



**Far North  
District Council**



# **AGENDA**

## **Supplementary Reports**

### **Bay of Islands-Whangaroa Community Board Meeting**

**Monday, 9 December 2019**

**Time:** 10:00 am  
**Location:** Totara North Hall  
4 Totara School Road  
Totara North

**Membership:**

Chairperson Belinda Ward - Chairperson  
Member Lane Ayr  
Member Manuela Gmuer-Hornell  
Member Bruce Mills  
Member Frank Owen  
Member Manuwai Wells  
Cr Kelly Stratford



## Order Of Business

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|----------|---|----------|
| <b>1</b> | <b>Infrastructure and Asset Management Group .....</b>  | <b>4</b> |
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## 1 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP

### 1.1 REQUEST FOR FOCUS PAIHIA TO INSTALL A FITNESS STATION ON LUCY ELIZABETH WILLIAMS RESERVE, PAIHIA

**File Number:** A2690618

**Author:** Nina Gobie, Team Leader - Facilities Operations

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

#### PURPOSE OF THE REPORT

To approve Focus Paihia installing a fitness station, consisting of 10 exercise pieces in Lucy Elizabeth Williams Scenic Reserve, Paihia. Once built, the fitness station will be gifted to Council after an agreed timeframe that ensures Council is satisfied the construction has been carried out in a manner that does not cause unreasonable liability to the ratepayer and can be removed / and / or replaced once it does start to become a liability.

#### EXECUTIVE SUMMARY

- Focus Paihia have requested Council to approve the installation of fitness equipment in Lucy Williams Reserve, Paihia.
- The fitness equipment will be supplied and funded by Focus Paihia using part of the 2019/20 Paihia targeted rate.
- The installation will need approval by Council as the Regulatory Authority.
- Once built, the exercise station will be gifted to Council after a time that Council is satisfied the construction has been carried out in a manner that does not cause unreasonable liability to the ratepayer.
- An agreement to be established that captures roles and responsibilities and what should happen when the equipment becomes a liability to the ratepayer, needing to be removed and / or replaced.

#### RECOMMENDATION

**That the Bay of Islands–Whangaroa Community Board:**

- a) **Approve the installation of the fitness station consisting of 10 exercise pieces in Lucy Elizabeth Williams Scenic Reserve, Paihia subject to the following:**
  - i) **Construction / installation be carried out by Focus Paihia at its own cost**
  - ii) **That all engineering costs are met by Focus Paihia**
  - iii) **That an archaeological assessment is carried out by Focus Paihia at its own expense, if required**
  - iv) **That an agreement is signed by Far North District Council and Focus Paihia prior to the stations installation concerning future roles and responsibilities including repairs, upgrades, replacements and / or removal requirements**
- b) **Receives the completed fitness station as a gift only when Council is satisfied that construction has been carried out in a manner that does not cause unreasonable liability to the Ratepayer.**

#### 1) BACKGROUND

Far North District Council recognises the role that Focus Paihia has in contributing to the development of its local community stretching from Watea and Haruru Falls through to Waitangi and Paihia. Far North District Council has agreed to work with Focus Paihia to establish and

implement Community Improvement programmes as per an Agreement signed in April 2019 (as attached)

It is noted in this Agreement that “any assets created using funding provided by Council through the targeted rate will not automatically transfer to Council unless approval is sought and approval given.

The fitness station was submitted as part of the 2018/19 programme of works / initiatives as an attachment to the 2018/19 agreement with a formal request to approval this project submitted in September 2019.

## 2) DISCUSSION AND OPTIONS

Council has received an offer from Focus Paihia to install ten pieces of exercise equipment on the Lucy Elizabeth Williams Scenic Reserve, 152 - 154 Marsden Road, Paihia.

The site was gifted to Council by Mr Williams as a place to relax and enjoy the view.

In 2013, the reserve was gazetted as a Scenic Reserve and in 2014, the Lucy Elizabeth Reserve Management Plan (as attached) was prepared as per the Reserves Act 1977. Both plans reflect the intention that Lucy Elizabeth Williams Scenic Reserve be a place to relax and enjoy the view out towards the Bay of Islands.

The Reserves Act s19(3)(c) states: to the extent compatible with the principle or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment of the reserve.

The Reserve Planner has reviewed the proposal and noted that “*The activity does not fit perfectly within the purpose of the reserve or the plan for it. However, both of these guiding documents also do not fit the reserve. The reserve is gazetted a scenic reserve meaning that it should have qualities of scenic interest, beauty or natural features that it should be preserved in perpetuity for the public interest. Its scenic value lies in the land and view of the Bay of Islands on the other side of the road and the view is not limited to this property but is the (beautiful) general view available from many places in Paihia (including the beach itself across the road).*”

*The location of the exercise equipment will be at the back of the reserve and will not impact those who wish to use the site to view the Bay of Islands.*



Aerial of Lucy Williams Reserve, Paihia

*The plan for the reserve, which provides for activities not usually allowed in scenic reserves, outlines the intention for the reserve to be a family destination and a place to relax. It intends this*

*through a pathway for bike riding and pedestrians as well as a structured play area and green space.*

*The proposed exercise equipment is consistent with the plan as the equipment and path are located in the general area/children's play space. This is the appropriate location for any structures as it preserves the view of the Bay of Islands and is the furthest away from traffic.*



*Photographic image of the exercise equipment proposed*

*The play area is unlikely to be developed with a playground structure as originally suggested by the concept plan and policy 3 (page 7) as there is a suitable children's playground developed by Rotary 190 metres away via a footpath and zebra crossing and visible from the reserve. The existing playground is not popular enough to warrant a second one in the immediate vicinity.*

*By establishing exercise equipment, Council is providing different playground structures which provides for a diversity of recreation spaces and users in Paihia. This will mean that the play space in the reserve will have higher usage as it will not be competing with the reserve along the beach but complimenting it by providing a new activity along the reserve network.*

*The equipment does not meet policy 1 of the Management Plan and will not be made of natural materials. However, this compromise allows for more durable products that should result in a lesser financial burden on the ratepayer for maintenance. There is also the ability to colour match parts of the equipment to the natural palate of the policy."*

This activity will not prevent the other features of the plan being developed while the green open space at the front of the reserve will be retained.

Notwithstanding the above comments, consultation must also occur as per the 'Cultural Values' section of the Management Plan and that Focus Paihia provide evidence that they support this proposal before any works commence.

An email dated 21 October 2019 from Ngati Kawa Taituha (Maori representative on Focus Paihia, member of the local hapu Ngati Rahiri Ngati Kawa and Chairman Waitangi Marae) confirmed the proposal has been in the pipeline for sometime and that Focus Paihia has held a number of public meetings including hapu where everyone was encouraged to take the opportunity to comment on the project. Consultation included notices in community newsletters, posts in Facebook and information in the Focus Paihia website resulting in very little, if any objections which reflects the support this proposal is receiving from the local community.

Ngati Kawa Taituha also noted the site was previously a motel complex and that any archaeological remains would have been damaged, if not destroyed during its construction and demolition. Ngati Kawa Taituha also believes the exercise station will have minimal impact and effect on the land and surrounding environment and that the proposal will not degrade cultural

values and that it may have the opposite effect, giving the green space more use and recognition, creating more mauri (life force) in this space.

The proposed fitness equipment will require some on-going maintenance which the costs and levels of service will need to be agreed upon however, at this stage will be minimal and Council will benefit from the warranty periods as noted below.

Consideration will need to be on the fact that the reserve is situated within a Coastal Marine Environment and over time may impact the exercise pieces structural integrity. This is partly driving the requirement for an agreement that covers any significant repairs and Council's right to replace and / or remove any items as deemed necessary.

### **Reason for the recommendation**

The fitness station can be broadly considered as meeting the vision of the previous owner Mr Williams, the objectives of the Management Plan and Focus Paihia's planned initiatives as per their 2018/19 Community Improvement Programme.

The proposal has already been seen by a number of the Bay of Islands – Whangaroa Community Board members who have indicated their support of the proposed fitness station.

That the proposal can proceed with the following conditions: (i) Council agrees as landowner; (ii) tangata whenua are consulted with and support the proposal; and (iii) that as part of the approval process that before any works commence an agreement is established that identifies the roles and responsibilities and expectations as noted in this report.

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

Focus Paihia will partially fund the fitness station from the 2018/19 and 2019/20 targeted rate funds as received and must be able to meet any remaining costs as needed that will cover any engineering and archaeological costs as well as the construction, installation and maintenance costs until such time as the assets are vested and Council agrees to receive this gift.

The manufacturer's warranty is two years on all moving parts and ten years on the frames.

It is noted that the provider of the equipment states "the equipment is extremely high quality and has very few issues even over time, they would be very surprised if there were any costs to Council within five years."

It is estimated ongoing maintenance costs will be \$1000 approximately per annum after five years and that Council budgets for this as part of the 2023/24 operational budget.

### **ATTACHMENTS**

1. **Lucy-Elizabeth-Reserve-Management-Plan - A2209520**  
2. **Community Initiative Programme CIP Agreement Focus Paihia 2019 - signed - A2724451**  



**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>Compliance requirement</b>   | <b>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 as per Management Plan.   |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.   | Reserves Act 1977.<br>Lucy Elizabeth Reserve Management Plan.<br>Focus Paihia Community Improvement Programme Agreement with Far North District Council.<br>Heritage NZ.  |
| 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 matter has been referred to the Community Board as 'Reserves' are one of the "civic amenities" referred to in the delegations of the Community Board and is noted as being one of Council's listed activities.   |
| 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. | Focus Paihia to raise the proposal with Heritage NZ given its location.<br>An email of support has been received confirming their support of the proposed fitness station as noted in the body of the 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).  | Management Plan in place – required considerable consultation at the time to have this approved.  |
| State the financial implications and where budgetary provisions have been made to support this decision.  | On-going OPEX after an agreed period that enables warranties to be met and any issues resolved.<br>District Facilities to apply for additional OPEX of \$1000 annually to maintain the fitness station equipment after 5 years until such time as the equipment needs replacing or removal. |



|                                 |   |
|---------------------------------|---|
|                                 | An agreement between Council and Focus Paihia to be signed outlining roles and responsibilities esp. concerning repairs, upgrades, replacements and / or removal. |
| Chief Financial Officer review. | The Chief Financial Officer has reviewed this report.   |

## Lucy Elizabeth Williams Scenic Reserve 152-154 Marsden Road, Paihia



## Introduction

This is the final adopted reserve management plan, setting out objectives and policies for the use, maintenance and protection of the Lucy Elizabeth Williams Scenic Reserve.

The final version of the plan should be viewed as a community document that provides certainty about the future function, development and management of this reserve.

This plan was prepared in accordance with the requirements of the Reserves Act 1977 (Section 41). Public notice of the draft management plan was published in Northern News dated 11 June 2014.

## Background Information

### Legal description

The Lucy Elizabeth Williams Scenic Reserve is a scenic reserve vested in Far North District Council located 152-154 Marsden Road, Paihia.

It is described as Lots 6-7 Deposited Plan 15984 and contained in CFR NA9D/445 and is 2021m<sup>2</sup>. The land was classified as a scenic reserve and named in September 2013.

### Land Acquisition history

The land was the former site of the Top of the Tide Motel. It was gifted to the Far North District Council by the motel owner Mr. John Williams for use as a scenic reserve in June 2013. The property was transferred to Council for a nominal fee and is named after Mr Williams' late mother Lucy Elizabeth Williams.

Mr Williams gifted the land as a place for people to relax and enjoy the view of the Bay of Islands. He believed the land would be more valuable to the community of Paihia as a reserve as time goes on.



Old motel buildings – demolished October 2013



Aerial of the site at the corner of Davis Crescent and 152-154 Marsden Road, Paihia

The land transfer agreement between Mr Williams and the Council contained the following covenants in respect of the reserve.

#### **Other covenants in respect of the Reserve**

- 6.4 Council agrees that it shall take all reasonable steps to ensure the following in respect of the Land:
- 6.4.1 the preservation of the existing Pohutakawa trees on the Land, and
  - 6.4.2 the prohibition of skateboards and other vehicles from the Land.
  - 6.4.3 The prohibition of any buildings on the Land other than a public toilet.
  - 6.4.4 Consultation with Mr Williams regarding the Landscaping Plan and Management Plan for the Scenic Reserve
  - 6.4.5 The prohibition of any commercial activity whatsoever on the Land

#### **Reserves Act 1977**

Section 41 of the Reserves Act requires an administering body to prepare management plans for all reserves (except local purpose reserves) under its control, management or administration. The purpose of management plans is to create policies or guidelines so that decisions regarding the use and development of reserves can be made in a manner that does not compromise the long-term use of the reserve and does not conflict unduly with other uses. Management plans are required to be under constant review.

A scenic reserve management plan must "provide for and ensure":

- The use, enjoyment, maintenance, protection, and preservation as the case may require of the reserve for the purpose for which it is classified;
- The reserve's development (as appropriate) to the extent that the administering body's resources permit, for the purpose for which it is classified;

- That the principles set out in section s19 of the Act applicable to the reserve are incorporated in the plan;

In terms of scenic reserves s19 (1) Reserves Act 1977 states:

*(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves—*

*(a) for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest:*

*(2) It is hereby further declared that every scenic reserve classified for the purposes specified in subsection (1)(a) shall be so administered and maintained under the appropriate provisions of this Act that—*

*(a) except where the Minister otherwise determines, the indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved, and for this purpose, except where the Minister otherwise determines, exotic flora and fauna shall as far as possible be exterminated:*

*(b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:*

*(c) to the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:*

The land transfer agreement between Mr Williams and the Council contained the following condition in respect of a management plan:

#### **Management plan**

- 6.3 Council will, following the vesting of the Reserve in accordance with clause 6.1 above, take all reasonable steps to have a management plan in place for the Reserve (which plan for clarity will include a landscaping plan) pursuant to clause 41 of the Act, within one (1) year of the transfer of the Land to Council.

## Consultation

The Reserves Act 1977 requires the Council to undertake a public consultation process whenever a reserve management plan is prepared.

Prior to developing the management plan consultation was undertaken with parents from the Paihia-Waitangi Kindergarten. A meeting was held and the kindergarten community were very positive about the provision of a park designed to cater for young children and their parents. A number of comments from parents have been considered when developing the management plan. These comments included:

- Use of natural materials to develop a play area that encouraged creative and imaginative play rather than installation of "off the shelf" play equipment.
- Using footpaths to create design elements
- The location of the play area at the rear of the site
- Providing footpaths that support children's informal play
- Providing seating for parents
- Incorporating a Maori element into the park and playground design to reflect the area in which the park is located e.g. carvings

As required by the Act public notice was given stating that the draft plan was available for inspection and calling for submissions by 5.00pm on 25 July 2014

## Vision

A vision is a broad statement of the future that the community wants to create for itself.

Mr William's vision is based on a park he often visited when he was a younger. He would like to provide something similar for Paihia that is a local park for young children and their parents to enjoy.

His vision includes:

- hedging and/or fencing around the park
- formal entrances off Marsden Road
- a play area at the rear that encourages parents and other adults to relax while using the balance of the park

The management plan vision is::

The Lucy Elizabeth Williams Reserve is a gift for community and is a local park that is well used by local and visiting families and is safeguarded for all those who come after us.

## Objectives and policies

The objectives and policies of the management plan have been developed to achieve the community's vision and to comply with the conditions of the transfer of the land to the Council.

They must also ensure the reserve is managed and developed as a scenic reserve being the purpose for which it is classified requiring;

*"Protecting and preserving in perpetuity for its intrinsic worth and for the benefit, enjoyment, and use of the public the qualities of scenic interest and beauty."*

## Landscape

### Objective

To maintain and enhance the landscape character of the park where it will not compromise the scenic interest and beauty of the site.

### Policies

1. The view shaft to the Bay of Islands shall be retained as part of any planting plan or future development
2. There should be a balance between planted areas, specimen trees and areas of open space taking into account the various functions of the park.
3. The landscape design of the park should develop and enhance the general locality.
4. An improved landscape plan should form the basis of any future development in the park.

## Vegetation

### Objective

To develop and maintain planting on the park which enhances the general environment, defines the boundaries of the park and meets the functional requirements.

### Policies

1. Consideration should be given to the provision of shelter from wind shade from the sun and food shelter for birds.
2. Species planted in the park should be predominantly native.
3. Planting adjacent to public use areas should take into account the safety of park users.
4. Any planting programme shall be designed so as not to detrimentally affect adjoining residents.
5. An approved planting programme shall be adopted that provides screening of fences and retains the view shaft to the Bay.
6. Trees shall be maintained in accordance with the standards and techniques of approved arboriculture practice.



7. Any trees to be removed should be subject to Council's Tree and Vegetation Policy and the approval of the Community Services Manager.

### **Cultural Values**

#### **Objective**

To consult with Tangata Whenua with regard to the development of the park.

#### **Policies**

1. It is recognized that there is a Maori view of the land and the relationship of people to the land. To the Tangata Whenua the spiritual and physical qualities of the land are inseparable and it is not appropriate to attempt to define these values in this document except to say that they are recognized and respected.

### **Public & Recreation & Use**

#### **Objective**

To provide recreational opportunities that are appropriate to the vision of the park and to encourage the public to make appropriate use of the park and available facilities.

#### **Policies**

1. The park will be open from dawn to dusk except in extraordinary circumstances.
2. The design of the park will encourage children to play at the rear of the park and adults to be able to sit on appropriately located furniture between the play area and the Marsden Road pedestrian entrances.
3. Recreational activities which are casual, non-commercial and which do not compromise the enjoyment of other park visitors are permitted as of right on the park.
4. Activities that do not meet the above criteria require the permission of Council.
5. Use of the park will be governed by Far North District Council by-laws.

### **Children's Play**

#### **Objective**

To provide for creative and diverse play opportunities for small children.

#### **Policies**

1. Play areas will maximise the use of natural materials and provide for opportunities creative play. Guidance will be provided by the Paihia-Waitangi Kindergarten and Paihia Early Childhood Centre.
2. Where play equipment is provided it shall be in compliance with NZS 5828.
3. A designated children's play area will be provided at the rear of the site and will have regard to orientation to the sun, shelter from the wind and be clearly visible to the public.
4. Informal play opportunities will be encouraged through the design and layout of the balance of the park and may include water features.

## **Dogs**

### **Objective**

To manage and control dogs to ensure they do not create a danger or nuisance to visitors.

### **Policies**

Dogs are not permitted in the park.

1. Removal of faeces is the responsibility to the dog owner.
2. Dogs and their owners shall comply with the relevant Council by-laws.
3. Dogs shall be excluded from areas of plantings, the children's play area and other special features in the park.

## **Commercial Activity**

### **Objective**

To comply with the conditions of land transfer no commercial activity shall be undertaken on the park

### **Policies**

1. No commercial activity shall be permitted on the park

## **Building & Other Structures**

### **Objectives**

To ensure the provision and maintenance of buildings necessary for the proper use of the park and to ensure that these structures are of a design and scale appropriate to the park environment.

### **Policies**

1. In general the only building permitted shall be a public toilet facility where it is deemed necessary for the full and proper use of the park.
2. Any proposed toilet must be ancillary to other nearby facilities and not the main toilet facilities for the area
3. Any proposals for a public toilet shall take account of the following:
  - a. The possible increased demand for car parking in or adjacent to the park and the effects of this on the environment.
  - b. The effect on the convenience to and the safety of park users.
  - c. The effect on the adjoining land owners
  - d. The position and design for good natural light, ventilation and ease of cleaning and minimizing damage from vandalism
  - e. The external material, colour scheme, and associated landscape
4. The location and design must be approved by the Council to ensure the facility is appropriate design and scale for the park.
5. Any building approved shall be suitably maintained so that it serves its function and exhibits an appropriate aesthetic appearance.

## **Vehicle Access**

### **Objective**

To provide for authorised vehicle access to the park for maintenance purposes..

### **Policies**

1. Council vehicles and other vehicles authorised by Council shall have access to the parts of the park where their use is necessary.
2. Physical controls on vehicle movements such as barriers, fences, hedges and bollards shall be constructed where appropriate.

## **Pedestrian & Cycle Access**

### **Objective**

To provide for and to maintain suitable pedestrian and cycle access to and in the park

### **Policies**

1. Pedestrian access shall be provided for through two gates at the Marsden Road frontage.
2. Paths may be developed with a design element as provided for in the landscaping plan.
3. Cycle stands shall be provided outside of the Marsden Road entry where there is a proven need for stand facilities.
4. Paths will be developed to encourage and support young children to learn and to enjoy riding their bikes.

## **Signs**

### **Objective**

To provide suitable information for park users so they are able to enjoy the park safely and to limit inappropriate activities.

### **Policies**

1. Signs shall be of a robust design sensitive to the nature of the surrounding area.
2. The number of signs shall be kept to a minimum necessary to provide information about the facilities on the park and to help promote appropriate use as well as safety and enjoyment.
3. Signs shall be located so as not to become dominant features and not to detract from the parks scenic qualities.

## **Park Furniture (excluding signs)**

### **Objective**

To provide sufficient seats, tables and litter bins of a design appropriate to the park.

**Policies**

1. All park furniture shall be of a design appropriate to their surroundings.
2. Seating facilities should be placed in key locations and have regard to orientation to the sun, shelter from the wind and be clearly visible to the public.
3. Litter bins of an appropriate design should be located where litter could become a problem.

**Utility Services****Objective**

To provide services to the facilities in the park, while minimizing the impact of utility services.

**Policies**

1. Where possible utility services for park facilities should be placed underground.
2. The placement of such services underground should be carefully sited with regard to existing features such as trees.
3. Where possible sites other than parks should be sought for utility services.

**Vandalism****Objective**

To minimize the opportunities for vandalism by positive control wherever possible.

**Policies**

1. Low impact controls such as vehicle barriers, low walls and other aspects of design and layout shall be used to reduce opportunities for vandalism.
2. Regulatory signage shall be kept to a minimum.
3. Suitable lighting will be installed should anti-social behaviour become an issue.
4. Crime Prevention through Environmental Design [CEPTED] principles will be used to minimise vandalism opportunities.

**Boundaries and Fences****Objective**

To define the boundaries of the park to control entry and to provide a safe place for children to play.

**Policies**

1. The boundaries of the park will be defined by hedges and/or fences as shown in the landscape plan.
2. To strive for low hedging which provides an opportunity for passive surveillance from adjoining neighbours as well as park users.

3. The transition between roads and parks will be such that the park makes a positive visual contribution to the urban environment.
4. Where boundaries are not clear, the survey pegs shall be located and the legal boundaries of the park clearly defined.

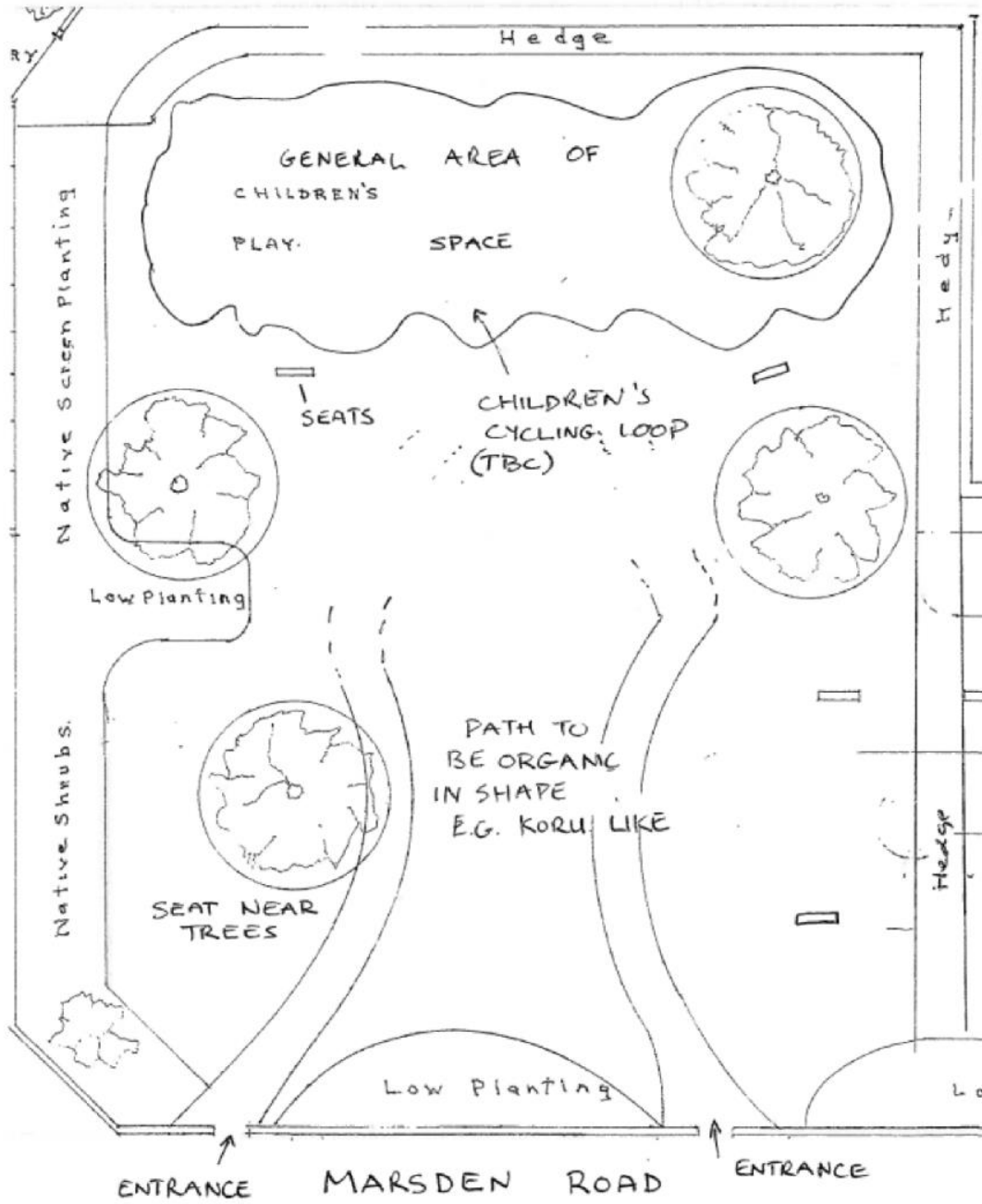
### **Adjacent land use**

#### **Objective**

To develop and maintain the park in a manner which respects the adjacent land use.

#### **Policies**

1. Where considered necessary, Council will liaise with adjacent landowners with regard to proposed or existing activities on parks.









**HE ARA TĀMATA**  
**CREATING GREAT PLACES**  
*Supporting our people*

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## Agreement between

**Far North District Council**  
and

**Focus Paihia Community Charitable Trust (known as Focus Paihia)**

### **Community Improvement (CIP) Programme Agreement**

Focus Paihia Community Charitable Trust (Focus Paihia) is registered under the Incorporated Societies Act 1908 and undertakes community-led programmes initiated by the local community, which promote and develop its local community.

Far North District Council recognises the role that Focus Paihia has in contributing to the development of its local community stretching from Watea and Haruru Falls through to Waitangi and Paihia. Far North District Council wishes to work with Focus Paihia to establish and implement the CIP programme.

In signing this agreement the parties agree to the following in order to achieve the aims of the CIP programme:

1. The parties agree to work together in good faith
2. Focus Paihia agrees to manage the strategic and operational business of the charitable trust to a professional standard.
3. The responsibility, accountability and reporting for the targeted rate funding and service delivery should sit at the appropriate level. For this programme that means Focus Paihia.
  - a. Focus Paihia is accountable to ensure that CIP programme contributors through this targeted rate receive services outlined in their strategic and business plans, and for the usage of targeted rate funds received.
  - b. Focus Paihia is required to set and report annually on key performance indicators that are meaningful, measurable and aligned to achieving the outcomes in their strategic and business plans, including the programme of works identified for delivery utilising the targeted rate.
4. Vesting of Assets: Any assets created using the funding provided by Council through the targeted rate will not automatically transfer to the Far North District Council as vested assets. If Focus Paihia wishes assets to be vested in Council, approval to the vesting is required prior to any work being undertaken. Any asset that is to be owned by Focus Paihia but be placed on Council land will require prior approval of Council.

5. Regardless of ownership of the assets created, Focus Paihia will provide a full list of asset information to enable Council to track the assets within Council systems as public or private (where the ownership resides with Focus Paihia). Council will specify the asset information format to Focus Paihia and this may change as requirements within Council systems change or are updated.
6. Far North District Council, as funding agent, reserves the right to review the use of targeted rate funds; the needs for audit; financial viability of the CIP programme and any other CIP programme related information at Far North District Council's sole discretion (to be exercised reasonably). In this regard, Focus Paihia must submit the following year's programme of works to the Far North District Council by 31<sup>st</sup> March of each year.
7. Far North District Council, as funding agent, reserves the right to undertake (at Far North District Council's expense) random audits on any aspect of the CIP programme (to be exercised reasonably).
8. Far North District Council will make the final decisions on what CIP programme targeted rates, if any, to set in any particular year or property (in terms of the amount and the geographic area to be rated).

Subject to the above and Council's approval of the CIP Programme, Council will make payments from the targeted rate to Focus Paihia as follows:

1. Payment will be made on a valid tax invoice and be subject to normal payment terms of 20<sup>th</sup> of the month following invoice date.
2. A schedule of payment dates will be agreed with Council, based on the CIP, prior to 1 July each year and these dates may vary dependent upon the projects and respective values.

Far North District Council's obligations under this agreement are subject to Far North District Council's processes, policies and legislative obligations.

Nothing in this agreement creates any partnership obligations between the parties.

Subject to any variation, this agreement will take effect with respect to the 2018/19 rating year and will continue until 30 June 2021. A party may terminate this agreement by 3 months' written notice to the other party.

This is executed as an agreement and is signed by the following on behalf of their respective organisations.

Signed on behalf of Focus Paihia

Signed on behalf of Far North District Council

Signature: 

Signature: 

Name: CHRIS WILLIAMS

Name: Janice Smith

Position: Trustee Treasurer

Position: General Manager, Corporate Services (acting)

Date: 24 APRIL 2019.

Date: 23 April 2019

**18/19 Programme of Works/Initiatives**

Confirmed at the Annual General Meeting of Focus Paihia Community Charitable Trust in December 2018, the community confirmed the following projects:

1. An exercise Station on the Lucy Williams park
2. Touch Stones in central Paihia
3. 4 x Drinking fountains on the beachfront in addition to the one already installed next to the i-Site
4. Another BBQ as the one already installed is so successful
5. Install shade cloths over the Children's Playground on Ti Beach

The cost of these projects is estimated to be in excess of \$150,000. Focus Paihia will undertake them using their funds including the Targeted Rate.

Furthermore, Focus Paihia undertakes to advise Far North District Council each quarter what progress is being made on each project. It is anticipated that some progress will be slower than one would hope because resource consents will be required