



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Extraordinary Council Meeting

Tuesday, 21 March 2023

Time: 1:00 pm
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Kahika - Mayor Moko Tepania - Chairperson
Kōwhai - Deputy Mayor Kelly Stratford
Cr Ann Court
Cr Felicity Foy
Cr Hilda Halkyard-Harawira
Cr Babe Kapa
Cr Penetaui Kleskovic
Cr Steve McNally
Cr Mate Radich
Cr Tāmami Rākena
Cr John Vujcich

Far North District Council
Extraordinary Council Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 21 March 2023 at 1:00 pm

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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 KAHIKA / MAYORAL ANNOUNCEMENTS

5 REPORTS

5.1 ADOPTION OF ANNUAL PLAN 2023/24 CONSULTATION DOCUMENT

File Number: A4124705

Author: Jo Boyd, Corporate Planner

Authoriser: Janice Smith, Group Manager - Corporate Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To adopt the consultation document (CD) for the 2023/24 Annual Plan.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Local Government Act 2002 (the LGA) requires Council to develop an Annual Plan for years two and three of the Long-Term Plan (LTP). Staff and Councillors have been working to draft a plan for year three (2023/24).
- While no significant or material changes to year three of the LTP are being considered, a new rating policy to enable housing development on Māori Freehold Land through the remission of rates must be consulted on (required by legislation).
- Since a Consultation Document must be developed, the opportunity will be taken to gather feedback on partnering with the Turner Centre to better deliver arts and culture for the district and provide an explanation to the rates increase.

TŪTOHUNGA / RECOMMENDATION

That Council:

- Adopts the Annual Plan 2023/24 Consultation Document for consultation pursuant to sections 82, 95 and 95A of the Local Government Act 2002.**
- Delegates to the Chief Executive Officer the authority to make any necessary minor formatting, typographical and administrative changes to the Consultation Document prior to public consultation.**

1) TĀHUHU KŌRERO / BACKGROUND

All councils are required by legislation to prepare and adopt an Annual Plan for each financial year. While consultation on an Annual Plan is only required where there are significant or material changes to the Long-Term Plan (in this case year three of the 2021-31 Long Term Plan), Council could choose to proceed if they feel a topic borders on significant.

For 2023/24 Council proposes a new rating policy to enable housing development on Māori Freehold Land through the remission of rates. This is a requirement under section 114A of the Local Government Rating Act and this policy needs to be in place by 1 July 2024. Council has Policy R23/13 – Incentivising Māori Economic Development this policy will sit alongside to better assist Māori in both areas of development and provide housing opportunities on Māori Freehold Land.

Because consultation will proceed, Councillors and staff thought it appropriate to use the opportunity to update the community on the impacts to council following recent weather events, where the rates increases is currently sitting pre-consultation and the option to partner with the Turner Centre to better deliver arts and culture for our district.

Consultation is scheduled to run from 24 March to 24 April 2023. Communication tools will include social media, email, a public notice and media release. If submitters wish to verbally present their submissions, there will be an opportunity to do so. Verbal submissions will be held in Kaikohe on

17 May with the option to present in person or virtually and an additional date of 18 May, should it be required. If verbal submissions are not required these dates will be amended or cancelled.

Council will discuss each of the proposals in the context of feedback received at a deliberations meeting scheduled for 23 May. Adoption of the final Annual Plan for 2023/24 is currently scheduled for take place at an extraordinary Council meeting on 22 June 2023.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The Consultation Document (attachment 1) contains the following:

1. A message from the Council
2. A proposal to partner with the Turner Centre to better deliver arts and culture for the district.
3. A proposal to introduce a new rating policy to enable housing development on Māori Freehold Land through the remission of rates

Option 1: Adopt the Consultation Document and proceed to consultation. This captures valuable feedback on important topics and provides an opportunity to give communities an update on council.

Option 2: Do not adopt the Consultation Document. Without an adopted Consultation Document any consultation carried out subsequently will not occur in accordance with the requirements of the Local Government Act 2002.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

Council must adopt an Annual Plan prior to 30 June 2023. The adoption of the Consultation Document is the first step in that process once Council has determined whether it must or would like to engage with its communities. The adoption of a Consultation Document is a requirement of the Local Government Act 2002.

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

The preparation of the Annual Plan including consultation and engagement is business as usual and budgeted for in the Long-Term Plan.

ĀPITIHINGA / ATTACHMENTS

1. **2023-03-23 AP-CD Council Agenda PDF - A4134877** [↓](#) 

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.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	The Consultation Document does not contain any items that have been assessed as significant under the policy.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District-wide relevance. Community Board chairs participate in Annual Plan budget workshops to ensure the Community Board's views are presented.
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.	The specific implications for Māori have been identified as to benefit those wishing to enable housing development on Māori Freehold Land. This benefit has been prescribed through legislation (This is a requirement under section 114A of the Local Government Rating Act).
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).	No implications have been identified for any particular demographic in the district.
State the financial implications and where budgetary provisions have been made to support this decision.	No financial implications outside of existing operating budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

5.2 ADOPTION OF STATEMENT OF PROPOSAL TO AMEND RESOURCE CONSENT FEES & CHARGES FOR 2023/24

File Number: A4132947

Author: Jo Boyd, Corporate Planner

Authoriser: Janice Smith, Group Manager - Corporate Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To adopt the Statement of Proposal to amend Resource Consent fees and charges for 2023/24 for consultation.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The annual review of fees and charges for the 2023/24 financial year has now been completed.
- Council may set all fees and charges by resolution without consultation except for Resource Consent fees which may only be set following a Special Consultative Procedure as prescribed by section 83 of the LGA.
- Section 83 of the LGA requires a Statement of Proposal.
- The attached Statement of Proposal details proposed amendments to Resource Consent fees and charges and invites public feedback.
- While the remainder of the adjustments made to fees and charges do not require consultation, the full draft schedule will be available for the public to make comment on should they wish.
- The final schedule of Fees and Charges for 2023/24 will be formally adopted at the June Council meeting, with amended fees and charges becoming effective on 1 July 2023.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) **adopts the Statement of Proposal for the proposed amendments to Resource Consent fees and charges.**
- b) **undertakes public consultation in accordance with section 83 of the Local Government Act 2002.**

1) TĀHUHU KŌRERO / BACKGROUND

Council reviews and adjusts fees and charges annually.

In most cases, increases are limited to the Local Government Cost Index (inflation factor), forecast at 4.2% for 2023/24, except for the following:

- Adjustments to resource consents fee structures relating to instalments.
- Adjustments to resource consents hourly processing charges to align with current market rates.
- Additional fees for Engineering plan approval and hourly processing charges for professional services pre-application meetings and concept development meetings. To reflect the time required to process resource consent applications.
- Increase to vehicle crossing application and inspection fees. These fees have been reviewed and adjusted to reflect an average of actual time take to process applications and inspections.
- A correction to the cemetery fee for Interment – oversize double depth due to a clerical error in 2022/23.
- Increase to hourly processing fees for building consents to reflect actual time required to process consents.

- New fees proposed in the certificate, licenses and permits activity related to the Food Control Programme of supply of thermometers and additional food control plan documents and national programme document packs.
- Removal of fees in the building consents, environmental health licenses, bylaw applications and water supply. Removed for duplication, bylaw revoke and changes in regulations.

All except the Resource Consent fees can be set by Council resolution (see section 36 of the RMA). Resource Consent fees can only be set following the Special Consultative Procedure as prescribed by section 83 of the Local Government Act 2002. The Local Government Act 2002 requires adoption of a Statement of Proposal for the proposed changes. This is attached and relates only to the Resource Consent fees.

Despite no legislative requirement to consult on all other fees and charges, a draft schedule of Fees and Charges is being prepared for upload so that the public can consider and provide feedback on Resource Consent fees and all others at the same time should they wish to.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Council could decide not to adjust Fees and Charges as proposed. However, by doing so Council risks not recovering the actual and reasonable costs associated with these activities and places the burden on rates revenue.

In accordance with usual practice, inflationary adjustments have been made to most fees and charges to reflect rising costs. The fees and charges recommended for adjustments beyond inflation are detailed below.

1. Application types for simple land use and land use are to be amended based on the review of the current processing costs compared with the instalment fee, with the look to increase the initial payment in line with actual charges currently invoiced for an application. This will reduce the amount of additional invoices/debt and manage customer's expectations of final costs.

Application type	Current instalment	Proposed instalment	Increase/ (decrease)
Simple land use (single zone rule breach)	\$1,204	\$1,500	\$296.00
Land use	\$1,933	\$2,500	\$567.00

2. That fees for hourly processing charges be aligning hourly rates with current market rates for planners' services.

Application type	Current instalment	Proposed instalment	Increase/ (decrease)
Principal Planner and Manager; Resource Management	\$185.00	\$210.00	\$25.00
Resource Consent Engineer	\$185.00	\$190.00	\$5.00
Team Leader	\$174.00	\$200.00	\$26.00
Senior Planner	\$174.00	\$190.00	\$16.00
Intermediate Resource Planner	\$174.00	\$185.00	\$11.00
Resource Planner	\$174.00	\$180.00	\$6.00
Consents Planner	\$138.00	\$160.00	\$22.00

Planning Technician and Monitoring Officer	\$138.00	\$155.00	\$17.00
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3. Additional resource consents fees are being proposed as follows:

- **Engineering Plan Approval (EPA)**

Engineering Plan Approvals have been included to reflect the Engineers time spent on reviewing technical reports that are required by condition of resource consent post approval. Currently there is no mechanism for council to charge for the significant amount of time spent on EPAs and council is absorbing the costs. The cost should be borne by the developer not the ratepayer.

- **Hourly processing charge for professional services pre-application meetings and concept development meetings)**

It is proposed to remove the free ½ hour session for pre-application meetings and concept development meetings. concept development meetings often have multiple professionals including planners, principal planners, engineers, development engineers, asset managers and roading engineers. The meetings should be charged an instalment then at an hourly rate thereafter and include the time that is taken prior to the meeting to undertake research. The developer should carry the costs of development not the ratepayer.

4. Other fee changes

New fees

New fees have been added into the Certificates, licenses and permits activity, specifically in relation to the Food Control Programme. These fees are:

- **Thermometer (supply of)**
Supplying of thermometers would ensure users have on hand, equipment to assist with complying with Health and Safety. As this is a primary function of the control programme, we are able to secure stock of thermometers at a reasonable cost.
- **Additional food control plan document**
This fee covers the cost of printing this documentation should an operator request it.
- **Additional national programme document pack.**
This fee would also cover the cost of printing this documentation should it be requested.

Removal of fees

- **Building consents**
Fixed fee applications: As part of the fee review, these fees are to be removed as they are duplicated and not based on actual cost as each building consent application differs in complexity.

Banded fees: The fees differed in nature and complexity for the consent work undertaken and do not necessarily fit into the bands. Building consent applications and processes vary in complexity and time and hourly processing charges are based on actual time taken to perform duties to process the applications.

- **Environmental health license**
Removal of the fee for charitable organisations as this is not applicable.

- Mobile shop, stall, hawkers, alfresco dining and tour operators' licenses (Road Use Bylaw)
Removal of market food premises and mobile shop. Duplicated non-applicable fee.
- Bylaw license applications
Removal of fees for applications for keeping animals, poultry and bees and entertainment premises as bylaw have been revoked.
- Water supply
Standpipes metered section removed due to changes in Taumata Arowai regulations.

Other changes to fees

The following fees have been changed to 'actual costs' to reflect the time taken to process each application:

- Vehicle crossing
Application and inspection fees: These fees have been reviewed and have been adjusted to reflect an average of actual time taken to process applications and inspections.
- Building consents
Hourly processing fees: adjusted to reflect actual time required to process consents.

The following fee has been adjusted due to a clerical error in 2022/23:

- Cemetery fee
Interment – oversize double depth: This fee is increased to allow for additional costs for the time that is required for burial at double depths interments by contractors.

Timeline for adoption

Should the Statement of Proposal be adopted for consultation, the following dates are indicative:

- Open for submission: 24 March 2023
- Closed for submissions: 24 April 2023
- Verbal submissions: To be determined, depends on the number wishing to present their submission verbally.
- Adoption: 1 June 2023




TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

To enable staff to proceed to consultation on the proposed fees and charges for Resource Consents for 2023/24 as required by Section 36 of the RMA. Council will adopt all final fees and charges prior to 1 July 2023.

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

The proposals outlined are in intended to meet the funding arrangements specified in the Revenue and Financing Policy. Adjustments as proposed support cost-recovery intentions for the relevant activities.

ĀPITI HANGA / ATTACHMENTS

1. **Statement of Proposal fees charges Resource Consents final 17032023 - A4134875**  [↓](#)
2. **Fees_and_charges_schedule_sop proposed16032023 - A4134871**  [↓](#)  [↓](#)

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.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low Significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act, Resource Management Act
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	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.	No specific implications.
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).	No specific demographic identified.
State the financial implications and where budgetary provisions have been made to support this decision.	The proposals outlined are in intended to meet the funding arrangements specified in the Revenue and Financing Policy. Adjustments as proposed support cost recovery intentions for the relevant activities.
Chief Financial Officer review.	The Chief Financial Officer has approved this report.

6 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDE**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 – Executive Review Committee Minutes	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)(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
6.2 – General Employment Matters & Tabled Documents	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)(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
6.3 – Chief Executive Recruitment	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

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE