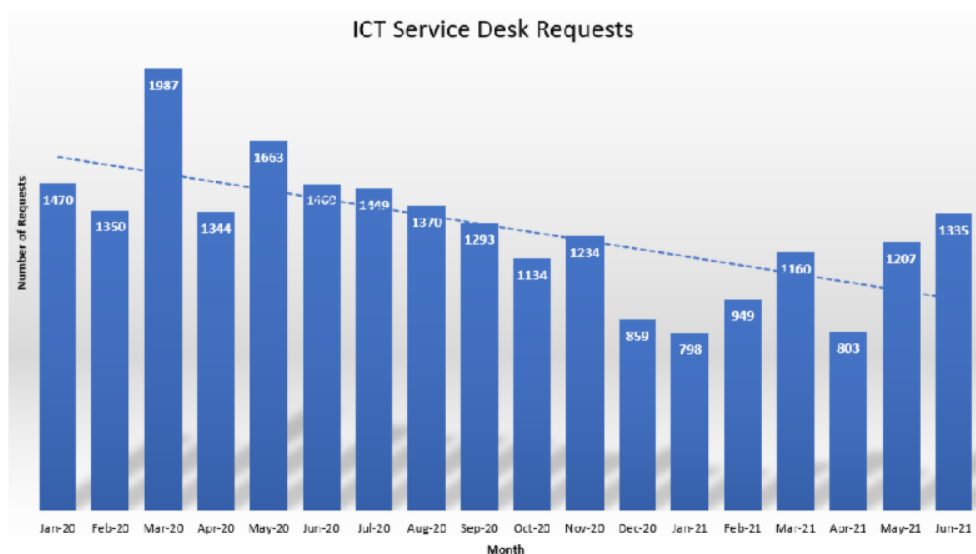
The focus for the last two months has been on cybersecurity. Multi-Factor Authentication and Single Sign-on was deployed throughout the organisation. A benchmarking exercise on cybersecurity was undertaken as a lead-in to cybersecurity awareness programme that was launched in July.

We have also continued to make discernible improvements in our service offerings. Highlights in this reporting period includes implementing Freshservice (a new IT Service Management system), migrating all calls to the MS Teams environment, migrating the existing Contact Centre phone system to a new cloud-based Software as a Service system called Genesys Cloud, and expanding our online service offerings.

#### ICT Operations and Delivery:

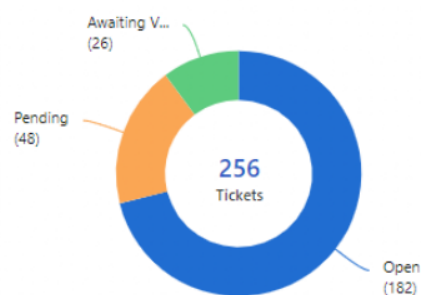
##### ICT Service Desk Requests

The number of ICT Service Desk Requests received during the May-June 2021 period was 2,542. This number is up from 1,963 which were received in the March-April 2021 period. Overall, the number of requests lodged have trended downwards over the last 12 months, although there has been increase in the last two months.



The number of outstanding requests yet to be resolved is 256 (this is down from 391 in the previous period). 74 of these requests are either awaiting; the requester to respond (Pending), a vendor or the delivery of equipment.

**Unresolved Tickets by Status**



### IT Service Management System - Freshservice

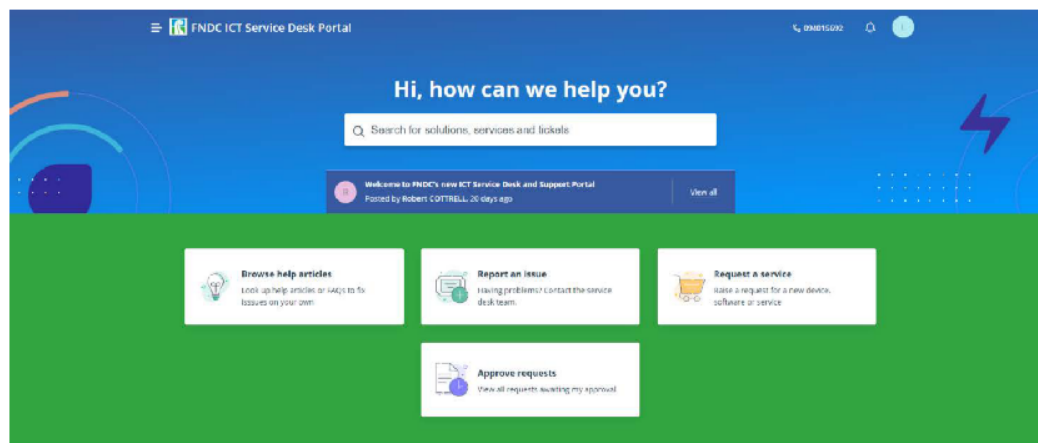
We have recently implemented a new IT Service Management system called Freshservice. This system is used to manage IT service requests and includes a self-service portal so staff can access help articles, report issues, request services and receive notifications.

The system contains features such as:

- Service catalogue
- Service requests
- Incident management
- Problem management
- Asset management
- Change and release management
- Project management
- Knowledge base
- Reporting and analytics

- Chat bot
- Microsoft Teams integration.

ICT Service Desk Portal for staff



### Cybersecurity Awareness Programme – Phriendly Phishing

One of the biggest cybersecurity risks to our organisation is our staff and elected members. Cyber criminals are clever and can craft very convincing emails which could trick people into unknowingly exposing their username and password details.

Cybersecurity training is one of the most effective methods of defence we have against this threat. Training will provide our staff with important knowledge and awareness to empower them so they can help to protect our organisation by detecting any potential threats.

To help our staff combat these threats we have purchased an online Cybersecurity Awareness Programme from SSS (IT Security Specialists) and ALGIM. We have undertaken an anonymous baselining exercise to get a measure on how many potential phishing emails are going undetected by staff. A final click rate of 14% was recorded, represented by 66 unique staff members. On a positive note this does highlight that 86% of staff are noticing they may have received a phishing email and have not clicked on any links, but it also demonstrates that further education is needed.

Starting in July, online mandatory cybersecurity training courses will be sent out to all staff. They are short, non-threatening and contain fun avatars to help guide you through the course. These courses will also be made available to the elected members as they are also a potential target for cyber criminals.

Later in the year we will be rolling out further training courses on other cybersecurity topics such as Smishing (when someone tries to trick you into giving them private information via a text or SMS message).

### Multi-Factor Authentication (MFA)

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 (such as a password and a one-time passcode from a mobile phone app) to prove your identity. It adds an additional layer of protection to the login process and reduces the risk of unauthorised access to our systems.

MFA has now been rolled out to all FNDC staff and contractors (that have a login to our systems) and is switched on by default.

Elected members have also been requested to set up MFA. Elected members are a high-risk group that may be targeted by cybercriminals. The Democracy Services team are following up to ensure that all Elected Members are signed up to this important security requirement.

#### **Single Sign-on (SSO)**

Single sign-on is an authentication method that enables staff to securely authenticate and log into systems using a single ID and password. This means staff no longer need to remember a separate username and password to access each system as it automatically logs in using your Microsoft Office 365 credentials.

Over the last 12 months we have configured several of our systems to use Single Sign-On authentication such as:

- CiAnywhere HRP (Human Resource Planning)
- Freshservice (IT Service Management)
- Mariner 7 (Performance Review)
- Objective IQ (Enterprise Content Management)
- PeopleSafe (Health and Safety Reporting)
- Percipio (Online Learning)
- Promapp (Business Process Mapping)
- SmartWay2 (Room/Desk Bookings)

#### **End of Financial Year and Rates Strike Processes**

The 'end of financial year' and 'rates strike' processes have been successfully completed for this year. This involved many hours of planning, coordination and then actioning by staff from across multiple teams.

#### **Microsoft Teams Calling**

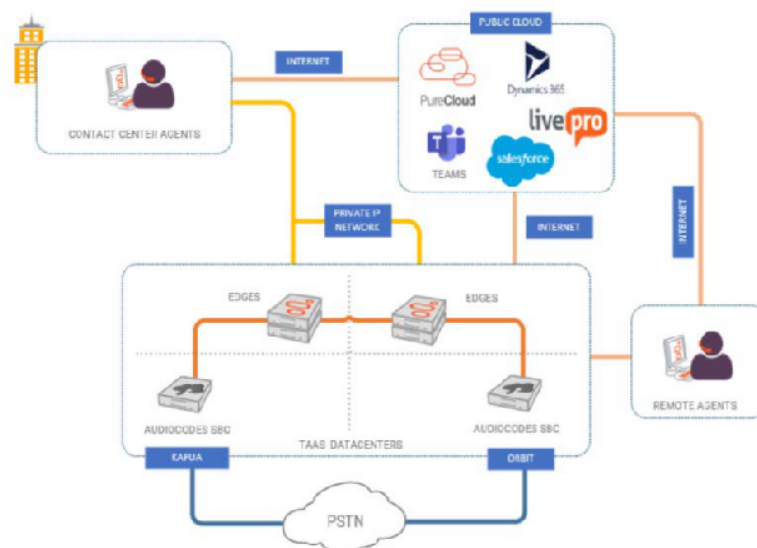
In May we successfully migrated all staff (excluding the Contact Centre) from using 'Skype for Business' to 'Microsoft Teams Calling' for making and receiving telephone calls. We are currently replacing desk phones that are used in our service centres, libraries and i-SITE's with Teams enabled desk phones to ensure they all have the necessary functionality required.

#### **Contact Centre Phone System**

Work is currently underway with Datacom to migrate the existing Contact Centre phone system to a new cloud-based SaaS (Software as a Service) system called Genesys Cloud. This will provide a better customer/staff 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 hardware has been installed at Datacom, and the system configuration and staff training have all been completed. User acceptance testing is currently underway before the planned go-live date in July/August.

Figure 4: Genesys Cloud Solution Architecture



### CiAnywhere HRP Project

The new internet browser version of CiAnywhere HRP (Human Resource Planning) and the eRecruitment system have gone live. This enables staff to access their leave, timesheets, pay information, training bookings, etc. without having to be in the office or use Citrix. The system also includes an eRecruitment module that replaces the existing Scout Talent recruitment system.

### Library RFID Project

Work has progressed on the project to insert RFID (radio-frequency identification) tags into library books to enable the use of self-service kiosks in our Libraries. The project team are currently assessing and scoring the tender submissions.

### Council Chambers Reverberation Assessment

Marshall Day Acoustics have completed an assessment of the acoustics in the Council Chambers in Kaikohe, after complaints about sound quality. A qualified sound engineer visited the Council Chambers in June to make site observations and take relevant acoustic measurements. The room acoustic and background noise measurements show that the level of reverberation is higher than recommended, especially at the mid frequencies around 500 to 1 kHz.

The assessment makes several recommendations for ceiling and wall treatments, reflectors, microphone placement, and door adjustments to help reduce the reverberation time to improve speech intelligibility. The assessment has been shared with the Facilities Team for their consideration.

### Data Insights and Programme Delivery:

#### Online Services

Members of the Online Services team travelled to Kaitia with the Call Centre Manager to support District Services at the Building Practitioners meeting in May. We used this meeting as an opportunity to present an overview of registrations as well as the Online building and resource consent application process and provide assistance to Practitioners who want to lodge online.

The digital Food Business inspections with the Environmental Health team is now in use. A member of the Online Services team has accompanied inspectors while they conduct food business inspections to provide additional support and confidence when using the new technology.

The Integration between the inspections module and Outlook calendars has been successfully implemented. This means any addition, update or deletion of inspection bookings in Pathway will be automatically updated in the Inspectors Outlook calendar. Likewise, updates made in an inspector's calendar will be passed back to Pathway.

Rates and water enquiries are live in the MyFNDC app and in use by customers. An existing RFS has been released to online services to allow customers to contact Debt Management directly about Rates/Water, this will redirect enquiries from Customer Services directly to the Debt Management team improving response times for customers.

Dog re-registration payments have been released to the public with 70 online applications for dog registrations in the first two days. Customer Contact Centre staff received training on online dog re-registration payments so they were able to field customer calls with confidence.

#### **Enterprise Data Warehouse**

The Power BI dashboards for Vision 2020 have been presented to the Resource Consent Team Leaders and the Quality Manager with enthusiastic feedback. The Team Leads were excited about the time it would save them generating reports and also how valuable real time reporting is. User Acceptance Testing of the Vision 2020 dashboards has begun

#### **Enterprise Data Warehouse**

The BI team has finished to work on the data warehouse for the RMA dashboard. The new dashboard has been handed over to the RMA team for user acceptance testing.

#### **SQL Migration**

The SQL migration project has decommissioned 2 more server leaving only 2 servers to be decommissioned.

#### **Information Management:**

##### **Property File ePathway Applications**

Property file applications continue to track well above the numbers from last year:



## **Finance**

---

There will be no financial update for June as we still have the system open for accruals.



## Operations

### Contact Centre / Service Centres

- 27.29% increase in financial interactions at Service Centres (2,822 up from 2,217)
- 5.26% decrease in calls to the Contact Centre (13,827 down from 14,595)
- 4.48% increase in AskUs emails received (4,498 up from 4,305)
- 14.45% increase in building inspections booked (1,521 up from 1,329)
- 18.04% increase in visits to Service Centres (6,773 up from 5,738)

### i-SITEs

- 74% increase in visitor numbers (25,021 up from 14,338)
- 96% increase in retail revenue (\$14,414 up from \$7,327)
- 58% increase in transaction spend (\$17,057 up from \$9,493)
- 98% increase in transaction numbers (5,336 up from \$2,690)

### Libraries

- 47% increase in digital library use (116,075 to 170,631), reflecting high use of new databases
- 6.5% increase in book checkouts (64,291 to 68,502), reflecting an overall upward trend in book borrowing over the year.

## Regulatory Services

### Environmental Services

A total of 1,441 Requests for Service (RFSs) were received and 1,467 RFSs were closed during the May/June period for Environmental Services.

### Animal Management

The Animal Management team received a total of 732 RFSs during May - June 2021. The Animal Management team have finished the year with average meeting response times of 95.4% for urgent RFSs and 94.6% for non-urgent requests.

For the 2020/2021 registration period, there are now nearly 8,559 dogs registered. This figure is made up of renewed registrations and new dog registrations.

89 dogs were impounded across the District during the May/June period, with 12 dogs rehomed through the Council's website and a further nine through rescue groups.

The Northern Animal Shelter has been completed and will be officially opened on 23 July 2021. Once operational, the temporary dog pound in Horeke will be decommissioned.



### Environmental Health and Monitoring Compliance

A total of 63 food business verifications were completed and 57 proactive alcohol license Good Host Visits (GHV) were conducted in May/June 2021. 100% of all licensed premises in the district had GHV's in 2020/2021.

Noise complaint RFSs decreased in May/June with a total of 183 noise complaints received, nearly 40 complaints less than the previous period. This is likely to be reflective of shorter days and the winter season. Response rates average for the May/June period were at 81% for urban areas and 68% for rural areas.

A total of 168 infringements for stationary vehicle offences have been issued over the May/June period.

## Resource Consents Management

There has been a significant increase in the number of resource consent applications received over the May/June period, with 191 applications, nearly 50 more than the previous period.

Processing applications within statutory continues to improve with 93% achieved in May and 98% in June 2021.



Discounts applied to consent processing for 2020/2021 to the end of June totalled \$44,090.58. For the same period last year discounts of \$184,927.90 had been applied. This amount is reflective of meeting statutory time frames.

## Building Consents Management

### Building Accreditation / Building Consent Authority (BCA) Update

The Building Consent Authority (BCA) has had a successful year, achieving and maintaining 20-day statutory compliance. Accreditation has been achieved and a remote check by International Accreditation New Zealand (IANZ) is scheduled for October 2021 and a full audit in October 2022. The focus of the BCA has shifted to achieving lasting work practices that will stand up to the scrutiny of IANZ assessments and audits.



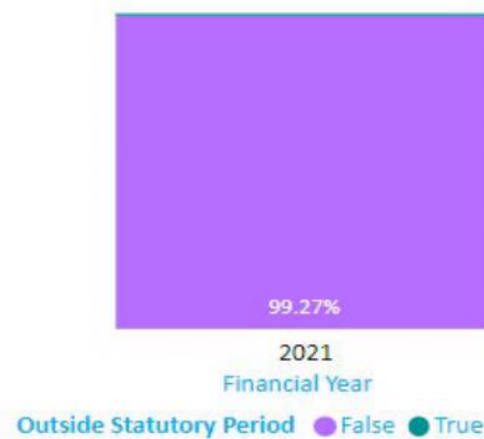
Consents received for May (182) and June (193) were higher than last year for both months. The total number of consent applications received for the 2021 year was 1885 which far exceeds the forecast of 1400.

Building consent 20-day compliance rates for May and June.

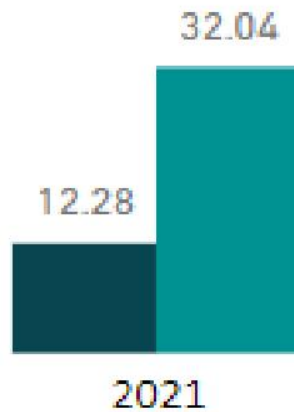
### Granted or Refused Within Statutory Period



### Granted or Refused Within Statutory Period



99.27% of building consents were issued within the legislative timeframe of twenty working days during the 2020/21 Financial Year.

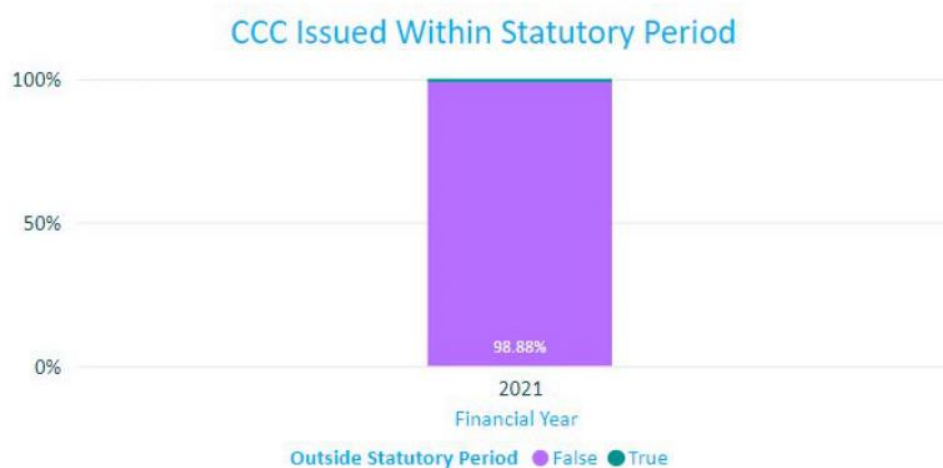


The average Statutory days to issue a building consent in the 2021 year was 12.28 working days (and 32.04 calendar days).

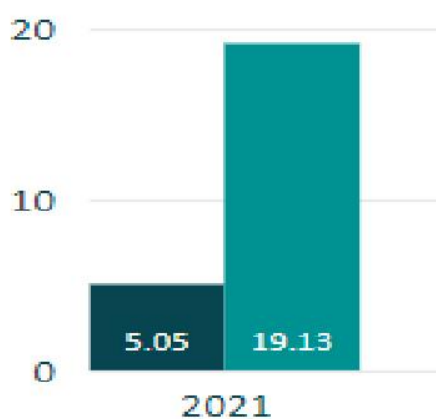
#### Code Compliance Certificate 20-day compliance rates for May and June

The Code Compliance Certificate compliance for May and June is 100%





The overall Code Compliance Certificate compliance for 2021 was 98.88%



The average statutory day to issue CCC for 2021 was 5.05 days (and 19.13 calendar days).

### Building Compliance

- 35 Building Warrant of Fitness (BWOFF) audits were undertaken during the May and June period.
- 150 RFS were received during May and June.
- 72 Notices to Fix were issued for breaches of the Building Act and 4 Infringements were issued for building-related breaches.
- A total of 8 Certificates of Acceptance were approved.

**Swimming Pools**

28 pool inspections were carried out during the months of May and June, with a 73 % pass rate. Follow up checks are planned during the coming weeks and appropriate steps will be taken to achieve compliance.

A copy of the District Services monthly business report, consider by Elected Members at the Regulatory Committee, can be found online [here](#).



## **Infrastructure and Asset Management (IAM)**

---

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 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

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

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>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
<b>8.2 - Rating Sale Te Hiku</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>8.3 - Coopers Beach Youth Camp - Remission Request</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

<b>8.4 - Kaitaia Water Project</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

**9 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**10 TE KAPINGA HUI / MEETING CLOSE**