

I hereby give notice of the following Ordinary meeting:

<b>Meeting:</b>	Kaipara District Council
<b>Date</b>	Tuesday 4 April 2017
<b>Time</b>	10.00 am
<b>Venue</b>	Conference Room, Northern Wairoa War Memorial Hall (Dargaville Town Hall), Hokianga Road, Dargaville

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## **Open Agenda**

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### **Membership**

Chair: Mayor Greg Gent

Members: Councillor Peter Wethey (Deputy Mayor)  
Councillor Anna Curnow  
Councillor Victoria Del la Varis-Woodcock  
Councillor Julie Geange  
Councillor Libby Jones  
Councillor Karen Joyce-Paki  
Councillor Jonathan Larsen  
Councillor Andrew Wade

Seán Mahoney  
**Democratic Services Manager**  
09 439 3602  
smahoney@kaipara.govt.nz

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**Ordinary Meeting of Kaipara District Council, Tuesday 4 April 2017 in Dargaville**

**1 Opening**

**1.1 Karakia**

**1.2 Present**

**1.3 Apologies**

**1.4 Confirmation of Agenda**

The Committee to confirm the Agenda.

**1.5 Conflict of Interest Declaration**

Elected Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as Mayor and Councillors and any private or other external interest they might have. It is also considered best practice for those members to the Executive Team attending the meeting to also signal any conflicts that they may have with an item before Council.

## **2 Deputations and presentations**

### **3 Confirmation of Minutes**

#### **3.1 Council Minutes 14 March 2017**

**Democratic Services Manager 1601.21**

#### **Recommended**

*That the unconfirmed Minutes of the meeting of Kaipara District Council held 14 March 2017, be confirmed as a true and correct record.*

## **Kaipara District Council**

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# **Minutes**

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<b>Meeting:</b>	Kaipara District Council
<b>Date</b>	Tuesday 14 March 2017
<b>Time</b>	Meeting commenced at 09.32 am Meeting concluded at 12.41 pm
<b>Venue</b>	Conference Room, Northern Wairoa War Memorial Hall (Dargaville Town Hall), Hokianga Road, Dargaville
<b>Status</b>	Unconfirmed

### **Membership**

Chair: Mayor Greg Gent

Members: Councillor Peter Wethey (Deputy Mayor)  
Councillor Anna Curnow  
Councillor Victoria Del la Varis-Woodcock  
Councillor Julie Geange  
Councillor Libby Jones  
Councillor Karen Joyce-Paki  
Councillor Jonathan Larsen  
Councillor Andrew Wade

Seán Mahoney  
**Democratic Services Manager**  
09 439 3602  
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**Ordinary Meeting of Kaipara District Council, Tuesday 14 March 2017 in Dargaville**
**1 Opening**
**1.1 Karakia**

Councillor Joyce-Paki opened the meeting with a karakia.

**1.2 Present**

Mayor Greg Gent and Councillors Peter Wethey (Deputy Mayor), Anna Curnow, Victoria Del la Varis-Woodcock (arrived 9.45 am), Julie Geange (arrived 9.52 am), Libby Jones, Karen Joyce-Paki, Jonathan Larsen and Andrew Wade

**In Attendance**

Name	Designation	Item(s)
Graham Sibery	Chief Executive	All
Glennis Christie	General Manager Finance	All
Curt Martin	General Manager Infrastructure	All
Fran Mikulicic	General Manager Planning and Regulatory	All
Duncan McAulay	General Manager Strategy and Performance	All
Peter Marshall	General Manager Corporate Services	All
Venessa Anich	General Manager Community	All
Rick Groufsky	Financial Services Manager	All
Alison Puchaux	Revenue Manager	All
Heidi Clark	Communications Manager	All
Henri van Zyl	Roading and Solid Waste Manager	6.7
Donna Powell	Infrastructure Technical Officer	6.7
Sean Mahoney	Democratic Services Manager	All
Lisa Hong	Administration Assistant	All (Minute-taker)

**1.3 Apologies**

Nil.

**1.4 Confirmation of Agenda**

The Committee confirmed the Agenda.

**1.5 Conflict of Interest Declaration**

Councillor Curnow is one of the appointees of the Kaipara Community Health Trust on item 6.6, Council Appointments to the Kaipara Community Health Trust.

## 2 Deputations and presentations

Sue Rokstad spoke in the public forum.

## 3 Confirmation of Minutes

### 3.1 Council Minutes 13 February 2017

Democratic Services Manager 1601.21

**Moved** Del la Varis-Woodcock/Joyce-Paki

*That the unconfirmed Minutes of the meeting of Kaipara District Council held 13 February 2017, be confirmed as a true and correct record.*

**Carried**

## 4 Performance Reporting

### 4.1 Chief Executive's Report January 2017

Chief Executive 2002.02.17/January

**Moved** Del la Varis-Woodcock/Geange

*That Kaipara District Council receives the Chief Executive's Report for January 2017.*

**Carried**



## 5 Annual Plan 2017/2018

### 5.1 Annual Plan 2017/2018 material - source documents

General Manager Finance 2302.21.01

Moved Larsen/Joyce-Paki

*That Kaipara District Council:*

- 1 *Receives the General Manager Finance's report 'Annual Plan 2017/2018 material – source documents' dated 06 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter;*
- 3 *Amends the Uniform Annual General Charge from \$748 to \$728 to manage the impact of rates movements across different ratepayer categories while remaining within current policy settings, and*
- 4 *Adopts the draft source documents (as amended for the \$728 uniform annual general charge and amended as required to result in an overall rates increase of 2.65%) for the Annual Plan 2017/2018 Consultation Document, as required by the Local Government Act 2002, as attached to the above-mentioned report i.e.:*
  - *proposed statements of financial and capital performance;*
  - *proposed funding impact statements;*
  - *prospective financial statements;*
  - *proposed capital expenditure programme - summary;*
  - *proposed capital expenditure programme - detail;*
  - *proposed rates summary (uniform annual general charge \$748);*
  - *proposed rating sample properties (uniform annual general charge \$748);*
  - *illustrative rates summary (comparison of a uniform annual general charges of \$728 and \$708 compared with \$748);*
  - *rating sample properties (uniform annual general charge \$728);*
  - *proposed funding impact statement (rating tools); and*
  - *proposed funding impact statement (rating tools) - maps.*

**Carried**

**The meeting adjourned at 10.50 am.**

**The meeting recommenced at 10.55 am.**

## 5.2 Annual Plan 2017/2018 material – approval of consultation document

General Manager Finance 2302.21.01

Moved Wade/Jones

That Kaipara District Council:

- 1 *Receives the General Manager Finance's report 'Annual Plan 2017/2018 material - approval of consultation document' dated 06 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the Consultation Document for Annual Plan 2017/2018 – year three - Long Term Plan 2015/2025 for public engagement, subject to any amendments resolved by Council and any minor amendments identified in the editing process; and*
- 4 *Notes the proposed public feedback period, the Hui and the community round table sessions as set out below:*

### **Public Engagement**

*The consultation period is proposed to run from Monday 27 March to 4.30pm Tuesday 18 April 2017, with the feedback being received in a variety of ways, including by email, online, letter or collected at community meetings.*

### **Hui**

- *Northern Wairoa War Memorial Hall (Dargaville Town Hall) Tuesday 28 March 2017, 10 am*

### **Community round table meetings**

- *Paparoa War Memorial Hall Tuesday 04 April 2017, 6pm*
- *Northern Wairoa War Memorial Hall (Dargaville Town Hall) Wednesday 05 April 2017, 6pm*
- *Maungaturoto Centennial Hall Thursday 06 April 2017, 6pm*
- *Mangawhai Domain Hall Friday 07 April 2017, 6pm*
- *Kaiwaka Sports Complex Wednesday 12 April 2017, 6pm*
- *Ruawai/Tokatoka War Memorial Hall Thursday 13 April 2017, 10.00am; and*
- *Kaihu War Memorial Hall Thursday 13 April 2017, 1.30pm.*

**Carried**

## 6 Operational and Policy

### 6.1 Petition Cames Road, Mangawhai

Democratic Services Manager 1203.01

Moved Curnow/Del la Varis-Woodcock

*That Kaipara District Council:*

- 1 *Receives the Democratic Services Manager's report 'Petition Cames Road, Mangawhai' dated 06 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that the Cames Road petition does not conform to the current Standing Orders section 16.1 on petitions; and*
- 4 *Notes the content of the "Petition Cames Road"; and*
- 5 *Requests that the Chief Executive reports back to Council with the history and details of the current situation.*

**Carried**

### 6.2 Petition Shops to Sands Bus Service, Mangawhai

Democratic Services Manager 1203.01

Moved Joyce-Paki/Curnow

*That Kaipara District Council:*

- 1 *Receives the Democratic Services Manager's report 'Petition Shops to Sands Bus Service, Mangawhai' dated 06 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the content of the "Petition Shops to Sands Bus Service"; and*
- 4 *Requests that the Chief Executive reports back to Council on a response to the Petitioner.*

**Carried**

### 6.3 Kaipara District Easter Sunday Shop Trading Policy Adoption

Planning Manager 3215.0

Moved Curnow/Joyce-Paki

*That Kaipara District Council:*

- 1 *Receives the Planning Manager's report 'Kaipara District Easter Sunday Shop Trading Policy Adoption' dated 24 February 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives and confirms the unconfirmed minutes of the meeting of the Easter Sunday Shop Trading Policy Hearing Panel held 21 February 2017; and*
- 4 *Upholds the Easter Sunday Shop Trading Policy Hearing Panel recommendations; and*
- 5 *Applies the Easter Sunday Shop Trading Policy; and*
- 6 *Applies the Easter Sunday Shop Trading Policy across the whole of the Kaipara district; and*
- 7 *Adopts the draft Easter Sunday Shop Trading Policy as final with amendments to the draft Policy as outlined below (final wording of the Policy is shown in attachment 3 of the above-mentioned report):*
  - *Move Section 2, 'Objective' to Section 1, and reword as follows, 'The objective of the Easter Sunday Shop Trading Policy (the Policy) is to allow shops the choice to trade on Easter Sunday if they wish to. The Policy neither requires shops to open nor employees to work nor individuals to shop on Easter Sunday'; and*
  - *From Section 3, 'Policy Statement' delete the following words 'OR Kaipara District Council will permit shop trading in the following parts of the Kaipara district on Easter Sunday as provided for under the Shop Trading Hours Act 1990 (map to be attached)'; and*
  - *In Section 3, 'Policy Statement' reword as follows: 'Kaipara District Council will permit shops to trade in the whole of the Kaipara district on Easter Sunday as provided for under the Shop Trading Hours Act 1990 (see attached map)'; and*
  - *In Section 4.1(c), 'Exemptions', reword as follows: 'compel shop employees or require shop employees to work on Easter Sunday. For the avoidance of doubt, shop employees' rights are governed by the Act'; and*
  - *In section 5.2, 'Definitions', amend 'district' to 'Kaipara District'; and*
  - *Appends an appropriate map to the policy to show where the Kaipara District Council Easter Sunday Shop Trading Policy applies.*

**Carried**

#### 6.4 Iwi Relationship Plan

Democratic Services Manager 2114.03

**Moved Joyce-Paki/Wethey**

*That Kaipara District Council receives the Democratic Services Manager's report "Iwi Relationship Plan" dated 06 March 2017 and the information contained therein.*

**Carried**

#### 6.5 Local Governance Statement

Democratic Services Manager 1203.01.01

**Moved Jones/Curnow**

*That the Kaipara District Council:*

- 1 *Receives the Democratic Services Manager's report 'Local Governance Statement' dated 04 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegate to the Mayor and Chief Executive the authority to approve any minor editorial changes that may be required to the final document; and*
- 4 *Adopts the Local Governance Statement for the 2016-2019 Triennium.*

**Carried**

**6.6 Council Appointments to the Kaipara Community Health Trust****Democratic Services Manager 2105.4****Moved Jones/Wethey***That Kaipara District Council:*

- 1 *Receives the Democratic Services Manager's report 'Council Appointments to the Kaipara Community Health Trust' dated 02 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Re-appoints Anna Curnow to the Kaipara District Health Trust as the Central Ward appointee with effect from 01 December 2016; and*
- 4 *Re-appoints Brenda Jackson to the Kaipara District Health Trust as the West Coast Ward appointee with effect from 01 December 2016.*

**Carried****6.7 Waste Minimisation and Management Plan Draft for Public Consultation : Approval****Roading and Solid Waste Manager 4201.03****Moved Geange/Larsen***That the item lie on the table and further information be presented to the May Council meeting.***Carried**

## 7 Public Excluded Council Minute items: 14 March 2017

The meeting went into Public Excluded session at 12.20 pm.

**Moved** Gent/Wethey

*That the public be excluded from the following part of the proceedings of this meeting namely:*

- *Update on Crown Assistance*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) 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</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Update on Crown Assistance</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or 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.</i>

**Carried**

**8 Open Council Minutes Tuesday 14 March 2017**

The meeting moved back into Open Session at 12.40 pm.

Moved Gent/Geange

*That the public be re-admitted to the meeting.*

Carried

**8.1 Update on Crown Assistance (Agenda item 7.1)**

**9 Closure**

The meeting closed at 12.41 pm.

Confirmed .....

Chair .....

Unconfirmed



## **4 Performance Reporting**

### **4.1 Chief Executive's Report February 2017**

**Chief Executive:** 2002.02.17/February

A copy of the Chief Executive's Report for February 2017 is attached.

#### **Recommended**

*That Kaipara District Council receives the Chief Executive's Report for February 2017.*



**Kaipara District Council**

**Tuesday 04 April 2017**

## **Chief Executive's Report**

### **➤ Part 1 : Activities Report**

**(a) CE Overview**

**(b) Summary of Activity**

**(c) Contract Acceptances**

**(d) Contracts signed under CE delegation**

**(e) Looking Forward**

### **➤ Part 2 : Financial Report**



Kaipara te Oranganui

**KAIPARA  
DISTRICT**

Two Oceans Two Harbours

# **Chief Executive's Report**

**For the month of February 2017**

## **Part One**

**a) Chief Executive's overview**

**b) Activities report**

**c) Contract acceptances**

**d) Contracts signed under Chief Executive delegation**

**e) Looking forward**

## **Part One:**

### **a) Chief Executive Overview – February**

Most Council activity was back in full operation in February including Resource and Building consent workloads in Mangawhai while seasonal activity also continued including high visitor numbers with events at Kai Iwi Lakes. The Community section of this report also includes attendance figures for the Kauri Coast Community Pool (Dargaville pool) which receives significant Council support during the summer season.

Work on Council infrastructure, both roads and waters, enters its peak season at this time of year with significant capital expenditure and operational projects to deliver over the coming months. All but one of our principal contracts have been let. These account for a large share of Council expenditure and some of the schemes are described in this report. Payments to date lag physical work completion at this stage.

This time of year also sees turnover as January/February is a peak advertising and recruitment season. Individuals often make choices in their personal lives and careers around the main holiday period. Interviews and selection for key Council roles was underway in February and other positions were filled. This included key roles in Communications, IT and Resource Consents. The quality of recent applicants for Council vacancies has been encouraging driven by factors such as Auckland housing costs, quality of life decisions and individuals returning to Northland.

Time was also spent engaging with Dargaville community members to consider potential changes in Dargaville. In this context Council considered a paper on how the popular but cramped Dargaville library might be developed and other opportunities for the area were discussed in a meeting with local stakeholders led by the Mayor.

Heavy rainfall gave us some issues for our infrastructure but ended our water shortages. These matters are covered in more detail below.

## b) Activities Report

### 1 Community Activities

#### Community Planning

An approach to revisit communities across the district as part of the 2017 Community Planning Programme is currently being circulated to the Mayor and Councillors for their input. This will provide an opportunity for Council to reconnect with local communities.

The mural on the toilets at Sellar's Reserve, Mangawhai is now complete and we are happy with the completed work as it perfectly reflects the surrounding coastal environment.



The Tinopai community has provided feedback to Council about the locations of the new Tinopai Activity Zone. The Community Team is now looking at a range of options and will put this back to the community for consideration.

Actions from the Kaiwaka Township Improvement Plan continue to be progressed. An underpass path design to connect the Kaiwaka township and rest area has finally received signoff from the NZ Transport Agency and is being constructed.

#### Community Funding

Council is seeking community feedback on applications for capital grants and contract for services. Applications are to be advertised with a full-page advertisement in the Kaipara Lifestyler and the Mangawhai Focus during March. There will also be a note in Council's regular newspaper/advertisement page encouraging people to go online at <http://www.kaipara.govt.nz/Your+Council/Grants+and+Funds.html> so they can see the applications received and have their say. Feedback is required to be with Council by 18 April 2017 and will help inform Council's decisions at its June 2017 meeting.

Operational grants will be allocated at Council's April 2017 meeting.

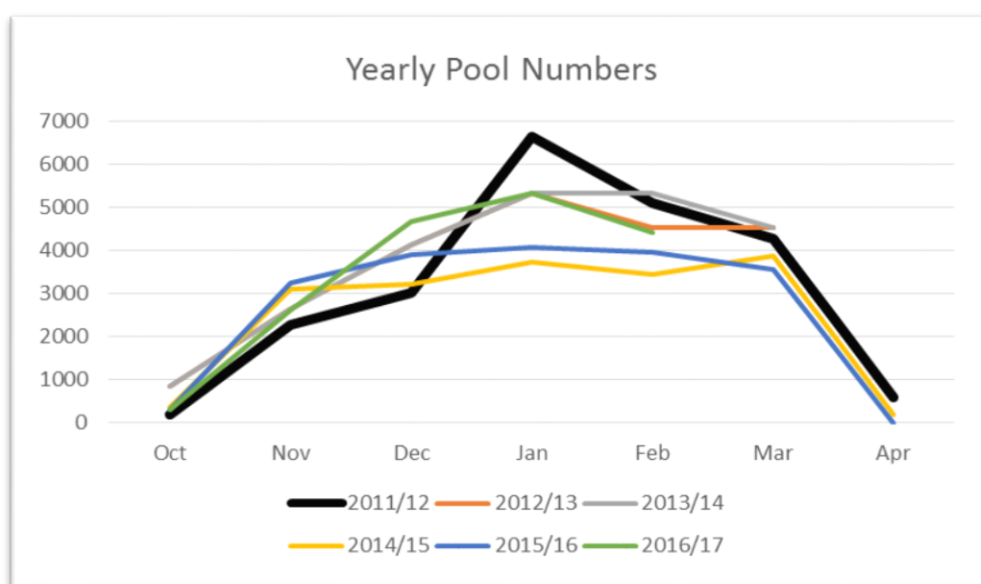
Applications for the Creative Communities Scheme's February round are now closed. It is anticipated these will be received by Council's new funding committee in late March 2017.

The Sport NZ/Kiwisport Rural Travel fund is now open. This fund closes on 31 March 2017 and it is anticipated these will be received by Council's new funding committee in April. The Rural Travel Fund is designed to help subsidise travel for junior sports teams (5 to 19 year olds) participating in their local competition.

Applications for the Mangawhai Endowment Lands Account are currently being processed and assessed. This also captures some community assistance funding applications if they come from the Mangawhai area. These will be reviewed by Otamatea Ward Councillors at the end of March.

**Contracts for Service - Kauri Coast Community Pool**

Council provides a grant of \$257,000 to the Kauri Coast Community Pool Trust. Yearly pool total numbers are set out below. The total of attendances for the month of February was 4,416, up 11% on last season which had 3,964. This is still lower than the first year the pool opened.



**Reserves and Open Spaces**

Magical Parks have come to Kaipara. Magical Park is a subscription service for councils or other sponsors who want to offer their community free family entertainment in a local park. These games aim to get kids off the couch and physically active outside for an average of 30-60 minutes.

This is a smartphone app which overlays a fantasy environment onto to an existing bare park space. This is available in Selwyn Park in the west and the lower part of Mangawhai Activity Zone in the east. This is currently occurring as a trial as part of Parks Week, a nationwide initiative.



A project to clear the Kainui and Pearson Street Esplanade Reserves to allow for increased public access is moving forward. This area has been surveyed and the team is awaiting plans to reference against for encroachments and work required to clear. We are also engaging with Iwi to check for any historical sites located in this area. This project is in conjunction with Mangawhai Tracks Charitable Trust.

Council is reviewing its existing Walking and Cycling Strategy and has been busy carrying out stakeholder workshops to shape the nature of this updated strategy. A regional workshop was held in Whangarei with key stakeholders, including; Whangarei District Council, Northland Regional Council, Far North District Council, NZ Transport Agency and Northland Inc. A district workshop was held with interest groups, Department of Conservation, NZ Walking Access Commission and two Kaipara Councillors. Staff also met with Te Roroa to discuss the project, and a one page information sheet has also been sent out to interested contacts.

The Kaiwaka public toilet upgrade, which includes an onsite water tank and larger pump to cope with demand, will be completed in March.

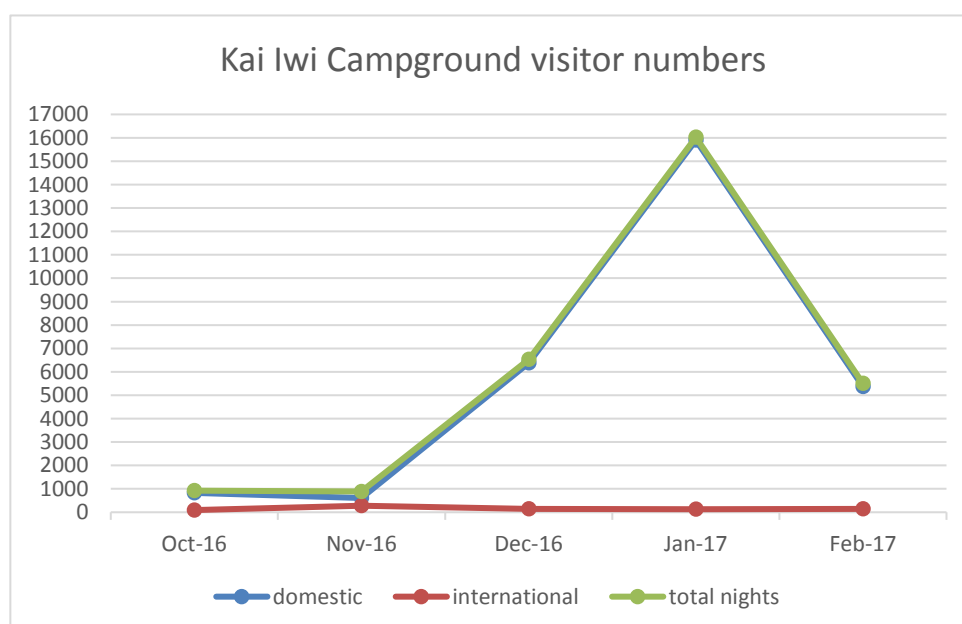
Dargaville was hit with a tagging event with all public toilets suffering graffiti or damage. This is a rare occurrence and was all cleaned up within 24 hours by Recreational Services.



February 2017 continued to be busy at Kai Iwi Lakes with most weekends being full at the campground. The Auckland Dragon Boats held their annual training weekend on 10-12 February at Promenade Point. The volunteer weedbusters programme continued with good local support

The Avoca Kai Iwi Lakes Kumara Triathlon on 25 February was successful and school bookings have been made for March.

The campground is full for Easter at both Pine Beach and Promenade Point. Domestic visitors are still the majority of campers and internationals have increased slightly from 123 in January to 137 in March.



## Library

### Library Redevelopment

In February Council gave the go ahead to investigate relocating the Dargaville Library. A report is in progress which will provide options and cost estimates. In the meantime planned work at its current location is on hold. Some expenditure is required to create a safer environment in the short term.



## Community Connections

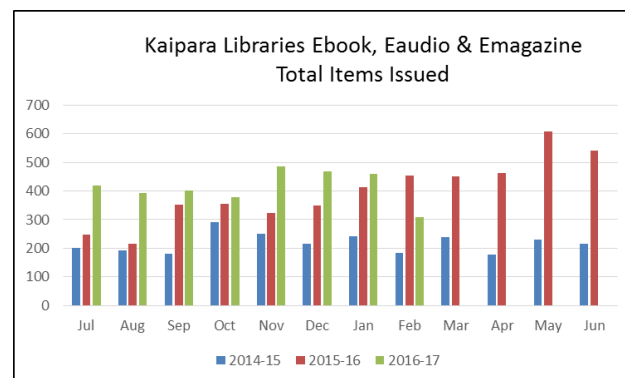
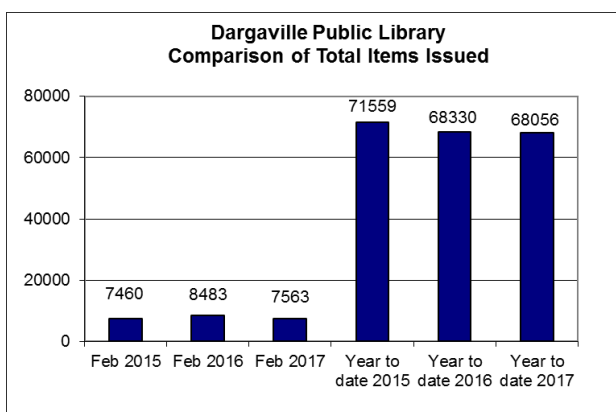
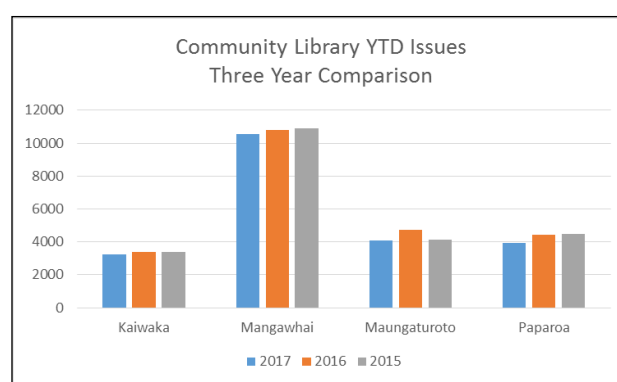
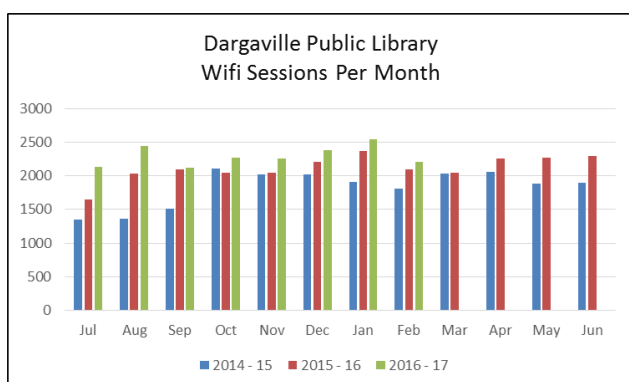
Council joined libraries around the world in promoting Library Lovers Day in February. This was supported by a “Blind Date a Book” promotion offering wrapped books with a limited description. This proved successful with customers discovering new authors.



## Community Libraries

Kaiwaka library’s new free Wi-Fi has been well received with more visits.

Mangawhai’s Wi-Fi was fully set up on 28 February. We look forward to hearing about the uptake in the coming months.



## Plan Changes and Bylaws

- District Plan Change 3 – North Coast Developments, Mangawhai – to rezone residential land on Molesworth Drive opposite to the Museum, from Residential to Commercial – is proceeding. The Section 42a Report for the hearing is nearing its final draft. The hearing is set for 13 April.
- District Plan Change 4 - The Fire Rule – the Section 42a Report is currently being drafted for the hearing. A hearing date is expected once we have a clearer indication of the time required to prepare the report following a period for further submissions that close on 03 April 2017.
- Kai Iwi Lakes Bylaw – Staff are working on a joint Bylaw process with NRC for the water and land based activities to reflect the new Reserve Management Plan. A joint NRC/KDC/Iwi Hearing Panel is proposed and there are processes to complete before the 2017/2018 season.



## 2 Roads and footpaths

### Achievements during the period to mid-March

Rain in mid-February allowed some grading of the unsealed network to be undertaken. The rain also resulted in a fairly large slip that blocked Kai Iwi Lakes Road between State Highway 12 and Omamari turn-off. The slip was cleared and the road was reopened to two-way traffic the next day.

Following further rain in early March, proactive planning from both Council's Roding team and BRS supervisors saw quick implementation of pre-planned maintenance grading of several high priority roads.

Four graders were dispatched onto the network to make the most of suitable wet conditions. The roads have very quickly dried out and grading will not continue unless we receive more rain. Roads graded so far have included:

- North – Waikara, Monteith, Monteith South, Maropiu and first section of Pouto Road (northern end)
- South – Devich, Gibbons, Rangiora, Ranganui, Access, Tokatoka, Parekura, Mountain and Doctors Hill.

We could not get to all of the prioritised roads with Omamari and Gorge Roads still to be completed. Golden Stairs and Franklin Roads remain on the list in the South. Pouto Road (southern end), Notorious West, Babylon Coast and Redhill Roads in the north are still to be graded. The Roding team will continue evaluating all rain events for any opportunities to grade.

A large macrocarpa tree came down across Oruawharo Road on the night of Sunday 19 March. Our contractors trimmed back as much as they could during the night allowing small vehicles to pass. Due to health and safety concerns the remainder of the tree was left until specialist arborists could attend the following day to continue the removal of the tree. The macrocarpa was removed by 11am Monday 20 March.



*Before and after: Fallen macrocarpa tree on Oruawharo Road requiring removal*

Pre-reseal repairs were continued this month in the north ahead of the reseal contractor, and routine bridge inspections and repairs are ongoing throughout the network.

Associated improvements continued with sight improvements and slip repair works commencing on Houto Road.



## Capital Works

### Progress on capital projects (to mid-March)

Category	Project name	Status	Physical works complete (%)	Payments to date vs contract price (%)	Physical works completion due
<b>Minor Improvements</b>	794 Pouto Road bridge replacement	Sealing	95%	13%	February 2017
	799 Parore - Waihue intersection and intersection of Wairere Causer Paparoa Station Roads	Parore Waihue intersection completed. Construction started on second site.	70%	5	March 2017
	812 Arapohue Road culvert replacement 2016/2017	Completed	100%	47%*	April 2017
	836 Arapohue Slips	Contract awarded	0%	0%	June 2017
	855 Tangowahine Valley Road bridges strengthening	Tender	0%	0%	June 2017
<b>Seal Extensions</b>	806 Black Swamp Road	Stabilising pavement	80%	45%	March 2017
<b>Pavement Rehabilitation 2016/17</b>	814 Dunn, Robertson, Whenuanui Reserve, Whitcombe	Pavement construction	65%	3%	March 2017
	815 Mangawhai, Tinopai	Mangawhai – stabilising pavement. Tinopai – pavement construction.	70%	23%	March 2017

Category	Project name	Status	Physical works complete (%)	Payments to date vs contract price (%)	Physical works completion due
	816 Tangowahine Valley, Hoanga Road, Tangowahine Road slip	Completed	100%	89%*	December 2016

\*Final claim still to be received

The forecast capital spend for the current financial year is \$9.7 million. \$8.2 million (85%) of this budget has been committed (i.e. contracts awarded) and it is expected that the majority of these works will be completed by the end of the current financial year. A further \$650,000 for bridge strengthening has been tendered and will be awarded shortly with \$370,000 of minor improvement projects also currently being tendered.

An application has been made to the NZTA to transfer \$250,000 from the sealed network (reseals and rehabilitations) to the unsealed network to allow additional metalling to be undertaken this financial year. The balance of the funds will be utilised for the investigation and design of next financial year's projects.

### Overweight Permits

Five new permits were issued in February (compared with 23 in January).

## 3 Solid Waste

### Achievements during the period to mid-March

Since January 2017 there has been a large increase in the amount of recycling taken to the Dargaville Transfer Station. This has been the result of Little River Transport (a private recycling company) closing down. An additional staff member has been employed by Kaipara Refuse Ltd to assist in the recycling activity.

Some changes have been made to allow for the additional traffic that is now utilising the facilities. A number of issues have arisen, due to the additional movements and activity, which will be addressed over the coming months. This includes access for commercial traffic, i.e. Northland Waste vehicles retrieving full skip bins, Broadspectrum vehicles and refuse vehicles. The development of an exit track around the disposal area for heavy traffic is also being planned.

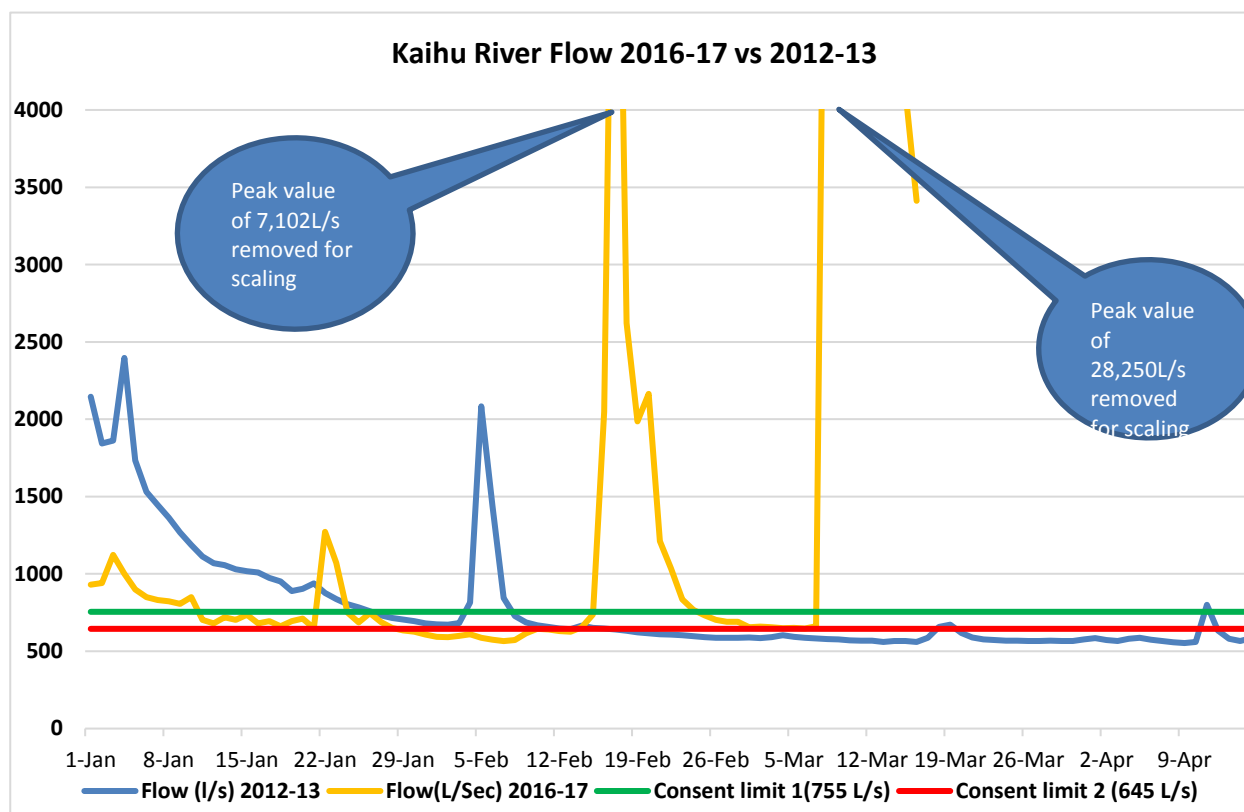


Dargaville Transfer Station

## 4 Water Supply and Wastewater

### Achievements during the period to mid-March

Good rain throughout Northland between 07 and 13 March 2017 resulted in significant increases in the river and stream flows to well above critical points. This allowed Council to lift the water restrictions from the Dargaville and Bayliss water supply scheme on 17 March 2017.



### Fonterra Water Supply Agreement

Council has an agreement with Fonterra to supply raw water from the Maungaturoto Water Supply Scheme's raw water main. The agreement sets out the terms and conditions regarding the water supply including payments by Fonterra towards:

- i. annual water charges;
- ii. Baldrock Dam charges (raw water source);
- iii. operations and maintenance charges;
- iv. capital establishment costs; and
- v. capital renewal costs.

Fonterra pays approximately \$480,000 annually for Items i – iv above.

The agreement also includes a provision for Fonterra to contribute towards the asset renewal capital costs, however the exact contribution was to be agreed between the parties. Council's Long Term Plan includes capital budgets of approximately \$2.5 million to renew the raw water main (approximately 8km).

We have now reached agreement with Fonterra whereby they will contribute towards the capital costs based on the percentage of Fonterra's actual consumption of raw water over the two preceding years. To illustrate,

based on the 17 months to December 2016, Fonterra consumed 76% of the raw water supply and would therefore contribute 76% of the capital costs to renew the Maungaturoto raw water main. It should be noted that Fonterra has only committed to the first three years which they will review as per their business cycle. This is a milestone achievement in our ongoing relationship with Fonterra and the renewal programme.

### Operations and Maintenance

The Three-Waters Operations and Maintenance Contractor, Broadspectrum, continues with programmed maintenance activities like weekly water zone sampling according to the Drinking Water Standards requirements, and wastewater discharge and parameter testing in accordance with the various district-wide resource consents. Urgent requests for services were responded to and resolved within required timelines.

Routine sampling of Council’s water supply systems were carried out in accordance with approved sampling programmes (sampling for e-coli and free available chlorine equivalent). No anomalies were recorded for the month.

While other wastewater testing parameters and discharge quantities were within consent levels, the Kaiwaka Wastewater Treatment Plant (WWTP) continues to have high discharges and the Te Kopuru WWTP is still discharging high ammonia. Both are under further investigation as agreed with the Northland Regional Council.

### Mangawhai Community Wastewater Scheme

During the month, TRILITY Water successfully operated the system achieving targets established under the contract deed. There were no occupational health and safety issues experienced or any environmental incidents.

The wastewater treatment plant performed well during February, though low rainfall and local water conservation efforts during the month have contributed to changes in influent characteristics. As a consequence, results for Total Dissolved Solids (TDS) and Total Suspend Solids (TSS) were marginally beyond performance requirements required by the resource consent. All other effluent quality performance requirements as specified by Northland Regional Council were met.

Inflow for the month at 12,172m<sup>3</sup> equates to an average flow for of 434m<sup>3</sup>/day for February and is marginally lower than flows in February 2016 of 12,830m<sup>3</sup>. Plant inflows peaked on 06 February at 651m<sup>3</sup> for the day.

Low rainfall continuing during February has allowed irrigation to be maximised. The current dam level is at 67 ML. Grazing and cutting of all irrigation zones was completed during the month.

### Summary of Capital Works Progress

Fig 1: Percentage Progress

Category	Project Name	Status NB: PCC = Practical completion	Physical works % complete	Payments to date vs contract price %	Physical works completion due
Water	827 - renewal of 4.5kms of the Baylys bulk watermain	Construction complete	95%	Final claim outstanding	March 2017
	849 Dargaville water supply renewals)	Construction	10%	Under construction	June 2017

Category	Project Name	Status NB: PCC = Practical completion	Physical works % complete	Payments to date vs contract price %	Physical works completion due
	838 – renewal of 110m of the Ruawai water supply main	Completed	100%	100%	December 2016
	840 - Mangawhai Water Treatment Plant Upgrade.	Plant has been commissioned. The SCADA work is in progress.	100%	100%	March 2017
	842 and 843 - Installation of backflow preventers.	75 out of 110 backflow prevention devices have been installed.	68%	Under construction	April 2017
<b>Wastewater</b>	848 - Dargaville wastewater renewals	Construction	15%	Under construction	May 2017
	847 - Mangawhai Community Wastewater Scheme Irrigation extension.	Construction	15%	Under construction	April 2017
	Maungaturoto Oxidation Pond Desludging	Tender	5%	Tender	June 2017
	Estuary Drive Pump Station	Construction	10%	Under construction	June 2017
<b>Stormwater</b>	Property purchase	Completed	100%	100%	November 2016
	850 - Dargaville stormwater renewals	Construction	15%	Under construction	May 2017

## 5 Land Drainage

### Raupo Drainage District March 2017

Work is progressing on the replacement of floodgate N°38 in the Ruawai Boat Marina in the Ruawai Township.

The pre-cast concrete floodgate unit has been installed, with back filling and reinstatement completed. Work by Barfoote Construction has been to a high standard and is due for completion within the timeframe agreed.

Crompton Engineering is to refurbish the internal sluice gate system with new stainless steel rails and nylon door prior to refitting. This sluice system is used as a secondary defense for debris removal when material is caught in the main floodgate door during a high tide.

A temporary bypass water supply line (for the town's bore water supply to the treatment plant) was required for access in the working area.

The upcoming replacement of floodgate N°53 on Te Kowhai Floodgate Road is to begin in the next tidal and weather window. Similar methodology and time frames are expected here as to the works just completed in the township.



The following photographs show the works carried out to undertake replacement of Floodgate N°38



On the weekend of 12 March, tidal water back-flowed through one of the stormwater drains which resulted in localised surface flooding of downtown Dargaville (no properties were inundated). An inspection at low tide revealed that one of the floodgates was in a position that prevented it from closing to prevent the back-flow of water at high tide (it is suspected that this floodgate was tampered with). The floodgate was returned to its normal operating position and has since been operating efficiently.



Flooding in Dargaville CBD

## Capital Works

### Progress on capital projects

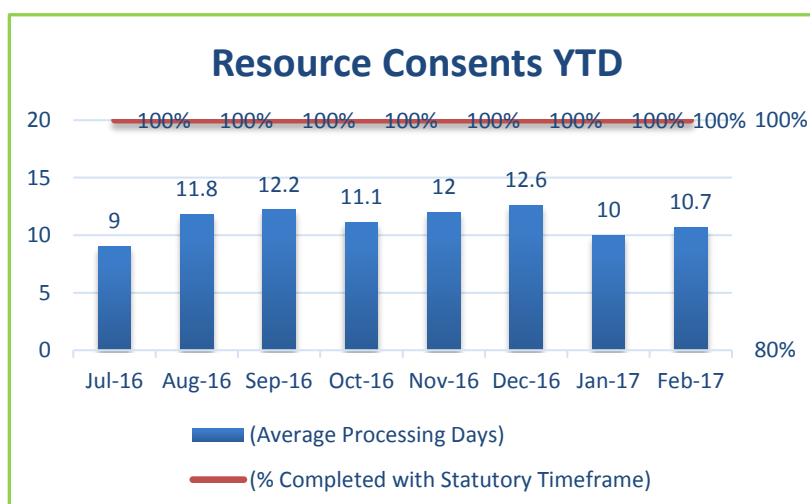
Category	Project Name	Status	Physical works complete (%)	Actual cost vs contract price (%)	Physical works completion due
Land Drainage	813 - renewal of Floodgate N°38 (Raupo Drainage District)	Construction	90%	80%	March 2017
	833 - renewal of Floodgate N°53 (Raupo Drainage District)	Awarded	20%	0%	April 2017

## 6 Regulatory

### Resource Management

During February 38 resource consents were processed to a decision with 100% in accordance with the statutory timeframe. 29 consents in total were accepted for processing and 52 consents are outstanding. There are currently four notified consents going through the notification and hearing process. These are being managed by external consultants. Resource consent numbers for January and February 2017 (70) compared with the same period in 2016 (31) are tracking around 125% higher than 2016.

Average working days are consistently issued within statutory timeframes, but with heavy use of consultancy support.



The hearing for the intensive subdivision development at 40 Pearson Street, Mangawhai Village (RM160285) has been delayed pending discussions between Council and the applicants regarding the density of the proposal. A pre-hearing meeting has been suggested with submitters.

The team returned/rejected nine consents this month for incompleteness. Providing a consistent approach to all consents is a challenge due to external contractors.

The Regulatory Officer has issued eight 224 certificates for completed subdivisions, creating 27 additional lots, 20 in Mangawhai, five in Otamatea and two in the rest of the district.



## Building Control

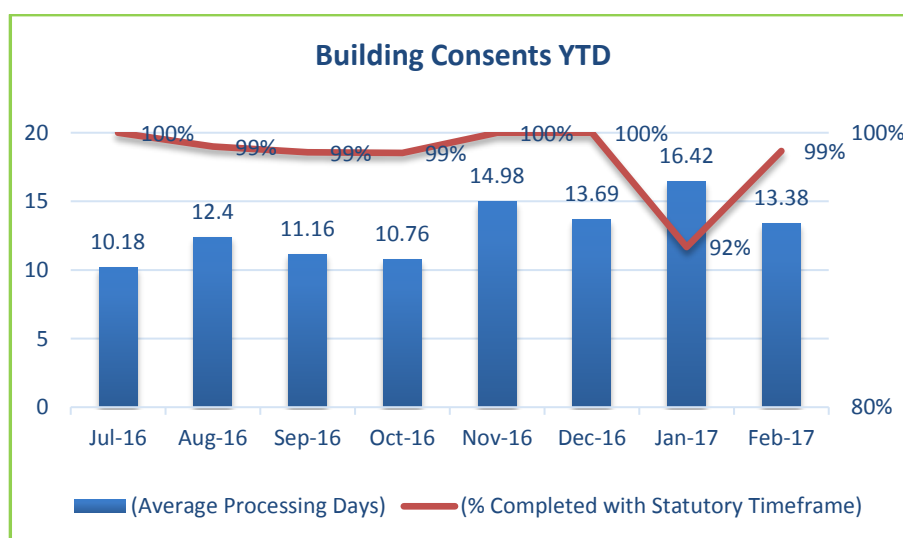
February has picked up as expected with 50 consent applications compared to 45 in February 2016. The combined value of these projects total \$9,903,381. There were 60 PIM applications compared to 49 in February 2016.

Significant changes to the Building Consent Authority Accreditation Scheme are pending with most due to become law on 01 July 2017. The Ministry of Business, Innovation and Employment (MBIE) is taking over primary responsibility for IANZ auditing.

There are industry meetings with BCA clusters around the country to explain and discuss the impact of these changes. Changes include:

- Fairer IANZ 'Fee for service';
- Frequency of Audits to reward high performing BCAs;
- National Competency assessment alignment; and
- Reporting to Chief Executive Officers and responsibilities.

Average working days are down on last month. One consent was processed in over 20 days in February due to a consultant processor being unable to access the AlphaOne system. This was an IT issue that has been rectified.



Illegal works are a concern in the district with the most common being, sheds (consented with bathrooms) turned into dwellings after Code of Compliance. Many consent applications call the 'shed' names like 'studio'. One consent was called a 'workers lunchroom'. What can happen next is the building becomes occupied as a dwelling, often a kitchen is installed when Council has gone and the place is rented out. Most applicants know they cannot have a second dwelling on the land due to breach of District Plan, so they use applications such as these to hide their intentions.

Several enforcement matters are under investigation or are about to have dangerous and insanitary building notices/abatement notices issued to rectify issues with the illegal activity. This can result in buildings being demolished. Potential prosecutions are under consideration.



*Bolt only just on thread of nut!*



*Broken trusses not allowed to be fixed by anyone but Truss Company*

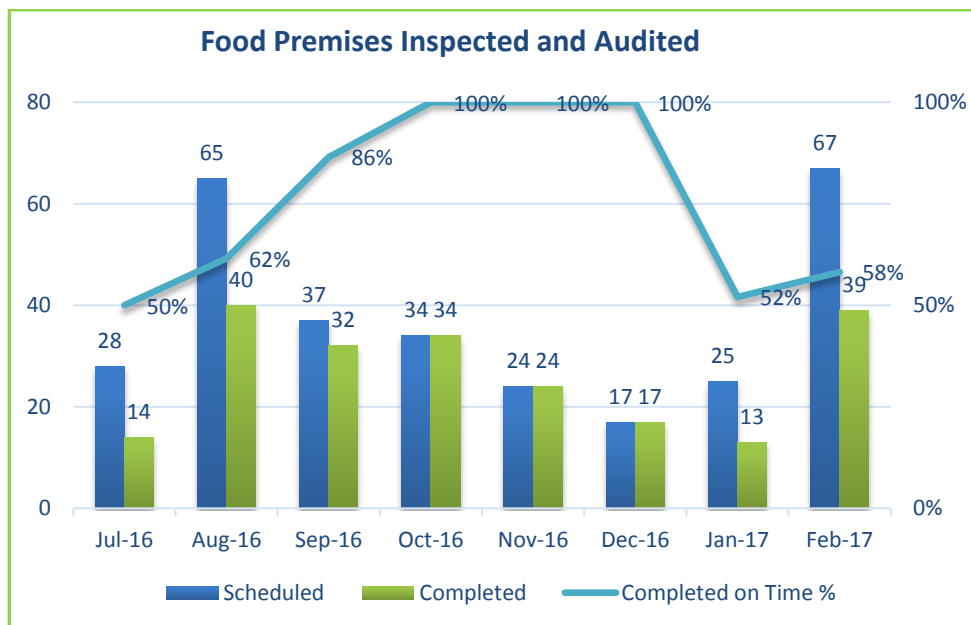
## Regulatory

### Health

In February the Environmental Health Officer (EHO) has continued the food safety audits and food hygiene inspection regimes. Four new food control plans have signed up. The EHO has continued to monitor the asbestos demolition site in Dargaville.

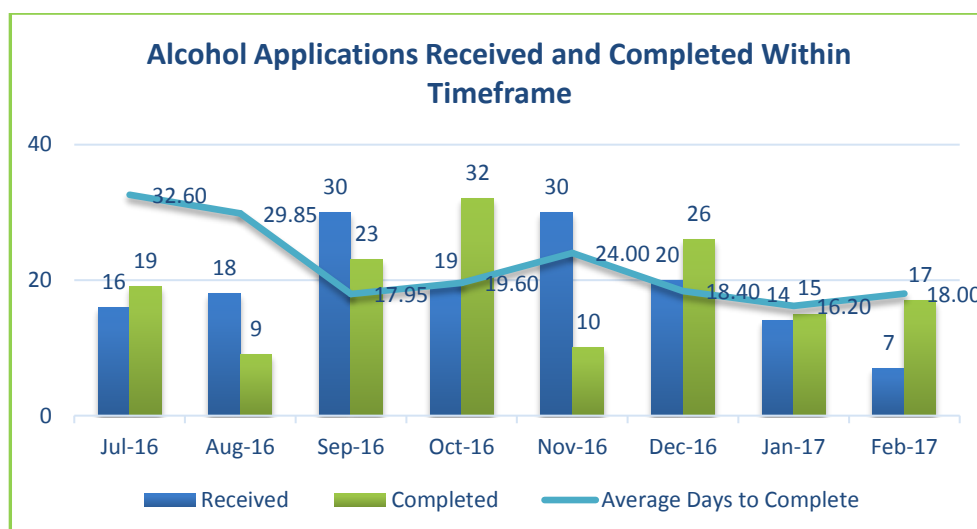
The Food Hygiene Regulations 1974 have been replaced with the Food Act 2014 and all food operators are required to transition to Food Control Plans by March 2019. We are well on our way to meeting this target with a total of 92 food operators currently signed up to food control plans (FCP's).

The Environmental Health team is meeting the target transition period from the Food Hygiene Regulations to the Food Act which has led to a dip in other inspection activity in February.



### Alcohol

Alcohol application numbers remain consistent. The average number of working days to issue applications has made good progress since this activity was brought back in-house.



### Animal Control, Noise and Parking Management

Our contractor Armourguard is currently meeting its service request targets and performing well.

Progress has been made to identify an integrated platform between the regthedog system and NCS dog database.

A detailed health and safety audit was successfully carried out on the Contractor Armourguard (at the Dog Pound) in the month of February with good results.

### Monitoring and Compliance

The Fencing of Swimming Pools Act 1987 was repealed on 01 January 2017 and its function has been incorporated into the Building Act 2004 (BA). The new provisions are in force but the *acceptable solutions* are still in draft form. Despite the *acceptable solutions* not being released by central government, we are continuing to make good progress to meeting compliance with the full register of swimming pools.

### Enforcement

There were 90 investigations carried out in February 2017.

- 4 enforcement actions
- 86 actions Informally resolved.

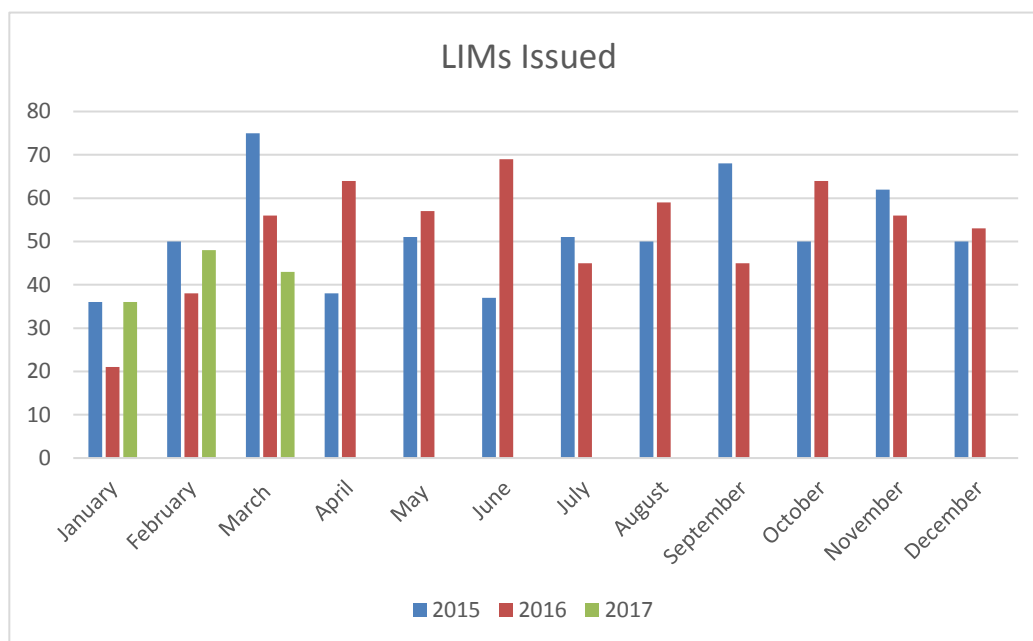
Activity	Received	Enforcement	Informally Resolved
Bylaws	19	1	18
District Plan	6	0	6
Resource Management Act	43	3	40
Water	1	0	1
Roading	2	0	2
Civil	3	0	3
Building Consents	2	0	2
Health	4	0	4
Parks and Reserves	1	0	1
Queries	9	0	9
<b>Total</b>	<b>90</b>	<b>4</b>	<b>86</b>

## 7 LIMs Overview

A Land Information Memorandum (LIM) is a property information report compiled by Council.

It is typically obtained by a potential buyer when looking to purchase a property and must be issued within 10 working days of receipt.

Below is the number of LIMs issued by Council from January 2015 to March 2017



## 8 LGOIMA Overview – 01 January – 17 March 2017

Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987.

Information requested as a LGOIMA must be answered in 20 working days from the day of receipt

Name	Subject
Taxpayers Union	Training and Professional Development
Deidre Sims	Colony Cage Egg Farm Applications and Notifications
Radio New Zealand	Drinking Water Standards
Shelley Knight	Commercial piggeries
Taxpayers Union	Cost classification codes and cost centres
Hazelton Law	Documentation relating to a Notice to Fix
Peter Cammell, Mangawhai	All information relating to Robert Street road reserve
Phil Twyford, Labour Party	Rateable values of Kaipara properties
Timothy Gibson, Mangawhai	Applications and submissions relating to Back Bay Walkway in Mangawhai
Sandra Murray NZ Product Stewardship Council	Information relating to funding, volumes, recycling and landfills

Name	Subject
Ian Gibson, Mangawhai	Documentation Relating to Mangawhai Town Plan
NZ First	Debt attributed and debt projections for the MCWWS
Fairfax Media	Chief Executive's salary

## 9 Corporate Services

### Human Resources

As at 28 February employment related data:

	Annual Plan Budget	Actual	Variance
Head Count	115	109	6
Full Time Equivalent	111.7	105.7	6
Employment Costs (YTD to February)	\$5.77m	\$5.86m	\$0.09m

The following appointments were made during February :

- Communications Manager;
- Policy Manager.

The following positions were vacated during January:

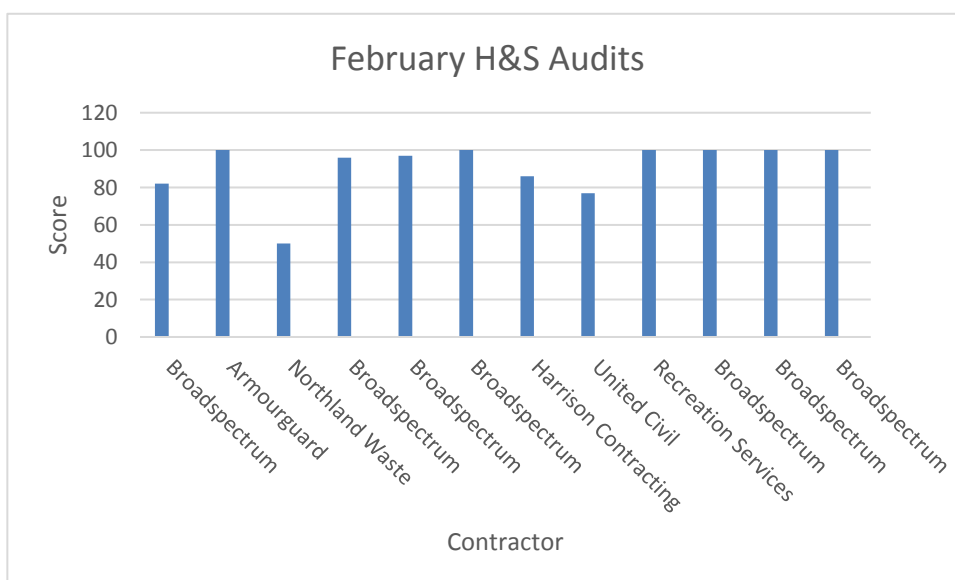
- Regulatory Planner.

### Health and Safety

There was one minor accident reported by Council staff and three by a contractor during February. Two contractor accidents resulted in minor injuries requiring first aid treatment only.

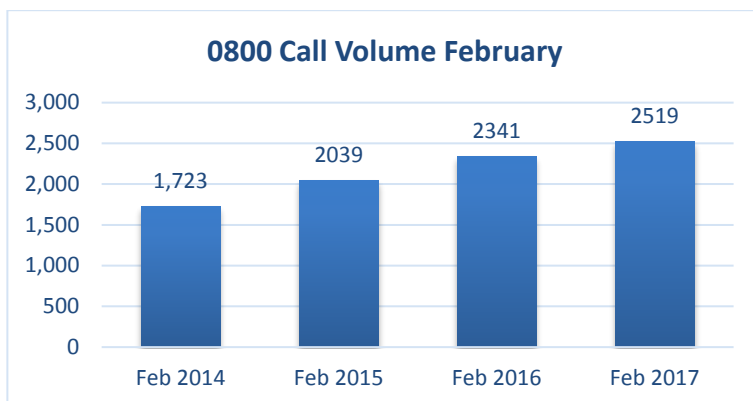
There were also 11 incidents or near misses reported by Council employees and contractors. Many of these related to incidents involving traffic management activities at mobile work sites, which is an ongoing area of risk.

Council officers conducted 12 audits of contractor activities during February. Most produced satisfactory results, some areas for improvement were identified in four of these audits and activity managers will follow up.



*Interaction Volume and Measures*

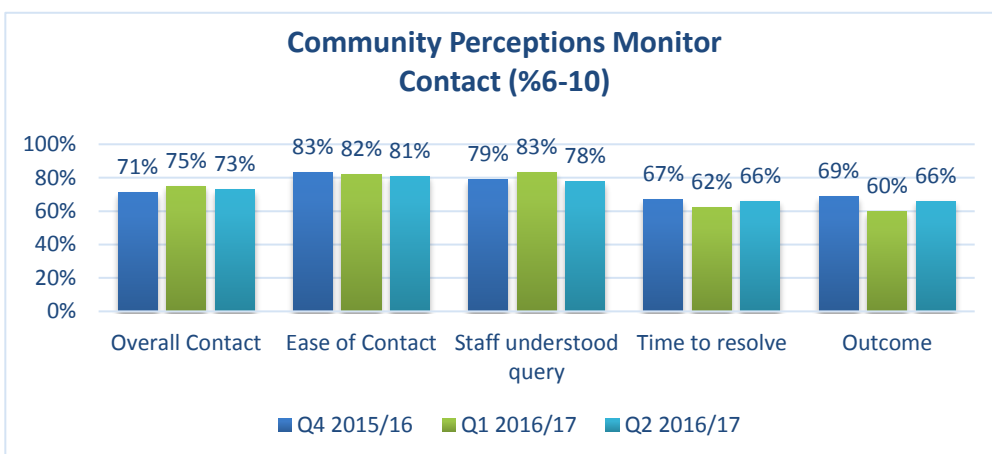
The volume of 0800 calls and other enquiries from customers continues to rise. For the month of February 2017, 0800 call data compared with the previous two years is as follows:



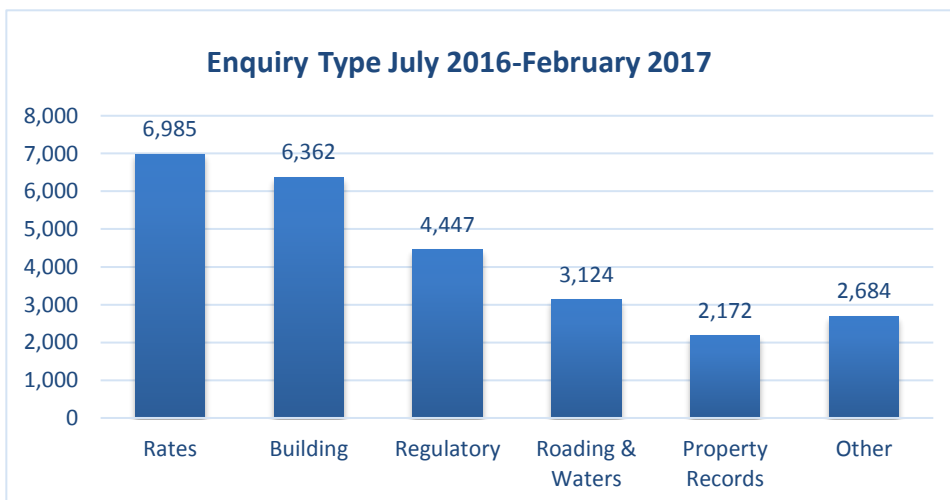
**Customer Services**

*Community Perceptions Monitor – Contact*

The latest quarterly Community Perceptions Monitor survey results from Key Research shows an increase in two of the five measures for “Contact” during October to December 2016.



Customer enquiry types for the year to February are reported below:



Customer contact was higher in February 2017. Many enquiries regarding Council roading services expressing dissatisfaction with the poor state of corrugated unsealed roads, then with the wet weather customers reported sludge and damaged parts of our network.

### **Communications**

Our new Communications Manager is undertaking a stocktake of communication initiatives as part of the development of a strategic communication plan. Support for the consultation process associated with the Annual Plan 2017/2018 is an early priority.

### **Information services**

There are a number of projects underway which are designed to enhance Council's capability to conduct its core business. Two of these projects (the replacement of the PABX and the installation of Customer Service Software) are being delayed pending the identification of suitable Wide Area Network infrastructure that can guarantee call quality. Options for addressing this network infrastructure restriction are being explored with a number of telephony providers.

Recruitment to the vacant IT Manager position was underway with the Chief Executive conducting final interviews with recommended candidates in March.

## **c) Contract acceptances**

### **Contract 848 – Dargaville Wastewater Renewals 2016/2017**

Awarded to Interflow Ltd for the tender price of \$360,593.74 (GST excl)

Lowest price conforming of five tenders, within approved terms of Council's 2016/2017 Water Services budget.

### **Contract 849 – Maungaturoto & Dargaville Water Renewals 2016/2017**

Awarded to Downer Ltd for the tender price of \$346,150.87 (GST excl)

Lowest price conforming of three tenders, within approved terms of Council's 2016/2017 Water Services budget.

### **Contract 850 – Dargaville Stormwater Pipe Renewals 2016/2017**

Awarded to Broadspectrum for the tender price of \$176,687.72 (GST excl)

Lowest price conforming of three tenders, within approved terms of Council's 2016/2017 Water Services budget.

## **d) Contracts signed under Chief Executive delegation**

### **Contract 814 – Dunn and Robertson Roads Rehabilitation**

Awarded to Fulton Hogan Ltd – Contract Price \$677,749.96 – four tenders received

Capital Expenditure project – Roding

### **Contract 815 – Tinopai and Mangawhai Roads Rehabilitation**

Awarded to Broadspectrum NZ Ltd – Contract Price \$788,120.77 – one tender received

Capital Expenditure project – Roding

### **Contract 833 – Raupo Drainage District Replacement Floodgate (N°53)**

Awarded to Barfoote Construction Ltd – Contract Price \$103,500 – one tender

Capital Expenditure project – Other

## **Contract 847 – Mangawhai Community Wastewater Scheme Irrigation Extension**

Awarded to WaterForce – Contract Price \$256,106 – one tender received

Capital Expenditure project – Other. Delegated by Council December 2016 meeting

### **e) Looking forward**

<b>1</b>	<b>Monday 08 May</b>	<b>Ordinary Council Meeting</b>	<b>TBC – 10.00am</b>
<b>2</b>	<b>Tuesday 09 May</b>	<b>Mangawhai Community Park</b>	<b>Mangawhai – 10.00am</b>
<b>3</b>	<b>Friday 19 May</b>	<b>Raupo Drainage Committee</b>	<b>Ruawai – 10.00am</b>
<b>5</b>	<b>Monday 12 June</b>	<b>Audit, Risk and Finance</b>	<b>Mangawhai – 2.00pm</b>
<b>6</b>	<b>Thursday 15 June</b>	<b>Harding Park/Pou Tu Te Rangi</b>	<b>Dargaville – 2.00pm</b>
<b>7</b>	<b>Monday 26 June</b>	<b>Taharoa Domain Governance</b>	<b>Dargaville – 10.30am</b>
<b>8</b>	<b>Monday 26 June</b>	<b>Ordinary Council Meeting</b>	<b>Dargaville – 12.30pm</b>



# **Chief Executive's Report**

## **Part Two - Financial Report**

❖ **28 February 2017**

## February 2017 Financial Report

This report covers:

- Whole of Council Overview;
- Statement of Operating and Capital Performance including commentary on activities;
- Statement of Financial Position; and
- Cash Flow.

### Whole of Council Overview

Key Indicators for year to date February are set out in the tables below.

	Year to Date February 2017			Indicator	Full Year	
	Actual \$000's	Budget \$000's	Variance \$000's		Budget \$000's	Forecast \$000's
Total Rates	22,156	21,490	666	●	32,287	32,331
Operating Subsidies and Grants	3,542	3,314	228	●	5,302	4,442
Activity Revenue and Other Income	3,863	2,948	915	●	4,346	5,195
<b>Total Operating Income</b>	<b>29,561</b>	<b>27,752</b>	<b>1,809</b>	●	<b>41,935</b>	<b>41,968</b>
Employee Benefits	5,862	5,772	(90)	●	8,614	8,918
Contractors	5,748	6,297	549	●	9,913	8,505
Professional Services	2,334	3,208	874	●	4,768	4,910
Repairs and Maintenance	2,045	1,846	(199)	●	2,798	3,161
Finance Costs	2,043	2,293	250	●	3,440	3,335
Other Operating Costs	3,274	3,758	484	●	5,507	6,065
<b>Total Operating Costs</b>	<b>21,306</b>	<b>23,174</b>	<b>1,868</b>	●	<b>35,040</b>	<b>34,894</b>
<b>Operating Surplus / (Deficit) before Depreciation</b>	<b>8,255</b>	<b>4,578</b>	<b>3,677</b>	●	<b>6,895</b>	<b>7,074</b>
Capital Subsidies	2,430	4,430	(2,000)	●	6,355	6,749
Contributions	1,207	792	415	●	1,190	1,237
Other Capital revenue	452	0	452	●	150	273
<b>Total Capital Revenue</b>	<b>4,089</b>	<b>5,222</b>	<b>(1,133)</b>	●	<b>7,695</b>	<b>8,259</b>
Capital Expenditure	6,550	10,129	3,579	●	15,863	18,055
Other Capital Payments						
<b>Total Capital Payments</b>	<b>6,550</b>	<b>10,129</b>	<b>3,579</b>	●	<b>15,863</b>	<b>18,055</b>
<b>Subtotal Capital</b>	<b>(2,461)</b>	<b>(4,907)</b>	<b>2,446</b>	●	<b>(8,168)</b>	<b>(9,796)</b>
<b>Surplus / (Deficit) before Loan Payments and Depreciation</b>	<b>5,794</b>	<b>(329)</b>	<b>6,123</b>	●	<b>(1,273)</b>	<b>(2,722)</b>

	June 2016	February 2017	June 2017
Public Debt	64,961	49,900	64,748

Key ● Favourable ● Unfavourable within 10% of Budget ● Unfavourable over 10% of Budget

- Attachments**
- 1 Statement of Operating and Capital Performances
  - 2 Statement of Financial Position
  - 3 Cash Flow

## Statement of Operating and Capital Performance

**Rates Revenue:** Late payment penalties of \$107,000 were applied in February and rates including penalties totalling \$7,000 were remitted in accordance with Council policy e.g. Uniform Annual General Charges (UAGC's) and Uniform Annual Charges (UAC's) for contiguous properties. In total rates penalties are now \$421,000 above budget, however an adjustment for statute barred debts at year end will bring penalties for the year close to the budget of \$750,000.

**Other Revenues:** Regulatory income for February is above budget with resource consents back to the pre-Christmas levels. Kai Iwi Lakes Campground is \$18,000 above budget for February continuing the good run of fees for summer. NZ Transport Agency (NZTA) operating subsidies are below budget for February reflecting the slowdown of maintenance works. For the year to date February all areas of revenue are ahead of budget.

**Operating Costs:** Contractor costs for February are below budget due to the reduced roading maintenance spend. This lower spend has also impacted on the February year to date costs which are below budget. In addition contractor costs within regulatory and asset management database costs are below budget.

Professional services costs in February are below budget by \$34,000 with higher roading costs being offset by lower costs in all other areas. For the year to date February professional services costs are \$875,000 below budget mainly due to lower costs within management services and IT costs in district leadership, planning costs, wastewater engineering costs and roading costs.

Repairs and maintenance costs are above budget for the month by \$21,000 due to higher water supply costs. For the year to date February repairs and maintenance costs are above budget due to water supply costs and community activities. The higher water supply costs are due to the new contract and will continue and the community activity costs are seasonal and will revert to budget in the coming months.

Other operating costs are below budget for the February month and year to date. This relates to lower computer and telephony costs, property costs and rates remissions all under budget and partially offset by write-offs in regulatory which are ahead of budget.

The reclassification in October of professional charges relating to the treatment of costs from the Northland Transport Alliance (NTA) accounts for much of the lower than budget activity costs for the year to date December. Council costs were previously coded as external and now have been more correctly classified as internal. The offset is in internal recoveries which are above budget due to the new arrangements for the NTA. An additional effect of the new arrangements is that there is a reclassification between solid waste and roading.

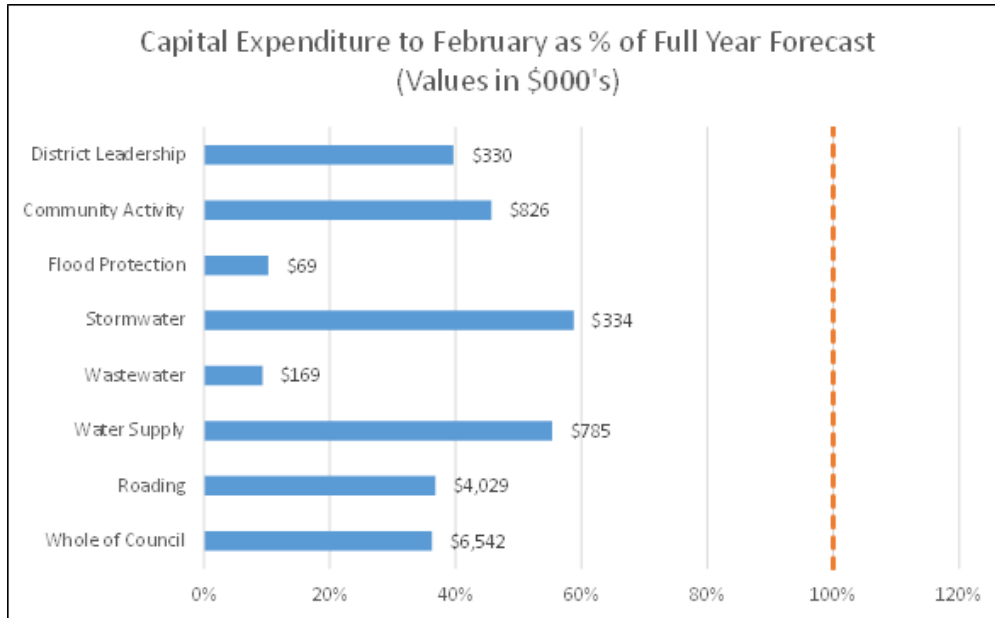
Employee benefits are on budget for the month and ahead of budget for the year to date February. This is expected and was included in forecast one. The higher costs are predominately in regulatory to cope with continued growth and are covered by increased revenue.

Finance costs for the year to date February of \$2,043,000 are \$250,000 below budget reflecting the lower intra year loan balance.

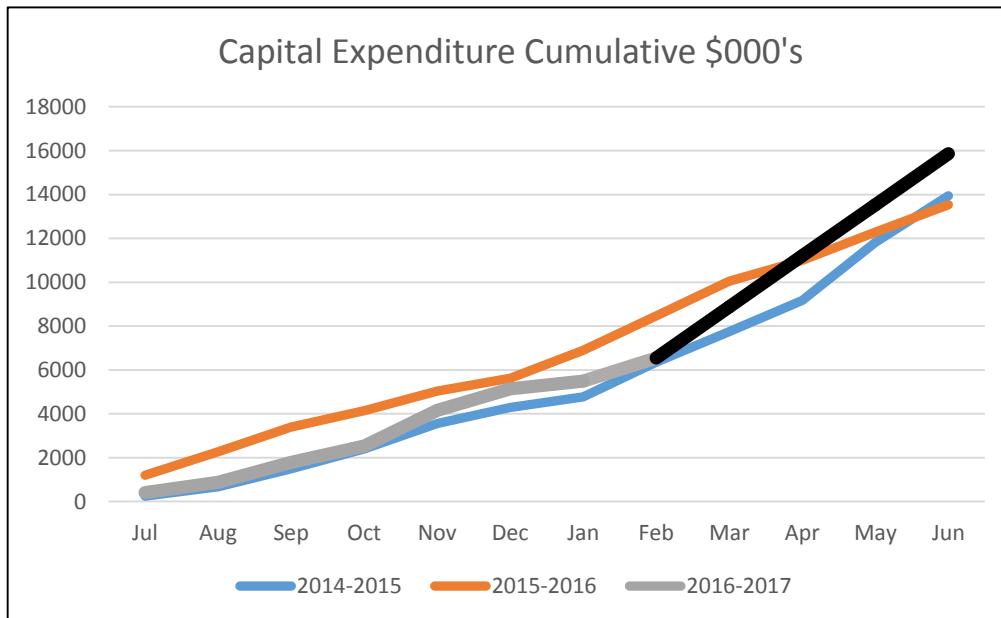
**Capital Revenue and Costs:** Subsidies within roading are below budget for the month and year to date February reflecting the low capital expenditure spend. The subsidies directly relate to the volume of work performed.

Council capital expenditure of \$6.5 million is below budget by \$3.6 million for the year to date February. The spend to date is 36% of the year's forecast. The major expenditure over the coming months will be roading and other infrastructure and should see high levels achieved during the summer months to meet forecast.

The following graph displays the % complete for Council and each activity compared with forecast one.



The graph below compares the last three year's capital expenditure with the black line being the spend required to reach budget.



Development contributions receipts for the year to date February were \$590,000 with the forecast one expected amount being \$701,000 for the full year. The actual receipts are made up of Mangawhai Community Wastewater Scheme \$520,000, roading \$63,000 and other schemes \$7,000.

Financial contributions of \$618,000 have been received to the end of February. Forecast one assumed total receipts for the year of \$537,000. Receipt of contributions is related to the timing of subdivisions and difficult to predict.

No further land was sold in February. Sales for the year to date are:

- 27 Wharfedale Crescent, Mangawhai \$124,000
- 250 Molesworth Drive, Mangawhai \$327,000

Total land sales are currently \$451,000 against a full year budget of \$150,000

Forecast two is being prepared from the February result and will be reported to the May Council meeting.

**Statement of Financial Position**

Trade and other receivables have decreased with instalment three of rates billed in January now being paid in February. Accrued revenue has increased with a higher claim against NZTA for February subsidies.

Trade and other payables have decreased with an accounting entry made to release the February rates billings and now only hold March rates billings from the January instalment.

**Public Debt**

Public debt has been temporarily reduced to \$49.9 million with the use of the cash held at year end and surplus cash received for the year to date. As the year progresses requirements for committed capital expenditure will reverse this trend. The debt level will be reviewed as part of forecast two.

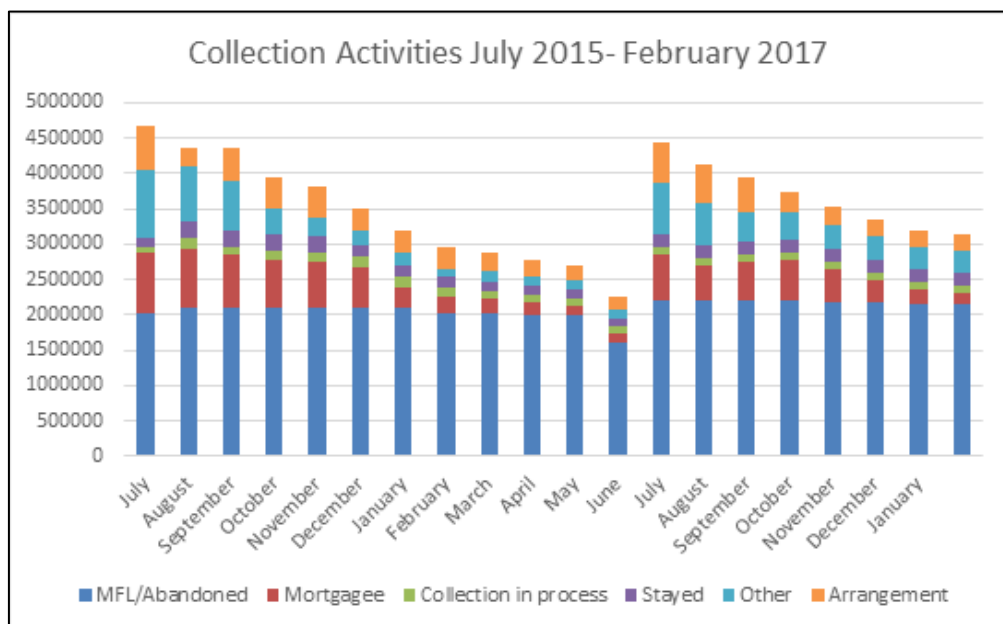
**Commentary on Activities**

Commentaries are now included on the relevant Statement of Operating and Capital Performance included with this report.

**Debtors**

Land rates arrears over \$200 (prior years) at 28 February 2017 are \$1.0 million excluding \$2.0 million arrears for Maori Freehold and Abandoned Land. At 30 June the arrears were \$2.6 million.

The graph below represents land rates arrears collection activities, in July 2016, the 2015/2016 current arrears were restated as prior years arrears.



Other debtors' arrears (older than 30 days) comprising mainly water rates debt, are \$0.9 million. The level of arrears remains has reduced \$200,000 from January. Debt enforcement of water rates arrears will be commence in March following February's arrears letters.

The table below is a summary of aged debtors at 28 February 2017.

Other Debtors Aged Arrears at 28 February 2017	30 Days		60 Days		90 days		Total Arrears	
	\$	Number	\$	Number	\$	Number	\$	Number
Resource Consents	1,000	6	18,000	7	66,000	39	85,000	52
Licensing, compliance, pools	1,000	2	3,000	9	15,000	33	19,000	44
Building Consents	-	3	25,000	3	170,000	16	195,000	22
Sundry debtors - housing	-	-	-	-	-	1	-	1
Sundry debtors	34,000	16	46,000	3	62,000	18	142,000	37
Water rates	29,000	109	71,000	222	362,000	442	462,000	773
<b>Total</b>	<b>65,000</b>	<b>136</b>	<b>163,000</b>	<b>244</b>	<b>675,000</b>	<b>549</b>	<b>903,000</b>	<b>929</b>

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	Actual \$'000	Budget \$'000	Variance \$'000	%	Actual \$'000	Budget \$'000	Variance \$'000	%	Budget \$'000		Actual \$'000	Forecast One \$'000	Variance \$'000	%	Forecast One \$'000	
28 February 2017																
<b>Statement of Operating and Capital Performance</b>																
<b>Whole of Council</b>																
<b>Operating Revenues</b>																
Rates (General)	1,765	1,755	10	0.6%	14,134	14,063	70	0.5%	21,083	<p><b>Whole of Council</b></p> <p>Late payment penalties of \$107,000 were charged in February with \$7,000 of rates and penalties remitted. User fees and charges are for February are above budget due to higher Kai Iwi Camp revenues and resources consent charges. Subsidies for February are below budget reflecting a slowdown in roading maintenance.</p> <p>Contractor costs for the month are \$318,000 below budget due to lower costs mainly in Rooding. Professional services are below budget in February by \$34,000 with the higher costs in roading offset by savings in all other activities. Repairs and maintenance are above budget by \$21,000 in the month due to the higher costs in the water supply contract. Other costs are below budget due to lower property costs and rates remissions. Finance costs continue below budget.</p> <p>Capital subsidies are below budget and relate to the level of roading capital works. Receipts for both development and financial contributions have been high for the month.</p> <p>The capital works completed in February totalled \$1.0 million and at \$6.5 million for the year to date is 36% of the year's forecast. Finalising and agreeing the Mangawhai Town Plan may delay some projects and roading could finish the year below forecast.</p> <p>For more detail please refer to main financial commentary.</p>	14,134	14,097	36	0.3%	21,122	
Rates (Targeted)	861	868	-6	-0.7%	7,101	6,927	174	2.5%	10,449		7,101	6,979	122	1.8%	10,464	
Rates (Penalties)	100	62	37	60.0%	921	500	421	84.3%	750		921	710	211	29.7%	750	
User Fees and Charges	385	314	71	22.5%	3,146	2,471	675	27.3%	3,635		3,146	3,127	19	0.6%	4,436	
Other Revenue	13	33	-21	-62.2%	486	275	210	76.4%	408		486	331	155	47.0%	459	
Subsidies and Grants - Operational	221	445	-223	-50.2%	3,542	3,314	228	6.9%	5,302		3,542	3,272	269	8.2%	4,442	
Investments and Other Income	21	25	-4	-16.0%	231	201	30	14.7%	303		231	201	30	15.0%	300	
<b>Total Operating Revenues</b>	<b>3,366</b>	<b>3,502</b>	<b>-137</b>	<b>-3.9%</b>	<b>29,561</b>	<b>27,752</b>	<b>1,809</b>	<b>6.5%</b>	<b>41,930</b>		<b>29,561</b>	<b>28,717</b>	<b>844</b>	<b>2.9%</b>	<b>41,973</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	505	824	318	38.6%	5,748	6,297	550	8.7%	9,913		5,748	6,032	284	4.7%	8,505	
Professional Services	352	386	34	8.9%	2,334	3,208	875	27.3%	4,768	2,334	3,060	726	23.7%	4,910		
Repairs and Maintenance	248	227	-21	-9.2%	2,045	1,846	-199	-10.8%	2,798	2,045	2,078	32	1.6%	3,161		
Other Operating Costs	298	384	85	22.3%	3,275	3,757	481	12.8%	5,507	3,275	3,389	114	3.4%	6,066		
Employee Benefits	673	680	7	1.0%	5,862	5,772	-89	-1.5%	8,614	5,862	5,920	58	1.0%	8,918		
Finance costs	232	287	54	19.0%	2,043	2,293	250	10.9%	3,440	2,043	2,188	145	6.6%	3,335		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>2,309</b>	<b>2,787</b>	<b>478</b>	<b>17.2%</b>	<b>21,306</b>	<b>23,174</b>	<b>1,867</b>	<b>8.1%</b>	<b>35,040</b>	<b>21,306</b>	<b>22,667</b>	<b>1,361</b>	<b>6.0%</b>	<b>34,894</b>		
<b>Operating Surplus/(Deficit)</b> <small>(before Depreciation)</small>	<b>1,056</b>	<b>715</b>	<b>342</b>	<b>47.8%</b>	<b>8,254</b>	<b>4,578</b>	<b>3,676</b>	<b>80.3%</b>	<b>6,890</b>	<b>8,254</b>	<b>6,050</b>	<b>2,204</b>	<b>36.4%</b>	<b>7,079</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	489	1,471	-982	-66.7%	2,430	4,430	-2,000	-45.1%	6,355	2,430	5,137	-2,707	-52.7%	6,749		
Development Contributions	345	54	292	543.1%	590	432	158	36.6%	650	590	441	148	33.6%	701		
Financial Contributions	210	45	165	366.2%	618	360	258	71.6%	540	618	347	271	78.0%	537		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	451	0	451	0.0%	150	451	123	328	265.6%	273		
<b>Total Capital Funding</b>	<b>1,045</b>	<b>1,570</b>	<b>-526</b>	<b>-33.5%</b>	<b>4,089</b>	<b>5,222</b>	<b>-1,133</b>	<b>-21.7%</b>	<b>7,695</b>	<b>4,089</b>	<b>6,049</b>	<b>-1,960</b>	<b>-32.4%</b>	<b>8,260</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>2,101</b>	<b>2,285</b>	<b>-184</b>	<b>-8.1%</b>	<b>12,343</b>	<b>9,800</b>	<b>2,543</b>	<b>26.0%</b>	<b>14,585</b>	<b>12,343</b>	<b>12,099</b>	<b>244</b>	<b>2.0%</b>	<b>15,339</b>		
<b>Capital Payments</b>																
Capital Expenditure	1,056	2,940	1,884	64.1%	6,550	10,129	3,579	35.3%	15,863	6,550	12,331	5,782	46.9%	18,055		
<b>Total Capital Payments</b>	<b>1,056</b>	<b>2,940</b>	<b>1,884</b>	<b>64.1%</b>	<b>6,550</b>	<b>10,129</b>	<b>3,579</b>	<b>35.3%</b>	<b>15,863</b>	<b>6,550</b>	<b>12,331</b>	<b>5,782</b>	<b>46.9%</b>	<b>18,055</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>1,045</b>	<b>-655</b>	<b>1,700</b>	<b>-260%</b>	<b>5,794</b>	<b>-329</b>	<b>6,122</b>	<b>-1863%</b>	<b>-1,278</b>	<b>5,794</b>	<b>-232</b>	<b>6,026</b>	<b>-2597%</b>	<b>-2,716</b>		
<b>Non Cash Accounts</b>																
Depreciation	800	800	0	0.0%	6,400	6,400	0	0.0%	9,600	6,400	6,400	0	0.0%	9,600		
Provisions	0	0	0	100.0%	32	1	-31	-5938.4%	90	32	50	18	36.6%	60		
Vested Assets	0	0	0	0.0%	32	0	-32	0.0%	0	32	0	-32	0.0%	0		
<b>Total Memo Accounts</b>	<b>800</b>	<b>800</b>	<b>0</b>	<b>0.0%</b>	<b>6,463</b>	<b>6,400</b>	<b>63</b>	<b>1.0%</b>	<b>9,689</b>	<b>6,463</b>	<b>6,450</b>	<b>13</b>	<b>0.2%</b>	<b>9,659</b>		

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year					
	28 February 2017				Actual	Budget	Variance	%	Actual		Budget	Variance	%	Budget	Actual	Forecast One	Variance	%	Forecast One	
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000		\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>																				
<b>Community Activities</b>																				
<b>Operating Revenues</b>																				
Rates (General)	291	289	2	0.6%	2,328	2,334	-6	-0.3%	3,491	<p><b>Community Activities</b></p> <p>User fees and charges are above budget for the month by \$14,000. This relates to Kai Iwi Camp fees above budget for February and continuing the good summer. For the year to date Camp revenues are \$353,000 which is \$146,000 above budget and higher than the whole of last year. The balance of fees and charges relates to social housing and ground leases which are close to budget.</p> <p>Other revenue is reimbursement for costs associated with leased properties.</p> <p>Professional services while on budget for the month are \$119,000 below budget for the year to date. This relates to support for the Mangawhai Town Plan and Taharoa Domain.</p> <p>Repairs and maintenance is above budget by \$21,000 for the month due to higher costs at Kai Iwi, social housing and Dargaville parks. For the year to date February costs are above budget by \$174,000. Higher costs at Kai Iwi, Taharoa, Mangawhai and Dargaville parks and also social housing account for this. A portion of the cost is seasonal and will reduce in the coming months.</p> <p>Higher employee costs at Kai Iwi over the summer have impacted on the employee budget.</p> <p>Financial contributions have received a boost with \$210,000 received in February. This brings the year to date total to \$593,000. Timing of receipts is difficult to predict.</p> <p>Capital expenditure of \$58,000 was incurred in February. The year to date February spend now stands at \$833,000, which is 46% of the year's forecast. This is expected to catch up over the balance of the year except for projects impacted by the Mangawhai Town Plan which will most likely be held until the plan is finalised.</p>	2,328	2,339	-12	-0.5%	3,501					
Rates (Targeted)	24	23	0	0.8%	189	188	1	0.5%	282		189	189	1	0.4%	282					
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0					
User Fees and Charges	88	74	14	19.2%	686	538	148	27.4%	734		686	556	130	23.4%	752					
Other Revenue	1	2	-1	-42.2%	105	14	91	670.3%	19		105	47	58	124.5%	52					
Subsidies and Grants - Operational	10	4	5	131.3%	47	33	13	40.1%	50		47	21	25	117.8%	50					
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0					
<b>Total Operating Revenues</b>	<b>414</b>	<b>393</b>	<b>21</b>	<b>5.3%</b>	<b>3,355</b>	<b>3,108</b>	<b>247</b>	<b>8.0%</b>	<b>4,576</b>		<b>3,355</b>	<b>3,152</b>	<b>203</b>	<b>6.4%</b>	<b>4,637</b>					
<b>Operating Costs (excl. Depreciation)</b>																				
Contractors	36	35	-1	-2.9%	280	284	3	1.2%	423		280	268	-12	-4.4%	407					
Professional Services	26	29	3	10.9%	121	240	119	49.7%	358	121	192	71	37.1%	345						
Repairs and Maintenance	100	79	-21	-27.0%	837	663	-174	-26.3%	1,017	837	728	-109	-14.9%	1,075						
Other Operating Costs	80	106	25	24.0%	1,279	1,247	-32	-2.6%	1,843	1,279	1,346	67	5.0%	1,884						
Employee Benefits	53	49	-4	-8.1%	413	395	-19	-4.7%	589	413	403	-10	-2.5%	601						
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
<b>Total Operating Costs (excl. Depreciation)</b>	<b>295</b>	<b>297</b>	<b>2</b>	<b>0.8%</b>	<b>2,930</b>	<b>2,828</b>	<b>-102</b>	<b>-3.6%</b>	<b>4,229</b>	<b>2,930</b>	<b>2,938</b>	<b>8</b>	<b>0.3%</b>	<b>4,311</b>						
<b>Operating Surplus/(Deficit)</b> <small>(before Depreciation)</small>	<b>119</b>	<b>96</b>	<b>23</b>	<b>24.3%</b>	<b>424</b>	<b>279</b>	<b>145</b>	<b>52.0%</b>	<b>346</b>	<b>424</b>	<b>214</b>	<b>211</b>	<b>98.4%</b>	<b>326</b>						
<b>Capital Funding</b>																				
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
Financial Contributions	210	42	168	403.5%	593	333	260	78.0%	500	593	329	264	80.2%	496						
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
<b>Total Capital Funding</b>	<b>210</b>	<b>42</b>	<b>168</b>	<b>403.5%</b>	<b>593</b>	<b>333</b>	<b>260</b>	<b>78.0%</b>	<b>500</b>	<b>593</b>	<b>329</b>	<b>264</b>	<b>80.2%</b>	<b>496</b>						
<b>Total Capital Funding and Operating Surplus</b>	<b>329</b>	<b>137</b>	<b>191</b>	<b>139.3%</b>	<b>1,018</b>	<b>613</b>	<b>405</b>	<b>66.2%</b>	<b>846</b>	<b>1,018</b>	<b>543</b>	<b>475</b>	<b>87.3%</b>	<b>822</b>						
<b>Capital Payments</b>																				
Capital Expenditure	58	65	7	10.2%	833	572	-261	-45.7%	1,373	833	880	46	5.3%	1,809						
<b>Total Capital Payments</b>	<b>58</b>	<b>65</b>	<b>7</b>	<b>10.2%</b>	<b>833</b>	<b>572</b>	<b>-261</b>	<b>-45.7%</b>	<b>1,373</b>	<b>833</b>	<b>880</b>	<b>46</b>	<b>5.3%</b>	<b>1,809</b>						
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																				
	<b>271</b>	<b>73</b>	<b>198</b>	<b>271%</b>	<b>185</b>	<b>40</b>	<b>144</b>	<b>357%</b>	<b>-527</b>	<b>185</b>	<b>-336</b>	<b>521</b>	<b>-155%</b>	<b>-987</b>						
<b>Non Cash Accounts</b>																				
Depreciation	13	13	0	0.0%	103	103	0	0.0%	154	103	103	0	0.0%	154						
Provisions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0						
<b>Total Memo Accounts</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>0.0%</b>	<b>103</b>	<b>103</b>	<b>0</b>	<b>0.0%</b>	<b>154</b>	<b>103</b>	<b>103</b>	<b>0</b>	<b>0.0%</b>	<b>154</b>						



For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	28 February 2017				Actual	Budget	Variance	%	Budget		Actual	Forecast One	Variance	%	Forecast One	
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000		\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>																
<b>District Leadership</b>																
<b>Operating Revenues</b>																
Rates (General)	355	348	8	2.2%	2,860	2,783	76	2.7%	4,175	<p><b>District Leadership</b></p> <p>Late payment penalties of \$107,000 were applied in February. There was \$7,000 of adjustments to penalties. At year end an adjustment is made for statute barred rates which will reduce penalties closer to the budget value.</p> <p>Other revenue year to date February includes payment of \$34,000 for the insurance claim relating to the burglary earlier in the year, recoveries for accounting services to the NTA of \$36,000 and water penalties of \$38,000.</p> <p>Professional services are below budget for February by \$129,000 and year to date by \$502,000. Lower costs incurred in forward planning and management services are the main factors.</p> <p>Other operating costs continue below budget for the month and year to date. The main areas under budget are computing and telephony, accounting services, grants and rates remissions. Staff training is ahead of budget and partially offsets these lower costs. The increased training was incorporated into forecast one.</p> <p>Finance costs are below budget due to reduced intra year loan balances.</p> <p>There have been two land sales totalling \$451,000 so far this year.</p> <p>Minimal capital expenditure was incurred in February. Spending will be monitored over the coming months and reviewed with Forecast Two.</p>	2,860	2,814	46	1.6%	4,210	
Rates (Targeted)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Rates (Penalties)	100	62	37	60.0%	921	500	421	84.3%	750		921	710	211	29.7%	750	
User Fees and Charges	10	7	3	35.0%	42	57	-16	-27.0%	86		42	43	-1	-2.8%	78	
Other Revenue	0	6	-6	-93.3%	183	49	134	276.1%	73		183	91	92	100.5%	116	
Subsidies and Grants - Operational	0	0	0	0.0%	0	26	-26	-100.0%	26		0	0	0	0.0%	0	
Investments and Other Income	20	25	-5	-18.2%	226	198	27	13.7%	298		226	197	29	14.8%	294	
<b>Total Operating Revenues</b>	<b>486</b>	<b>448</b>	<b>37</b>	<b>8.3%</b>	<b>4,232</b>	<b>3,614</b>	<b>617</b>	<b>17.1%</b>	<b>5,408</b>		<b>4,232</b>	<b>3,855</b>	<b>377</b>	<b>9.8%</b>	<b>5,448</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	5	5	0	-3.1%	43	44	1	2.3%	66		43	51	8	15.1%	75	
Professional Services	62	191	129	67.5%	1,031	1,532	502	32.7%	2,298	1,031	1,405	374	26.6%	2,200		
Repairs and Maintenance	3	14	11	78.8%	66	122	56	45.8%	179	66	112	46	41.1%	179		
Other Operating Costs	-234	-184	51	-27.5%	-1,666	-1,364	301	-22.1%	-2,087	-1,666	-1,542	124	-8.0%	-2,009		
Employee Benefits	358	374	16	4.3%	3,153	3,221	69	2.1%	4,740	3,153	3,178	25	0.8%	4,782		
Finance costs	232	287	54	19.0%	2,043	2,293	250	10.9%	3,440	2,043	2,188	145	6.6%	3,335		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>427</b>	<b>688</b>	<b>261</b>	<b>38.0%</b>	<b>4,670</b>	<b>5,849</b>	<b>1,179</b>	<b>20.2%</b>	<b>8,635</b>	<b>4,670</b>	<b>5,393</b>	<b>722</b>	<b>13.4%</b>	<b>8,563</b>		
<b>Operating Surplus/(Deficit)</b> <i>(before Depreciation)</i>	<b>59</b>	<b>-239</b>	<b>298</b>	<b>-124.8%</b>	<b>-439</b>	<b>-2,235</b>	<b>1,796</b>	<b>-80.4%</b>	<b>-3,227</b>	<b>-439</b>	<b>-1,538</b>	<b>1,099</b>	<b>-71.5%</b>	<b>-3,115</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Financial Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	451	0	451	0.0%	150	451	123	328	265.6%	273		
<b>Total Capital Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>451</b>	<b>0</b>	<b>451</b>	<b>0.0%</b>	<b>150</b>	<b>451</b>	<b>123</b>	<b>328</b>	<b>265.6%</b>	<b>273</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>59</b>	<b>-239</b>	<b>298</b>	<b>-124.8%</b>	<b>12</b>	<b>-2,235</b>	<b>2,247</b>	<b>-100.6%</b>	<b>-3,077</b>	<b>12</b>	<b>-1,414</b>	<b>1,427</b>	<b>-100.9%</b>	<b>-2,842</b>		
<b>Capital Payments</b>																
Capital Expenditure	24	72	47	66.4%	330	667	337	50.5%	626	330	700	370	52.8%	832		
<b>Total Capital Payments</b>	<b>24</b>	<b>72</b>	<b>47</b>	<b>66.4%</b>	<b>330</b>	<b>667</b>	<b>337</b>	<b>50.5%</b>	<b>626</b>	<b>330</b>	<b>700</b>	<b>370</b>	<b>52.8%</b>	<b>832</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>35</b>	<b>-311</b>	<b>346</b>	<b>-111%</b>	<b>-318</b>	<b>-2,902</b>	<b>2,584</b>	<b>-89%</b>	<b>-3,703</b>	<b>-318</b>	<b>-2,114</b>	<b>1,797</b>	<b>-85%</b>	<b>-3,674</b>		
<b>Non Cash Accounts</b>																
Depreciation	30	30	0	0.0%	238	238	0	0.0%	357	238	238	0	0.0%	357		
Provisions	0	0	0	0.0%	0	0	0	0.0%	89	0	0	0	0.0%	89		
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Memo Accounts</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>0.0%</b>	<b>238</b>	<b>238</b>	<b>0</b>	<b>0.0%</b>	<b>446</b>	<b>238</b>	<b>238</b>	<b>0</b>	<b>0.0%</b>	<b>446</b>		

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	28 February 2017				Actual	Budget	Variance				Budget	Actual	Forecast One	Variance		Forecast One
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	\$'000	%	\$'000		
<b>Statement of Operating and Capital Performance</b>																
<b>Emergency Management</b>																
<b>Operating Revenues</b>																
Rates (General)	15	15	0	0.0%	122	122	0	0.0%	183	<b>Emergency Management</b> Little activity in the month or year to date.	122	122	0	0.0%	188	
Rates (Targeted)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
User Fees and Charges	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Other Revenue	0	10	-10	-100.0%	3	79	-76	-96.8%	118		3	52	-49	-95.1%	91	
Subsidies and Grants - Operational	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
<b>Total Operating Revenues</b>	<b>15</b>	<b>25</b>	<b>-10</b>	<b>-39.2%</b>	<b>125</b>	<b>201</b>	<b>-76</b>	<b>-38.0%</b>	<b>302</b>		<b>125</b>	<b>174</b>	<b>-49</b>	<b>-28.3%</b>	<b>280</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	6	4	-2	-40.6%	25	37	12	32.4%	54		25	86	61	71.0%	104	
Professional Services	6	3	-2	-70.7%	23	27	4	14.6%	41	23	23	0	-0.5%	47		
Repairs and Maintenance	2	4	2	49.5%	20	34	14	40.3%	50	20	32	12	36.4%	48		
Other Operating Costs	5	12	8	62.3%	43	105	63	59.6%	155	43	67	25	36.7%	96		
Employee Benefits	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>18</b>	<b>24</b>	<b>5</b>	<b>22.5%</b>	<b>111</b>	<b>204</b>	<b>93</b>	<b>45.4%</b>	<b>301</b>	<b>111</b>	<b>209</b>	<b>98</b>	<b>46.7%</b>	<b>294</b>		
<b>Operating Surplus/(Deficit)</b> <small>(before Depreciation)</small>	<b>-3</b>	<b>1</b>	<b>-5</b>	<b>-322.6%</b>	<b>13</b>	<b>-3</b>	<b>16</b>	<b>-600.7%</b>	<b>1</b>	<b>13</b>	<b>-35</b>	<b>48</b>	<b>-138.7%</b>	<b>-14</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	0	10	-10	-100.0%	0	77	-77	-100.0%	115	0	0	0	0.0%	0		
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Financial Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Capital Funding</b>	<b>0</b>	<b>10</b>	<b>-10</b>	<b>-100.0%</b>	<b>0</b>	<b>77</b>	<b>-77</b>	<b>-100.0%</b>	<b>115</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>-3</b>	<b>11</b>	<b>-14</b>	<b>-128.4%</b>	<b>13</b>	<b>74</b>	<b>-60</b>	<b>-81.8%</b>	<b>116</b>	<b>13</b>	<b>-35</b>	<b>48</b>	<b>-138.7%</b>	<b>-14</b>		
<b>Capital Payments</b>																
Capital Expenditure	0	0	0	0.0%	0	0	0	0.0%	153	0	0	0	0.0%	0		
<b>Total Capital Payments</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>153</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>-3</b>	<b>11</b>	<b>-14</b>	<b>-128%</b>	<b>13</b>	<b>74</b>	<b>-60</b>	<b>-82%</b>	<b>-37</b>	<b>13</b>	<b>-35</b>	<b>48</b>	<b>-139%</b>	<b>-14</b>		
<b>Non Cash Accounts</b>																
Depreciation	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Provisions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Memo Accounts</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	28 February 2017				Actual	Budget	Variance				Budget	Actual	Forecast One	Variance		Forecast One
	Actual	Budget	Variance		Actual	Budget	Actual	%	Budget		Actual	One	Actual	%	One	
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000		\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>																
<b>Flood Protection and Control Works</b>																
<b>Operating Revenues</b>																
Rates (General)	1	1	0	0.0%	10	10	0	0.0%	14	<b>Flood Protection</b> Spraying work and drainage in February was split between the Raupo area, Kaihu Valley and six other land districts. The extra costs in Hoanga and Awakino for urgent repairs earlier in the year are offset by lower costs in other areas.  The first floodgate in Raupo has been completed with a second gate to be started immediately.	10	10	0	0.0%	19	
Rates (Targeted)	52	52	0	0.5%	418	415	2	0.5%	623		418	416	1	0.3%	624	
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
User Fees and Charges	1	0	1	0.0%	6	4	3	66.3%	8		6	4	2	60.3%	8	
Other Revenue	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Subsidies and Grants - Operational	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
<b>Total Operating Revenues</b>	<b>54</b>	<b>53</b>	<b>1</b>	<b>2.2%</b>	<b>434</b>	<b>429</b>	<b>5</b>	<b>1.1%</b>	<b>646</b>		<b>434</b>	<b>430</b>	<b>4</b>	<b>0.9%</b>	<b>652</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Professional Services	1	0	-1	0.0%	3	5	2	32.7%	5	3	0	-3	-1620.8%	5		
Repairs and Maintenance	33	32	0	-0.9%	198	221	23	10.5%	325	198	217	19	8.7%	357		
Other Operating Costs	5	5	0	3.1%	42	43	2	3.5%	62	42	42	0	-0.5%	62		
Employee Benefits	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>39</b>	<b>37</b>	<b>-1</b>	<b>-3.8%</b>	<b>243</b>	<b>270</b>	<b>26</b>	<b>9.8%</b>	<b>392</b>	<b>243</b>	<b>259</b>	<b>15</b>	<b>6.0%</b>	<b>424</b>		
<b>Operating Surplus/(Deficit)</b> (before Depreciation)	<b>16</b>	<b>16</b>	<b>0</b>	<b>-1.6%</b>	<b>190</b>	<b>159</b>	<b>31</b>	<b>19.5%</b>	<b>254</b>	<b>190</b>	<b>171</b>	<b>19</b>	<b>11.2%</b>	<b>228</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Financial Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Capital Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>-1.6%</b>	<b>190</b>	<b>159</b>	<b>31</b>	<b>19.5%</b>	<b>254</b>	<b>190</b>	<b>171</b>	<b>19</b>	<b>11.2%</b>	<b>228</b>		
<b>Capital Payments</b>																
Capital Expenditure	69	52	-17	-32.9%	69	344	275	79.9%	604	69	264	195	73.8%	674		
<b>Total Capital Payments</b>	<b>69</b>	<b>52</b>	<b>-17</b>	<b>-32.9%</b>	<b>69</b>	<b>344</b>	<b>275</b>	<b>79.9%</b>	<b>604</b>	<b>69</b>	<b>264</b>	<b>195</b>	<b>73.8%</b>	<b>674</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>-53</b>	<b>-36</b>	<b>-17</b>	<b>48%</b>	<b>121</b>	<b>-185</b>	<b>306</b>	<b>-166%</b>	<b>-350</b>	<b>121</b>	<b>-93</b>	<b>214</b>	<b>-231%</b>	<b>-446</b>		
<b>Non Cash Accounts</b>																
Depreciation	8	8	0	0.0%	68	68	0	0.0%	102	68	68	0	0.0%	102		
Provisions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Memo Accounts</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0.0%</b>	<b>68</b>	<b>68</b>	<b>0</b>	<b>0.0%</b>	<b>102</b>	<b>68</b>	<b>68</b>	<b>0</b>	<b>0.0%</b>	<b>102</b>		

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	28 February 2017				Actual	Budget	Variance				Budget	Actual	Forecast One	Variance		Forecast One
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000		\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>																
<b>Regulatory Management</b>																
<b>Operating Revenues</b>																
Rates (General)	71	71	0	0.0%	571	571	0	0.0%	856	<b>Regulatory</b> User fees and charges for February were ahead of budget by \$52,000 with resource consents ahead and building control on budget. This brings resource consents back to the higher levels from earlier in the year and building above the Christmas period and starting to climb again. Both areas remain above budget for the year to date February. Environmental and animal management is below budget by \$7,000 in February and ahead of budget by \$50,000 for the year to date. Contractor costs are below budget. Much of the costs relate to resource consents and are absorbed into professional services. Professional services are ahead of budget by \$22,000 for the month and \$193,000 and outside services are used to augment staff because of the high levels of activity. Other operating costs are on budget for the month and above budget by \$39,000 for the year to date. This is mainly due to write offs resolving historical debt issues. Employee costs continue above budget reflecting higher staff costs to ensure consents are within set timeframes. Costs are covered by increased revenues.	571	571	0	0.0%	862	
Rates (Targeted)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	-100.0%	0	
User Fees and Charges	283	231	52	22.6%	2,402	1,854	548	29.6%	2,782		2,402	2,513	-111	-4.4%	3,579	
Other Revenue	6	9	-2	-26.4%	73	75	-1	-1.9%	112		73	61	12	19.8%	94	
Subsidies and Grants - Operational	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Investments and Other Income	1	0	1	180.5%	5	3	2	83.1%	5		5	4	1	25.4%	6	
<b>Total Operating Revenues</b>	<b>362</b>	<b>311</b>	<b>50</b>	<b>16.2%</b>	<b>3,052</b>	<b>2,503</b>	<b>549</b>	<b>21.9%</b>	<b>3,755</b>		<b>3,052</b>	<b>3,150</b>	<b>-98</b>	<b>-3.1%</b>	<b>4,541</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	20	42	22	52.3%	146	336	191	56.7%	504		146	279	133	47.7%	457	
Professional Services	66	34	-32	-94.7%	465	273	-193	-70.6%	408	465	528	63	11.9%	826		
Repairs and Maintenance	0	0	0	100.0%	0	1	1	100.0%	1	0	0	0	100.0%	0		
Other Operating Costs	60	59	-1	-0.9%	538	499	-39	-7.9%	742	538	508	-30	-5.9%	782		
Employee Benefits	178	171	-7	-4.2%	1,505	1,411	-94	-6.7%	2,096	1,505	1,539	34	2.2%	2,335		
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>323</b>	<b>305</b>	<b>-18</b>	<b>-5.9%</b>	<b>2,654</b>	<b>2,520</b>	<b>-134</b>	<b>-5.3%</b>	<b>3,750</b>	<b>2,654</b>	<b>2,854</b>	<b>200</b>	<b>7.0%</b>	<b>4,400</b>		
<b>Operating Surplus/(Deficit)</b> <i>(before Depreciation)</i>	<b>38</b>	<b>6</b>	<b>32</b>	<b>561.1%</b>	<b>398</b>	<b>-17</b>	<b>415</b>	<b>-2456.2%</b>	<b>5</b>	<b>398</b>	<b>296</b>	<b>102</b>	<b>34.4%</b>	<b>141</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Financial Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Capital Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>38</b>	<b>6</b>	<b>32</b>	<b>561.1%</b>	<b>398</b>	<b>-17</b>	<b>415</b>	<b>-2456.2%</b>	<b>5</b>	<b>398</b>	<b>296</b>	<b>102</b>	<b>34.4%</b>	<b>141</b>		
<b>Capital Payments</b>																
Capital Expenditure	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Capital Payments</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>38</b>	<b>6</b>	<b>32</b>	<b>561%</b>	<b>398</b>	<b>-17</b>	<b>415</b>	<b>-2456%</b>	<b>5</b>	<b>398</b>	<b>296</b>	<b>102</b>	<b>34%</b>	<b>141</b>		
<b>Non Cash Accounts</b>																
Depreciation	1	1	0	0.0%	9	9	0	0.0%	14	9	9	0	0.0%	14		
Provisions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Memo Accounts</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0.0%</b>	<b>9</b>	<b>9</b>	<b>0</b>	<b>0.0%</b>	<b>14</b>	<b>9</b>	<b>9</b>	<b>0</b>	<b>0.0%</b>	<b>14</b>		

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	28 February 2017				Actual	Budget	Variance	%	Budget		Actual	Forecast One	Variance	%	Forecast One	
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000		\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>																
<b>Sewerage and the Treatment and Disposal of Sewage</b>																
<b>Operating Revenues</b>																
Rates (General)	160	160	0	0.0%	1,283	1,283	0	0.0%	1,924	<b>Wastewater</b> Operating costs overall are below budget by \$39,000 for the month of February and \$256,000 for the year to date as few professional services costs have been incurred so far this year.  However chemical desludge costs in Dargaville are above budget by \$23,000. The two year trial is about to finish and options will be considered within the budgetary constraints. Elsewhere lower repair and maintenance costs in Maungaturoto and Mangawhai offset the desludge costs.  Capital works are about to increase with projects in Dargaville and Mangawhai commencing in March. The tender for desludge in Maungaturoto is proceeding.  Development contributions of \$520,000 have been received for the Mangawhai Community Wastewater Scheme up to the end of February.	1,283	1,283	0	0.0%	1,929	
Rates (Targeted)	451	431	19	4.5%	3,518	3,432	87	2.5%	5,208		3,518	3,444	74	2.2%	5,221	
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
User Fees and Charges	0	0	0	0.0%	4	2	1	54.8%	2		4	0	3	1419.0%	0	
Other Revenue	2	0	2	0.0%	31	7	24	334.9%	7		31	23	8	32.5%	23	
Subsidies and Grants - Operational	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
<b>Total Operating Revenues</b>	<b>613</b>	<b>592</b>	<b>21</b>	<b>3.6%</b>	<b>4,836</b>	<b>4,724</b>	<b>112</b>	<b>2.4%</b>	<b>7,142</b>		<b>4,836</b>	<b>4,750</b>	<b>86</b>	<b>1.8%</b>	<b>7,173</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	92	95	3	3.0%	741	772	31	4.1%	1,154		741	755	14	1.9%	1,137	
Professional Services	12	24	12	50.3%	38	236	198	84.0%	336	38	124	86	69.6%	224		
Repairs and Maintenance	42	57	15	26.2%	416	468	53	11.2%	710	416	469	53	11.3%	710		
Other Operating Costs	85	94	9	10.0%	762	736	-27	-3.6%	1,118	762	747	-15	-2.0%	1,130		
Employee Benefits	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>231</b>	<b>270</b>	<b>39</b>	<b>14.6%</b>	<b>1,957</b>	<b>2,212</b>	<b>256</b>	<b>11.6%</b>	<b>3,318</b>	<b>1,957</b>	<b>2,095</b>	<b>139</b>	<b>6.6%</b>	<b>3,201</b>		
<b>Operating Surplus/(Deficit)</b> <small>(before Depreciation)</small>	<b>382</b>	<b>321</b>	<b>61</b>	<b>18.8%</b>	<b>2,879</b>	<b>2,512</b>	<b>368</b>	<b>14.6%</b>	<b>3,824</b>	<b>2,879</b>	<b>2,655</b>	<b>224</b>	<b>8.5%</b>	<b>3,972</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Development Contributions	336	29	307	1052.6%	520	233	287	123.2%	349	520	287	233	81.0%	404		
Financial Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Capital Funding</b>	<b>336</b>	<b>29</b>	<b>307</b>	<b>1052.6%</b>	<b>520</b>	<b>233</b>	<b>287</b>	<b>123.2%</b>	<b>349</b>	<b>520</b>	<b>287</b>	<b>233</b>	<b>81.0%</b>	<b>404</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>717</b>	<b>350</b>	<b>367</b>	<b>104.8%</b>	<b>3,399</b>	<b>2,745</b>	<b>655</b>	<b>23.8%</b>	<b>4,173</b>	<b>3,399</b>	<b>2,942</b>	<b>457</b>	<b>15.5%</b>	<b>4,376</b>		
<b>Capital Payments</b>																
Capital Expenditure	3	104	101	97.4%	169	601	432	71.9%	1,198	169	1,060	891	84.1%	1,807		
<b>Total Capital Payments</b>	<b>3</b>	<b>104</b>	<b>101</b>	<b>97.4%</b>	<b>169</b>	<b>601</b>	<b>432</b>	<b>71.9%</b>	<b>1,198</b>	<b>169</b>	<b>1,060</b>	<b>891</b>	<b>84.1%</b>	<b>1,807</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>715</b>	<b>247</b>	<b>468</b>	<b>190%</b>	<b>3,231</b>	<b>2,144</b>	<b>1,087</b>	<b>51%</b>	<b>2,975</b>	<b>3,231</b>	<b>1,882</b>	<b>1,348</b>	<b>72%</b>	<b>2,569</b>		
<b>Non Cash Accounts</b>																
Depreciation	109	109	0	0.0%	868	868	0	0.0%	1,302	868	868	0	0.0%	1,302		
Provisions	0	-11	-11	100.0%	0	-87	-87	100.0%	-130	0	-4	-4	100.0%	-127		
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Memo Accounts</b>	<b>109</b>	<b>98</b>	<b>11</b>	<b>11.1%</b>	<b>868</b>	<b>782</b>	<b>87</b>	<b>11.1%</b>	<b>1,172</b>	<b>868</b>	<b>864</b>	<b>4</b>	<b>0.5%</b>	<b>1,175</b>		

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year
	28 February 2017				Actual	Budget	Variance	%	Budget		Actual	Forecast One	Variance	%	Forecast One
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>															
<b>Solid Waste</b>															
<b>Operating Revenues</b>															
Rates (General)	69	69	0	0.0%	552	552	0	0.0%	828	<b>Solid Waste</b> Operating costs are below budget as the new roading shared service is rolled out and costs have been reclassified. Most of the employee budget has been transferred to roading. Internal charges reflect the internal labour costs now being accounted for in a similar manner to roading.  Costs for contractors directly associated with solid waste are tracking slightly below budget for the year to date. Management services are below budget however they are expected to be spent later in the year on the Haku options.	552	552	0	0.0%	833
Rates (Targeted)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
User Fees and Charges	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
Other Revenue	0	7	-6	-96.2%	41	52	-12	-22.6%	79		41	35	5	14.9%	62
Subsidies and Grants - Operational	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
<b>Total Operating Revenues</b>	<b>69</b>	<b>76</b>	<b>-6</b>	<b>-8.3%</b>	<b>592</b>	<b>604</b>	<b>-12</b>	<b>-1.9%</b>	<b>906</b>		<b>592</b>	<b>587</b>	<b>5</b>	<b>0.9%</b>	<b>894</b>
<b>Operating Costs (excl. Depreciation)</b>															
Contractors	28	34	5	16.2%	332	340	8	2.3%	477		332	319	-13	-4.2%	453
Professional Services	2	4	2	45.0%	21	79	58	73.8%	95	21	41	20	49.2%	100	
Repairs and Maintenance	0	0	0	0.0%	0	5	5	100.0%	9	0	1	1	100.0%	5	
Other Operating Costs	42	20	-22	-107.1%	254	306	52	16.9%	402	254	295	41	13.8%	400	
Employee Benefits	0	86	86	100.0%	13	745	732	98.3%	1,190	13	15	2	15.4%	15	
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
<b>Total Operating Costs (excl. Depreciation)</b>	<b>72</b>	<b>143</b>	<b>71</b>	<b>49.6%</b>	<b>620</b>	<b>1,474</b>	<b>854</b>	<b>58.0%</b>	<b>2,172</b>	<b>620</b>	<b>670</b>	<b>50</b>	<b>7.5%</b>	<b>972</b>	
<b>Operating Surplus/(Deficit)</b> <small>(before Depreciation)</small>	<b>-3</b>	<b>-68</b>	<b>65</b>	<b>-95.5%</b>	<b>-27</b>	<b>-870</b>	<b>843</b>	<b>-96.9%</b>	<b>-1,266</b>	<b>-27</b>	<b>-83</b>	<b>56</b>	<b>-67.2%</b>	<b>-78</b>	
<b>Capital Funding</b>															
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
Financial Contributions	0	0	0	0.0%	24	0	24	0.0%	0	24	1	23	2830.7%	1	
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
<b>Total Capital Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>24</b>	<b>0</b>	<b>24</b>	<b>0.0%</b>	<b>0</b>	<b>24</b>	<b>1</b>	<b>23</b>	<b>2830.7%</b>	<b>1</b>	
<b>Total Capital Funding and Operating Surplus</b>	<b>-3</b>	<b>-68</b>	<b>65</b>	<b>-95.5%</b>	<b>-3</b>	<b>-870</b>	<b>867</b>	<b>-99.6%</b>	<b>-1,266</b>	<b>-3</b>	<b>-82</b>	<b>79</b>	<b>-96.2%</b>	<b>-77</b>	
<b>Capital Payments</b>															
Capital Expenditure	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
<b>Total Capital Payments</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>															
	<b>-3</b>	<b>-68</b>	<b>65</b>	<b>-96%</b>	<b>-3</b>	<b>-870</b>	<b>867</b>	<b>-100%</b>	<b>-1,266</b>	<b>-3</b>	<b>-82</b>	<b>79</b>	<b>-96%</b>	<b>-77</b>	
<b>Non Cash Accounts</b>															
Depreciation	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
Provisions	0	11	11	100.0%	0	87	87	100.0%	131	0	54	54	100.0%	98	
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0	
<b>Total Memo Accounts</b>	<b>0</b>	<b>11</b>	<b>-11</b>	<b>-100.0%</b>	<b>0</b>	<b>87</b>	<b>-87</b>	<b>-100.0%</b>	<b>131</b>	<b>0</b>	<b>54</b>	<b>-54</b>	<b>-100.0%</b>	<b>98</b>	

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year
	Actual	Budget	Variance		Actual	Budget	Variance				Budget	Actual	Forecast One	Variance	
28 February 2017	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	\$'000	\$'000	%	\$'000
<b>Statement of Operating and Capital Performance</b>															
<b>The Provision of Roads and Footpaths</b>															
<b>Operating Revenues</b>															
Rates (General)	788	787	0	0.0%	6,300	6,300	0	0.0%	9,450	Operational subsidies are \$0.2 million below budget for the month reflecting a slowdown in maintenance works which was included in forecast one. Subsidies remain above budget for the year to date reflecting higher maintenance costs earlier in the year.	6,300	6,300	0	0.0%	9,455
Rates (Targeted)	33	33	0	0.0%	260	260	0	0.0%	390		260	260	0	0.0%	390
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
User Fees and Charges	0	0	0	0.0%	0	0	0	0.0%	0	Contractor costs are below budget for the month by \$0.3 million as the physical works slow. Year to date costs are below budget by a similar amount.	0	0	0	0.0%	0
Other Revenue	3	0	3	0.0%	45	0	45	0.0%	0	Professional cost are tracking close to budget.	45	19	27	140.7%	19
Subsidies and Grants - Operational	212	441	-229	-51.9%	3,495	3,254	241	7.4%	5,226		3,495	3,251	244	7.5%	4,392
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0	Capital subsidies are now \$1.0 million below budget for the month and \$1.9 million for the year to date.	0	0	0	0.0%	0
<b>Total Operating Revenues</b>	<b>1,034</b>	<b>1,261</b>	<b>-226</b>	<b>-17.9%</b>	<b>10,101</b>	<b>9,814</b>	<b>287</b>	<b>2.9%</b>	<b>15,065</b>		<b>10,101</b>	<b>9,830</b>	<b>271</b>	<b>2.8%</b>	<b>14,256</b>
<b>Operating Costs (excl. Depreciation)</b>															
Contractors	293	590	297	50.4%	4,034	4,307	274	6.4%	6,982	Capital works costs are below by \$1.7 million for February and \$3.3 million for the year to date. The forecast capital works costs were \$10.9 million for the year. With \$4.0 million completed and contracts let for the sealed network \$3.1 million and minor improvements \$2.5 million, all commenced in late January, progress will accelerate. In addition a further \$0.9 million is being scoped, designed and tendered. There is a risk not all this work will be complete by June. A number of savings have been made on the recent tenders totalling around \$0.5 million which will reduce the forecast cost for the year.	4,034	4,118	85	2.1%	5,638
Professional Services	173	76	-97	-128.1%	560	607	47	7.7%	911		560	588	27	4.6%	891
Repairs and Maintenance	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
Other Operating Costs	181	202	21	10.4%	1,469	1,612	144	8.9%	2,417		1,469	1,368	-101	-7.4%	2,880
Employee Benefits	84	0	-84	0.0%	778	0	-778	0.0%	0		778	785	7	0.9%	1,183
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
<b>Total Operating Costs (excl. Depreciation)</b>	<b>731</b>	<b>867</b>	<b>137</b>	<b>15.8%</b>	<b>6,840</b>	<b>6,526</b>	<b>-314</b>	<b>-4.8%</b>	<b>10,310</b>		<b>6,840</b>	<b>6,858</b>	<b>18</b>	<b>0.3%</b>	<b>10,593</b>
<b>Operating Surplus/(Deficit)</b>	<b>304</b>	<b>393</b>	<b>-89</b>	<b>-22.7%</b>	<b>3,260</b>	<b>3,288</b>	<b>-27</b>	<b>-0.8%</b>	<b>4,756</b>		<b>3,260</b>	<b>2,972</b>	<b>288</b>	<b>9.7%</b>	<b>3,663</b>
<i>(before Depreciation)</i>															
<b>Capital Funding</b>															
Subsidies and Grants - Capital	489	1,462	-973	-66.5%	2,430	4,353	-1,923	-44.2%	6,241	Forecast two which will be completed after the February month end will better confirm the year end position which could be as much as \$1.0 million below forecast.	2,430	5,137	-2,707	-52.7%	6,749
Development Contributions	9	24	-15	-61.4%	63	190	-126	-66.7%	284		63	148	-85	-57.4%	284
Financial Contributions	0	3	-3	-100.0%	0	27	-27	-100.0%	40	A total of \$63,000 of development contributions has been received.	0	17	-17	-100.0%	40
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	Internal Charges, Recoveries and Employee Benefits	0	0	0	0.0%	0
<b>Total Capital Funding</b>	<b>498</b>	<b>1,489</b>	<b>-990</b>	<b>-66.5%</b>	<b>2,493</b>	<b>4,569</b>	<b>-2,076</b>	<b>-45.4%</b>	<b>6,565</b>	The Northland Transport Alliance (NTA) has changed the costing structure for roading. The NTA has brought in-house many of the costs previously incurred with professional engineers. The reclassification in October of professional charges relating to the treatment of costs from the Northland Transport Alliance (NTA) accounts for much of the lower than budget activity costs for the year to date January. Council costs were previously coded as external and now have been more correctly classified as internal. The offset is in internal recoveries which are above budget due to the new arrangements for the Northern Transport Alliance. An additional effect of the new arrangements means there is a reclassification between solid waste and roading.	<b>2,493</b>	<b>5,302</b>	<b>-2,809</b>	<b>-53.0%</b>	<b>7,074</b>
<b>Total Capital Funding and Operating Surplus</b>	<b>802</b>	<b>1,882</b>	<b>-1,080</b>	<b>-57.4%</b>	<b>5,754</b>	<b>7,857</b>	<b>-2,103</b>	<b>-26.8%</b>	<b>11,320</b>		<b>5,754</b>	<b>8,274</b>	<b>-2,520</b>	<b>-30.5%</b>	<b>10,737</b>
<b>Capital Payments</b>															
Capital Expenditure	836	2,487	1,651	66.4%	4,029	7,408	3,379	45.6%	10,621	The changes above will streamline both Roading and Solid Waste costs and require less interdepartmental charging.	4,029	8,355	4,327	51.8%	10,948
<b>Total Capital Payments</b>	<b>836</b>	<b>2,487</b>	<b>1,651</b>	<b>66.4%</b>	<b>4,029</b>	<b>7,408</b>	<b>3,379</b>	<b>45.6%</b>	<b>10,621</b>		<b>4,029</b>	<b>8,355</b>	<b>4,327</b>	<b>51.8%</b>	<b>10,948</b>
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>															
	<b>-34</b>	<b>-605</b>	<b>571</b>	<b>-94%</b>	<b>1,725</b>	<b>449</b>	<b>1,276</b>	<b>284%</b>	<b>700</b>		<b>1,725</b>	<b>-81</b>	<b>1,806</b>	<b>-2220%</b>	<b>-211</b>
<b>Non Cash Accounts</b>															
Depreciation	515	515	0	0.0%	4,117	4,117	0	0.0%	6,175		4,117	4,117	0	0.0%	6,175
Provisions	0	0	0	0.0%	32	0	-32	0.0%	0		32	0	-32	0.0%	0
Vested Assets	0	0	0	0.0%	32	0	-32	0.0%	0		32	0	-32	0.0%	0
<b>Total Memo Accounts</b>	<b>515</b>	<b>515</b>	<b>0</b>	<b>0.0%</b>	<b>4,181</b>	<b>4,117</b>	<b>64</b>	<b>1.5%</b>	<b>6,175</b>		<b>4,181</b>	<b>4,117</b>	<b>64</b>	<b>1.5%</b>	<b>6,175</b>

For the period ended:	This Month				Year To Date				Whole Year Annual Plan	Commentary	Year To Date				Whole Year	
	28 February 2017				Actual	Budget	Variance				Budget	Actual	Forecast One	Variance		Forecast One
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%	\$'000		\$'000	\$'000	\$'000	%	\$'000	
<b>Statement of Operating and Capital Performance</b>																
<b>Water Supply</b>																
<b>Operating Revenues</b>																
Rates (General)	0	0	0	0.0%	0	0	0	0.0%	0	<b>Water Supply</b> Rates revenue for the year to date February is ahead of budget with water billings tracking higher than budget. This will be monitored over the coming months and reviewed as part of forecast two.  Operating costs are higher due to the work required to locate and repair a leak in Maungaturoto earlier in the year and costs incurred in Dargaville and Ruawai due to the contract rates in the water services contract. The higher contractor costs are partially offset by lower professional services and property costs.  Capital expenditure costs in February include continuing work on the Mangawhai water treatment upgrade.  To date \$0.8 million has been spent within water supply which is approximately 55% of the year's plan. Two projects in Dargaville and Maungaturoto are commencing and both expected to be complete by year end.	0	0	0	0.0%	5	
Rates (Targeted)	212	239	-27	-11.2%	1,993	1,911	82	4.3%	2,866		1,993	1,951	42	2.1%	2,869	
Rates (Penalties)	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
User Fees and Charges	3	2	1	34.7%	6	16	-9	-60.9%	23		6	10	-4	-40.4%	18	
Other Revenue	0	0	0	0.0%	5	0	5	0.0%	0		5	2	3	150.0%	2	
Subsidies and Grants - Operational	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
Investments and Other Income	0	0	0	0.0%	0	0	0	0.0%	0		0	0	0	0.0%	0	
<b>Total Operating Revenues</b>	<b>215</b>	<b>241</b>	<b>-26</b>	<b>-10.8%</b>	<b>2,004</b>	<b>1,926</b>	<b>78</b>	<b>4.0%</b>	<b>2,889</b>		<b>2,004</b>	<b>1,963</b>	<b>41</b>	<b>2.1%</b>	<b>2,894</b>	
<b>Operating Costs (excl. Depreciation)</b>																
Contractors	25	18	-8	-43.8%	147	150	3	2.1%	220		147	147	0	0.3%	220	
Professional Services	2	14	12	84.6%	39	109	71	64.7%	169	39	85	47	54.7%	150		
Repairs and Maintenance	56	22	-34	-150.1%	410	175	-236	-135.0%	268	410	390	-20	-5.2%	575		
Other Operating Costs	57	52	-4	-8.1%	411	431	20	4.5%	637	411	421	10	2.3%	629		
Employee Benefits	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Finance costs	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Operating Costs (excl. Depreciation)</b>	<b>140</b>	<b>106</b>	<b>-34</b>	<b>-32.0%</b>	<b>1,007</b>	<b>864</b>	<b>-142</b>	<b>-16.5%</b>	<b>1,294</b>	<b>1,007</b>	<b>1,043</b>	<b>37</b>	<b>3.5%</b>	<b>1,574</b>		
<b>Operating Surplus/(Deficit)</b> (before Depreciation)	<b>75</b>	<b>135</b>	<b>-60</b>	<b>-44.6%</b>	<b>997</b>	<b>1,062</b>	<b>-65</b>	<b>-6.1%</b>	<b>1,595</b>	<b>997</b>	<b>920</b>	<b>77</b>	<b>8.4%</b>	<b>1,320</b>		
<b>Capital Funding</b>																
Subsidies and Grants - Capital	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Development Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Financial Contributions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Rates (Capital)	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Sale of Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Capital Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>		
<b>Total Capital Funding and Operating Surplus</b>	<b>75</b>	<b>135</b>	<b>-60</b>	<b>-44.6%</b>	<b>997</b>	<b>1,062</b>	<b>-65</b>	<b>-6.1%</b>	<b>1,595</b>	<b>997</b>	<b>920</b>	<b>77</b>	<b>8.4%</b>	<b>1,320</b>		
<b>Capital Payments</b>																
Capital Expenditure	62	140	78	55.5%	785	433	-352	-81.5%	984	785	729	-56	-7.7%	1,418		
<b>Total Capital Payments</b>	<b>62</b>	<b>140</b>	<b>78</b>	<b>55.5%</b>	<b>785</b>	<b>433</b>	<b>-352</b>	<b>-81.5%</b>	<b>984</b>	<b>785</b>	<b>729</b>	<b>-56</b>	<b>-7.7%</b>	<b>1,418</b>		
<b>Funding Surplus/(Deficit) - prior to reserve allocations and before Depreciation, Provisions and Operating Funds</b>																
	<b>12</b>	<b>-5</b>	<b>18</b>	<b>-337%</b>	<b>212</b>	<b>629</b>	<b>-417</b>	<b>-66%</b>	<b>612</b>	<b>212</b>	<b>191</b>	<b>22</b>	<b>11%</b>	<b>-97</b>		
<b>Non Cash Accounts</b>																
Depreciation	94	94	0	0.0%	751	751	0	0.0%	1,126	751	751	0	0.0%	1,126		
Provisions	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
Vested Assets	0	0	0	0.0%	0	0	0	0.0%	0	0	0	0	0.0%	0		
<b>Total Memo Accounts</b>	<b>94</b>	<b>94</b>	<b>0</b>	<b>0.0%</b>	<b>751</b>	<b>751</b>	<b>0</b>	<b>0.0%</b>	<b>1,126</b>	<b>751</b>	<b>751</b>	<b>0</b>	<b>0.0%</b>	<b>1,126</b>		



As at	Last Month	This Month		2016-2017
28 February 2017	31/01/2017	28/02/2017	Movement	Annual Plan
	Actual	Actual	\$'000	\$'000
<b>Statement of Financial Position</b>				
<b>Whole of Council</b>				
<b>Equity</b>				
Accumulated Funds	376,650	377,951	1,301	375,619
Restricted Reserves	5,673	5,673	0	5,692
Asset Revaluation Reserve	197,939	197,939	0	210,459
Council Created Reserves	-16,965	-16,965	0	-18,408
<b>Total Equity</b>	<b>563,296</b>	<b>564,597</b>	<b>1,301</b>	<b>573,362</b>
<i>represented by</i>				
<b>Current Assets</b>				
Cash and Cash Equivalents	861	451	-410	682
Other Financial Assets	115	115	0	115
Trade and Other Receivables	11,123	4,550	-6,573	7,410
Accrued Revenue	1,257	1,701	444	1,946
Non Current Assets Held for Sale	186	186	0	210
<b>Total Current Assets</b>	<b>13,542</b>	<b>7,003</b>	<b>-6,539</b>	<b>10,363</b>
<i>less</i>				
<b>Current Liabilities</b>				
Trade and Other Payables	11,229	9,197	-2,032	9,386
Provisions	139	139	0	188
Employee Entitlements	319	317	-2	413
Public Debt	12,450	6,900	-5,550	1,064
<b>Total Current Liabilities</b>	<b>24,137</b>	<b>16,553</b>	<b>-7,584</b>	<b>11,051</b>
<b>Working Capital / (Deficit)</b>	<b>-10,595</b>	<b>-9,550</b>	<b>1,045</b>	<b>-688</b>
<i>plus</i>				
<b>Non Current Assets</b>				
Property, Plant & Equipment	623,480	623,736	256	643,649
LGFA Borrower notes	688	688	0	560
Biological Assets	3,466	3,466	0	2,786
Derivative Financial Assets	0	0	0	0
Other Financial Assets	276	276	0	273
<b>Total Non Current Assets</b>	<b>627,910</b>	<b>628,166</b>	<b>256</b>	<b>647,268</b>
<i>less</i>				
<b>Non Current Liabilities</b>				
Public Debt	43,000	43,000	0	63,684
Provisions	4,570	4,570	0	4,291
Derivative Financial Liabilities	6,448	6,448	0	5,243
<b>Total Non Current Liabilities</b>	<b>54,018</b>	<b>54,018</b>	<b>0</b>	<b>73,218</b>
<b>Net Assets</b>	<b>563,296</b>	<b>564,597</b>	<b>1,301</b>	<b>573,362</b>
	0	0		0

## Attachment 3

For the year ended:	YTD Actual	Annual Plan
28 February 2017	2016-2017 \$'000	2016-2017 \$'000

### Cash Flow Statement

#### Cash Flow from Operating Activities

##### Receipts:

Rates	22,149	32,288
Fees, charges and other	6,388	5,511
Grants and subsidies	5,972	11,657
Interest received	9	25
<i>sub total</i>	34,518	49,481

##### Payments:

Suppliers and employees	18,325	31,552
Taxes (including the net effect of GST)	-336	0
Interest expense	2,043	3,440
<i>sub total</i>	20,033	34,992

<b>Net Cash Flow from/(to) Operating Activities</b>	<b>14,485</b>	<b>14,489</b>
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#### Cash Flow from Investing Activities

##### Receipts:

Sale of Property, plant and equipment	451	150
<i>sub total</i>	451	150

##### Payments:

LGFA Borrower notes	128	0
Property, plant and equipment purchases	6,581	15,863
<i>sub total</i>	6,709	15,863

<b>Net Cash Flow from/(to) Investing Activities</b>	<b>-6,258</b>	<b>-15,713</b>
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#### Cash Flow from Financing Activities

##### Receipts:

Loans raised (Net)	0	0
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##### Payments:

Loans repayment (Net)	-15,061	-213
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<b>Net Cash Flow from/(to) Financing Activities</b>	<b>-15,061</b>	<b>-213</b>
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<b>Net Increase/(Decrease) in cash and cash equivalents</b>	<b>-6,834</b>	<b>-1,437</b>
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Cash and cash equivalents at beginning of period	7,285	2,119
Cash and cash equivalents at end of period	451	682

## 5 Recommendation Papers

**File number:** 2109.01.02.03 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **04 April 2017**  
**Subject:** **Community Assistance Policy: Operational Discretionary Grant  
Recommendations March 2017**  
**Date of report:** 24 February 2017  
**From:** Paula Guy Stuve, Community Funding Advisor  
**Report purpose**  **Decision**  **Recommendation**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

Applications have been received from community groups seeking support from Council through the Community Assistance Policy. The purpose of this Policy is to provide a clear and transparent criteria for making decisions on the allocation of Council resources, while providing an equal opportunity for any group that comply with the criteria to apply for support.

The purpose of this report is to offer recommendations to Council on Operational Grants and seek confirmation of funding allocation.

This report recommends to Council which Operational Discretionary Grants applications should be approved. 22 Operational Discretionary Grants applications received are included in a table in the body of this report. The total value of Operational Discretionary Grants applied for is \$163,667.05. No further consultation is considered necessary under the Community Assistance Policy.

There is a Grants Budget of \$80,000 that was set through the Annual Plan 2016/2017 process. \$53,000.00 remains in this budget and is available to be allocated to Operational Grants in the 2016/2017 financial year (this round of Operational Grant applications). (Note: Capital Grants and Contracts for Service funding decisions are made at Council's June meeting and are paid the following financial year. This is why the amount left in the budget for Operational Grants is always less than \$80,000.00 - Capital Grants allocated the previous June have been paid out of the current budget. Contracts for Service are usually paid for by individual department budgets).

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Community Funding Advisor's report 'Community Assistance Policy: Operational Discretionary Grant Recommendations March 2017' dated 24 February 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

3 Approves the following Operational Discretionary Grants applications:

Organisation	Amount
Northland Chamber of Commerce	\$5,000.00
Pouto Landcare	\$6,000.00
Northern Wairoa Maori, Maritime and Pioneer Museum	\$5,994.28
Maungaturoto Library	\$519.80
Dargaville and Districts Citizen's Advice Bureau	\$5,000.00
Northern Wairoa A&P Association	\$2,000.00
Christmas in the Gardens	\$500.00
Mountains to Sea Conservation Trust	\$4,200.00
Creative Northland	\$2,000.00
Mangawhai Museum and Historical Society	\$2,197.65
Mangawhai Activity Zone Charitable Trust	\$525.00
Kumarani Productions	*\$2,630.00
<b>Subtotal</b>	<b>\$36,566.73</b>
<b>(Less *Kumarani hall hire and photocopying; to be absorbed into existing budgets so cost-neutral for Council)</b>	<b>-\$2,630.00</b>
<b>Total recommended allocation from Grants budget</b>	<b>\$33,936.73</b>

**Reason for the recommendation**

The applications have all been made by not-for-profit organisations and provide a community benefit that is consistent with the Community Assistance Policy.

**Reason for the report**

The Community Assistance Policy provides a clear and transparent criteria for making decisions on the allocation of Council resources.

Assessments have been completed for the Operational Grant Applications and recommendations are available, with a decision to be confirmed at the March 2017 Council meeting. Budgets have already been set through the Annual Plan 2016/2017 process and \$53,000.00 is available for allocation.

**Background**

The Community Assistance Policy states that Council has the goal of "working with the people and businesses of Kaipara to encourage community and economic development".

Councils with a community development focus work "with" rather than "for" communities. They assist the community to develop and provide their own facilities and services which in turn helps to build strong and vibrant communities. Councils can also play a role in fostering innovation in the community; community groups finding new, possibly experimental, ways of approaching and resolving community issues.

This could, and often does, involve:

- as a minimum, Council ensuring community groups are not unnecessarily hampered by Council restrictions in going about their work;
- respecting the advocacy role of community groups on behalf of their interests and those of the community, a role which is independent of the local authority and separate from funding considerations;
- promoting opportunity and enterprise in the local community sector through, for example, facilitating networking among the groups independently of Council; and
- funding the 'infrastructure' of community groups, which includes occupancy of land and buildings, administrative and technological capacity, as well as specific programmes and projects.

All of these roles for Council require time and resources. Council is therefore looking to focus on the following strategic directions:

Easy to do business	Supporting businesses to act collectively. For example: <ul style="list-style-type: none"> <li>• Work to sustain shopping areas in towns and villages as the heart of communities.</li> </ul>
Easy to join in	Supporting volunteering to achieve development. For example: <ul style="list-style-type: none"> <li>• Providing funding through a Community Assistance Policy; and</li> <li>• Providing licences to community organisations to occupy Council land.</li> </ul>
Easy to enjoy nature	Supporting volunteering to develop and care for the natural environment. For example: <ul style="list-style-type: none"> <li>• Community managing and/or developing parks as now happens e.g. Pahi and Tinopai; and</li> <li>• Mangawhai Tracks Charitable Trust developing tracks in local parks.</li> </ul>

Community assistance can take many forms. Councils can assist community groups to access funding from sponsorship, Government and philanthropic agencies. They can help organisations operate by providing training in such things as running meetings, employing staff, managing accounts and they can also directly fund or in other ways contribute resources to community groups. It is the latter of contributing resources to community groups that is covered by the Community Assistance Policy.

## **How Council can contribute resources to community groups**

### ***Contract for Service***

Contracting for the provision of a service as an objective of community funding has become an alternative to pure 'grant funding' in local government. It is almost universal in central government where a purchase contract is the primary means for transferring funding to the voluntary sector, involving formally specified outputs (goods or services to be provided in exchange for the funding) together with performance standards, responsibilities and procedures to be followed by the funded organisation.

Local authorities are now funding community organisations for services provided, where these can be identified as services the Council wishes to see carried out on its behalf, for example providing community library services. More often the funding is for activities Council wishes to see provided for the benefit of the community. These may be tangible services to clients or they may be activities that enhance community capability.

### ***Discretionary Grants***

Groups can find it difficult to get operational funding from external sources that often favour one-off projects or new facilities. Council can assist with the more basic funding a group needs. Some groups also only require small amounts of grants with little bureaucracy attached to applying for them.

### **Council's role of providing community assistance**

Agreeing that Council has a role in Community Assistance through a variety of means allows Council to play a part in helping communities to achieve their goals, where these goals are consistent with Council's strategic direction and purpose, and so developing community leadership and self-reliance, and supporting volunteerism.

Council previously considered requests for assistance on either an ad-hoc basis or as submissions to the proposed Annual Plan or Long Term Plan. This favours those who know the system or have received support in the past. A fairer and more open system is required. This is addressed by the Community Assistance Policy.

There is also a need for a high level of transparency and accountability for the spending of public funds. Accountability arrangements should be documented in a formal contract/agreement between Council and the community organisation receiving support. The agreement needs to be appropriate to the nature of support given. This is also addressed by the Community Assistance Policy.

### **Consideration of the Community Assistance Policy**

While community funding is usually a small item in the overall expenditure of a local authority, typically it contributes to important local government goals in areas such as governance and building strong communities. This highlights the significance of understanding the strategic linkages, and the risks to overarching Council goals of failing to provide an appropriate level of support. Thus:

- funding should be aligned with Community Outcomes to ensure that Council commitments to community well-being can be met;
- Council making clear their goals and priorities is essential if community organisations are to present funding proposals effectively, and to avoid the risk of both Council and the community 'losing out';
- goals and priorities should be developed with input from community groups, so that there is a sense of reciprocity in meeting them; and
- the timing of community funding processes should be matched with the planning and budgeting cycles of Council to avoid ad-hoc decisions being made that might impact on the quality of outcomes Council is seeking and on the ability of community organisations to manage resources well.

## Applications for Operational Discretionary Grants

Applications for Operational Discretionary Grants were called for from 01 December 2016 to 03 February 2017. **Appendix 1** of this report is a table itemising the applications received, and offering comments and recommendations.

### Factors to consider

#### *Community views*

Community views were considered when the Community Assistance Policy was first drafted. Operational Discretionary Grants do not require public feedback under the Community Assistance Policy.

#### *Policy implications*

Determining Operational Discretionary Grants applications is following the process under the Community Assistance Policy.

#### *Financial implications*

There is a limited budget for Operational Discretionary Grants that will not be exceeded.

#### *Legal/delegation implications*

There are no legal or delegation implications for Council when determining Operational Discretionary Grant applications.

### Options

There are two options.

**Option A:** Agree with the recommended applications that should be accepted for Operational Discretionary Grants.

**Option B:** Amend the recommendation on the Operational Discretionary Grant applications.

### Assessment of options

The task of providing comments on applications is difficult given the variety of applications received and the diverse criteria in the Community Assistance Policy. Council has full discretion to consider these comments and amend them as they see fit within the tables. Council also has full discretion to consider the approval of Operational Discretionary Grants.

### Assessment of significance

This report is not considered to trigger Council's Significance and Engagement Policy because the Community Assistance Policy has already gone through a public process.

### Recommended option

The recommended option is **Option A**.

### Next step

Notify applicants of the Operational Discretionary Grants of the outcome of their applications.

### Appendix

- Appendix 1 – Operational Grant Applications Summary



## Appendix 1 : Discretionary Grants – Operational

Council needs to make a decision on the Operational Grants applications. The following table is to provide an outline of the Operational Grants applications that were received and offer recommendations on funding allocation.

For Operational Discretionary Grants, the criterion that must be partly or wholly met to be eligible to apply are:

- a) Assistance will only be available for organisations located within or providing services within the Kaipara District whose principal functions and/or activities are of a not-for-profit nature.
- b) Applications will be considered on merit and benefit to the community and/or environment.
- c) The service or project proposed is not already provided by another group or agency.
- d) Organisations to be registered as an Incorporated Society or under the umbrella of one.
- e) Only one Operational Grant per organisation will be available in any financial year.

In addition, all applications must be accompanied by a set of audited or reviewed financial statements for the previous financial year and a budget projection for the next financial year. All successful applicants must acknowledge the support of the Kaipara District Council on any correspondence, advertising or other publicity material.

Finally, the responsibility of central government towards organisations will be taken into account when considering grants for a project that the organisation may already have received funding from central government.

The Operational Discretionary Grant criterion provides for a broader range of services and projects to be considered as the applicant needs only demonstrate part of the criteria to be eligible.

Any organisation applying for an Operational Grant must demonstrate:

- That the purpose for which the grant is requested is of benefit to the people and/or natural environment of Kaipara District.
- That the purpose for which the grant is requested benefits some or all of Kaipara District residents or visitors.
- That there is a volunteer component to the service.

The following table outlines the applications for **Operational Discretionary Grants** that have been received and comments from assessments undertaken by staff.

Organisation	Amount applied for	What is being applied for	Staff Comments
The Chamber of Commerce and Industry of Northland Inc.	\$5,000.00	A contribution towards the Business Excellence Awards event. These awards provides businesses entering an opportunity for self-development and to review their processes while developing strategies to take their business to the next level. These awards give recognition of their efforts.	<p>The Business Awards is an annual Northland event that Council has previously provided funding for. These awards are a way for Council to support businesses and encourage sustainable economy. This does not fit well with the purpose of local government. However, it could be considered consistent with Council's community outcome 'easy to do business.'</p> <p>The Chamber is also seeking funding from the other Northland councils.</p> <p>It is up to Council to decide if the awards are an event worthy of continued support.</p> <p>Recommendation: To accept this application.</p>
Pouto Landcare	\$6,000.00	Plants to be planted around the Rototuna Lakes on Pouto Peninsula. This is an ongoing project to enhance the Pouto environment, lakes and streams. A number of different groups are involved with this project, they include, Pouto community, Iwi, Pouto/Te Kopuru schools, Forest and Bird, as well as Department of Conservation, Northland Regional Council and Kaipara District Council.	<p>Council has supported this activity for a number of years and was historically considered through Council's Biodiversity Fund. The Northland Regional Council (NRC) also provides financial support to this activity. Council is part of the Pouto Catchment Group which is seeking these outcomes. The Rototuna Lakes are considered as being of high natural value to the Kaipara district and Northland. The Reserve area is situated on DoC land.</p> <p>Reserves are considered consistent with the purpose of local government.</p> <p>Recommendation: To accept this application.</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
White Rock Gallery	\$6,500.00	Annual rent costs for the operation of the White Rock Gallery in Paparoa.	<p>The White Rock Gallery is not a clear fit with the purpose of local government, (though it could possibly be seen as community infrastructure that supports the arts).</p> <p>The gallery runs workshops available to the wider community which are run by volunteers, contributing the Community Outcome 'easy to join in.' It contributes to the outcome 'easy to do business,' by providing a place where local artists and craftspeople can sell their work and develop their skills.</p> <p>The gallery is able to apply for arts funding through the Creative Communities Scheme administered by Council which could potentially offer some assistance to its continued development (though this would not cover ongoing rental costs). It has previously received Creative Communities funding to hold workshops and in 2016 received an Operational Grant of \$2,000.00 to assist with rent and power.</p> <p>Recommendation: To decline this application.</p>
Northern Wairoa Maori Maritime and Pioneer Museum	\$5,994.28	Contents and building insurance of the Museum and Lighthouse Function Centre.	<p>Museums are a core service of local government and the Museum is a community asset. Museums also support economic development and nurture a sense of place in communities, so contribute directly to Community Outcomes 'easy to do business' and 'easy to join in.'</p> <p>Council has historically paid for the Museum's contents and building insurance as Council is able to get a lower price from insurers. (Note: in the future the Museum will be invoiced by the insurer directly).</p> <p>Recommendation: To accept this application.</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
Maungaturoto Library	\$519.80	Contents insurance for the library	<p>Libraries are a core service of local government and the Library is a community asset. Libraries also support economic development and nurture a sense of place in communities, so contribute directly to Community Outcomes 'easy to do business' and 'easy to join in.'</p> <p>Council has historically paid for the library's contents insurance (as Council is able to get a lower price from insurers), without seeking to be reimbursed for the cost. The cost of insurance is not covered by the library's current Contract for Service with Council, though it will be included in any new Contract for Service with the library.</p> <p>Recommendation: To accept this application.</p>
Dargaville and Districts Citizens Advice Bureau	\$8,000.00	Funding to assist with the cost of the CAB Co-ordinator's wages (total wages are \$13,500.00).	<p>Council already offers the Dargaville CAB some support in the form of a Licence to Occupy Agreement (this amounts to approximately \$8,000 worth of support in value through free rent, power, water and internet).</p> <p>CAB could be considered similar to an information centre as a service that councils could provide. The point of difference is that they aim to provide information on local businesses and services to the general resident population whereas information centres cater for tourism. CAB could be considered a community infrastructure and within the purpose of local government.</p> <p>Volunteers support the Co-ordinator in operating the service and the Co-ordinator also contributes volunteer hours.</p> <p>Recommendation: To accept this application to the amount of \$5,000.00</p>
Kaipara Grey Power Association Inc.	\$1,000.00	Annual rent of Methodist Church rooms - \$400.00 Advertising - \$200.00	Kaipara Grey Power is not a clear fit with the purpose of local government.

Organisation	Amount applied for	What is being applied for	Staff Comments
		Postage of newsletter etcetera - \$400.00	<p>Events run by Grey Power include health seminars, exercise classes, and local/central government candidate meetings.</p> <p>The organisation runs events available to the community and is run by volunteers, contributing the Community Outcome 'easy to join in.'</p> <p>They could be considered a form of community infrastructure/information service like the Citizen's Advice Bureau, however they do not appear to offer such a wide variety of services/information to the community as CAB.</p> <p>Recommendation: To decline this application.</p>
Northern Wairoa A&P Association	\$2,000.00	<p>Administration costs for the 2017/2018 year to hold the annual Northern Wairoa A&amp;P Show:</p> <p>Show manager- \$1,200.00          Treasurer - \$500.00          Indoor Secretary - \$200.00          Indoor Treasurer - \$100.00.</p>	<p>Northern Wairoa A&amp;P Association event is not a clear fit with the purpose of local government.</p> <p>However, this is a popular event available to the wider community and is run by volunteers, contributing the Community Outcome 'easy to join in', and can also be seen to support the Community Outcome 'easy to enjoy nature' as it encourages people to participate in an outdoor rural event.</p> <p>Recommendation: To accept this application.</p>
HIPPY Dargaville (Home Interaction Programme for Parents and Youngsters)	\$10,372.00	<p>Annual operational costs:</p> <p>Rent - \$4,000.00          Power - \$3,600.00          Telephone - \$2,772.00</p> <p>HIPPY delivers a homebased learning programme for the educational enrichment of 3-5 year olds in Kaipara.</p> <p>This helps prepare children for school and empowers parents to see</p>	<p>HIPPY Dargaville is not a clear fit with the purpose of local government, as it is an education programme, which is seen as a central government responsibility.</p> <p>85% of HIPPY Dargaville's running costs are funded by Ministry of Education.</p> <p>The HIPPY co-ordinator is required to fundraise the shortfall.</p> <p>Recommendation: To decline this application.</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
Kumarani Productions Trust	\$2,630.00 (estimate)	<p>themselves as educators.</p> <p>Photocopying and hire of the Town Hall. This organisation seeks to connect families and communities to help build a sense of pride and belonging.</p> <p><b>Hall hire:</b> Circus Jam (40 nights at \$25.00 per session) \$1,000.00 Show and Rehearsals - \$490.00</p> <p><b>Photocopying:</b> B&amp;W photocopying – A4 200 copies 40 cents - \$80.00 Colour photocopying - A4 200 copies at \$3.50 - \$700.00 Colour photocopying – A3 200 copies at \$6.00 - \$360.00 Total estimated value: \$2,630.00</p>	<p>Council is a long term supporter of Kumarani Productions. This is cost-neutral to Council as photocopying and hall hire can be absorbed into existing budgets without compromising other Council projects.</p> <p>Recommendation: To accept this application.</p>
Christmas in the Gardens	\$500.00	<p>Cost of photocopying pamphlets for the 2017 Christmas in the Gardens event, held at the Taha Awa Gardens in Dargaville annually.</p>	<p>Christmas in the Gardens is not a clear fit with the purpose of local government (though it is a community event that utilises a Council reserve).</p> <p>The event is free and available to the wider community and is run by volunteers – contributing the Community Outcome ‘easy to join in’. It draws crowds of approximately 1,000 people, so is a popular family occasion which enjoys ongoing community support and participation.</p> <p>Christmas in the Gardens is able to apply for arts funding through the Creative Communities Scheme administered by Council which could potentially offer some assistance. It has previously received Creative Communities funding.</p> <p>Recommendation: To accept this application.</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
Cool Bananas Dargaville	\$3,000.00	<p>Funding is sought to bring the Cool Bananas team (and their set and costumes) from Tauranga to Kaipara to perform with children in the annual Cool Bananas Christmas Shows.</p> <p>Cool Bananas is a values programme that is run by volunteers in four Kaipara schools</p>	<p>Cool Bananas is not a clear fit with the purpose of local government.</p> <p>Cool Bananas is able to apply for arts funding through the Creative Communities Scheme administered by Council which could potentially offer some assistance.</p> <p>Recommendation: To decline this application.</p>
1 <sup>st</sup> Dargaville Girls Brigade	\$700.00	<p>Cost of the assignment component for a girl who is undertaking the Queen's Award Programme. The girl has chosen music for her assignment so the application seeks to fund guitar lessons.</p>	<p>Girls Bridge is not a clear fit with the purpose of local government.</p> <p>The organisation is run by volunteers with 65-70 girls in the Dargaville Company, contributing the Community Outcome 'easy to join in', and providing social and recreational opportunities to girls in the community. However, this application is to fund only one individual's Queen's Award.</p> <p>Recommendation: To decline this application.</p>
Paparoa Community Charitable Trust	\$10,000.00	<p>Legal expenses incurred in setting up the Paparoa Community Charitable Trust and funding to prepare the legal documents necessary to enable the Trust to attract venture capital to proceed with establishing residential care facilities in Paparoa</p> <p>The legal costs incurred so far have been paid by a loan received from</p>	<p>Residential care facilities are not a clear fit with the purpose of local government as they are considered a social service.</p> <p>The establishment of a residential care facility in Paparoa could be seen to support Council's Community Outcome 'easy to join in', as it will be run on a non-profit basis, and will allow people to stay in the area rather than forcing them to relocate outside of the community and away from networks family and friends. It will also contribute to the economic development of Paparoa and thus the Community Outcome 'easy to do business'.</p> <p>Maungaturoto Community Trust provides similar residential care facilities but is</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
		<p>Progressive Paparua Inc. however this loan needs to be repaid.</p> <p>The aim of the Trust is to establish and maintain residential care facilities (retirement village) for seniors on a not-for-profit basis in Paparua.</p>	<p>oversubscribed and is now focusing on dementia care.</p> <p>This project has been driven by volunteers.</p> <p>Recommendation: To decline this application.</p>
Wednesday Crafts	\$1,104.00	<p>Funding to pay for rental of the Greenways Community Centre for "Wednesday Crafts," (rent 46 weeks of 3 hours at \$8.00 per hour). This event's purpose is provide an inclusive environment for individuals with cognitive difficulties.</p>	<p>Wednesday Crafts is not a clear fit with the purpose of local government.</p> <p>The Wednesday Crafts event contributes to the Community Outcome 'easy to join in', by providing leisure and social opportunities for people who may find it difficult to join a mainstream group for the purpose of community connectivity and recreation. The activity is run by volunteers (with over 1,840 volunteer hours undertaken in 2016). All sectors of the community are welcome and included in this activity. Rental assistance would free up funds for craft materials for this group.</p> <p>Wednesday Crafts is able to apply for arts funding through the Creative Communities Scheme administered by Council which could some assistance to its continued development (though this would not cover ongoing rental costs).</p> <p>Wednesday Crafts received a \$600.00 Operational Grant towards the cost of their rent in 2016.</p> <p>Recommendation: To decline this application.</p>



Organisation	Amount applied for	What is being applied for	Staff Comments
Mountains to Sea Conservation Trust	\$8,400.00	Funding to provide 2018 Kai Iwi Lakes Open Day:  Snorkelling activity - \$3,000.00 Event planning/delivery - \$2,000.00 Design/Printing - \$300.00 Petrol vouchers for volunteers - \$1,000.00 Signage \$300.00 Contingency resources \$600.00 Freshwater Activity (Whitebait Connection) - \$1,200.00	<p>The event can be seen to be supporting the operation of a Council reserve, by providing a free experience to the community and a forum for local stakeholders to share knowledge and aspirations for the lakes, and thus supporting a core service of local government. It also supports the Community Outcome 'easy to enjoy nature' by encouraging use of the lakes and conservation.</p> <p>They use Council's reserve and building for free.</p> <p>The project involves volunteers and a number of different groups - children, local iwi, local residents, Department of Conservation (DoC) and others.</p> <p>This organisation receives funding from central government – Ministry of Business, Innovation and Employment (\$148,400.00 in 2017) and from the (DoC) (\$48,914.00 in 2016), though none of this funding is for this event.</p> <p>Recommendation: To accept this application to the amount of \$4,200.</p>
Dargaville Rugby and Sports Club	\$18,216.74	Operational expenses:  Power - \$7,990.00, Telephone - \$701.28 Insurance - \$8,375.46 Accounting - \$1,150.00	<p>The Dargaville Rugby and Sports Club can be considered part of a recreation facility and thus a core service of local government.</p> <p>The Club is run by volunteers and is a place where people can meet and join in with their community, so supports the Community Outcome 'easy to join in.'</p> <p>While recreational facilities are a core service of local government, this application seeks to fund day-to-day operational costs, which could be funded through subscriptions from individual Club members and other fundraising activities. The Club can access other funding opportunities external to Council and its Junior teams are eligible to apply to the SportNZ Rural Travel Fund for travel subsidy which could help increase participation.</p> <p>Recommendation: To decline the application.</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
Creative Northland	\$5,000.00	<p>Funding to deliver and administrate the Northland Youth Summit in Dargaville in September 2017 and workshops leading up to it.</p> <p>Operational Costs - travel, accommodation, food, meeting costs \$3,000.00</p> <p>Administration of the workshop and deliverables - \$2,000.00</p>	<p>Creative Northland is not a clear fit with the purpose of local government, (though it could possibly be seen as form of community infrastructure that supports the arts – their mandate is to develop and sustain the arts and cultural sector in Northland – translating creative ideas into innovative and products and services).</p> <p>The summit seeks to involve youth in the arts, so contributes to the Community Outcome ‘easy to join in.’ The project’s aim is to inform youth of how the Creative Sector can support career development and find projects they can engage with, supporting the Community Outcome ‘easy to do business.’</p> <p>Recommendation: To accept this application to the amount of 2,000.00</p>
Mangawhai Museum and Historical Society	\$6,717.65	<p>\$2,197.65 - for annual rental fee, paid to Kaipara District Council as outlined in Deed of Lease.</p> <p>\$4,520 - for annual interest paid to Kaipara District Council on loan given to Museum in 2014.</p>	<p>Museums are a core service of local government and the Museum is a community asset. Museums also support economic development, and nurture a sense of place in communities, so contribute directly to Community Outcomes ‘easy to do business’ and ‘easy to join in’.</p> <p>The Museum holds a loan with Kaipara District Council. The loan agreement states that the loan shall be repaid by October 2022. This loan was taken for the purpose of completing the Museum in time for opening.</p> <p>It is considered appropriate to fund the cost of rent charged to the Museum by Council. However, it is not recommended to provide funding for the interest on the Museum’s loan from Council, as this would turn the loan into a grant.</p> <p>Recommendation: To accept this application to the amount of \$2,197.65</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
Mangawhai St John Cadets	\$16,787.58	Operational expenses to set up Mangawhai St John Cadets: Leaders' uniforms – \$2,299.60 Cadets' uniforms - \$4,184.08 Recruitment - \$188.90 Training leader - \$5,195.00 Training cadets - \$950.00 Travel \$310.00 Recreation - \$500.00 Competitions - \$300.00 Resources - \$1,650.00 Ceremonies/meetings \$150.00 Other expenses - \$400.00 Computer and communications -\$100.00 Expendable supplies -\$200.00 Minor capex - \$360.00	<p>St John is not a clear fit with the purpose of local government, as it is considered a social/health service.</p> <p>St John Youth Cadets can be seen to contribute to Council's Community Outcome 'easy to join in,' as it offers an opportunity for youth and their families to engage with St Johns and learn new skills. The benefit experienced by other St John Youth Units is that more parents become volunteers and go on to become First Responders.</p> <p>St John Cadets are not part of the generic funding allocated by central government to the ambulance service. All St John Cadet Units have to secure their own funding.</p> <p>Recommendation: To decline this application</p>
Tamatea Community Trust	\$44,700.00	<p>The Trust aims to provide a central point in Mangawhai for Social Services.</p> <p>Funding sought to establish an office from which to operate and to provide room for incoming services:</p> <p>Asset purchases - \$8,500.00            Lease – first year - \$25,200.00            Power and gas - \$3,000.00            Printing and stationery - \$3,500.00            Telephone and internet - \$4,000.00            Website - \$500.00</p>	<p>This application was received late - 9.44pm 07 February (applications closed 4.30pm 03 February). The applicant has been informed that it will be up to Council to decide whether to accept this late application.</p> <p>Tamatea Community Trust is not a clear fit with the purpose of local government, as it is considered a social service.</p> <p>The Trust aims to offer people place from which they can be connected to services and information in the community and is currently run by volunteers so contributes to the Community Outcome 'easy to join in.'</p> <p>Recommendation: To decline this application</p>

Organisation	Amount applied for	What is being applied for	Staff Comments
Mangawhai Activity Zone Charitable Trust	\$525.00	Annual fee paid to Tiger Turf to maintain the all-weather multi-sports court in the Activity Zone.	<p>Reserves and recreational facilities are considered a core service of Local Government. Mangawhai Activity Zone Charitable Trust (MAZ) is building a community park on Council-owned land for benefit of both the local community and visitors.</p> <p>MAZ supports the Community Outcome 'easy to enjoy nature' by providing facilities that encourage outdoor activities and use of the reserve. Having children play in a safe environment is a priority for MAZ and this is appreciated by parents and the local Police.</p> <p>MAZ also supports the Community Outcome 'easy to join in' by providing a facility available to all with a wide variety of activities. They have a huge amount of volunteer community support; to date they have raised in excess of \$764,000 for the project. They are funded by various national funding agencies along with their own fundraising.</p> <p>Recommendation: To accept this application</p>

## 6 Decision Papers

**File number:** 4602.02 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **04 April 2017**  
**Subject:** **Baylys Beach Community Centre/Public Toilets Encumbrance**  
**Date of report:** 20 March 2017  
**From:** Sue Hodge, Parks and Community Manager  
**Report purpose**  **Decision**  **Recommendation**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

The Baylys Beach toilet facility is fit for purpose for a coastal location with a summer peak. It is the only public toilet in the settlement and conveniently located for beach visitors who are the majority of users. The only negative issue is that the toilet facility is not useable by people with physical disabilities.

The condition, location and disability access to the toilet has been a matter of concern for Council and the community for some time and Council had been grappling with the best course of action to take with the facility. Options were to either refurbish or rebuild on the existing site or decommission and build a new public toilet facility at another location.

One option considered was to build a new toilet at 52 Seaview Road, a Council-owned property. The community raised concerns over this plan. Issues included the distance from the beach and the location in a built-up residential area surrounded by established properties.

In May 2011, and after formally consulting with the community, Council resolved to sell the land. In 2013 it was agreed to undertake a modest refurbishment of the toilets.

52 Seaview Road has been sold and to keep Council's long term options open an encumbrance has been registered on the title permitting Council to build public toilets.

A Charitable Trust, Baylys Beach Community Centre Trust (BBCCT), has purchased the property and plans to develop a community centre and a permanent surf lifesaving base. It has received a significant windfall from a local benefactor to undertake this project. The community fully support the concept but there has again been negative feedback on providing a public toilet on the site.

The Trust would like Council to consider removing the encumbrance from the title so that they do not have to provide separate public toilets i.e. additional to those they would normally provide in a public building. This will make it easier to finalise their plans, get community approval and a resource consent.

Council can legally remove the encumbrance however may need to ensure the existing public toilet is useable by people with physical disabilities at some point in the future. This can be achieved by constructing a boardwalk from the car parking, up to the toilets and beyond to the beach, estimated to cost \$70,000.

If Council decides to retain the encumbrance it will need to contribute towards the construction of the new toilets. The exact cost is not known but \$60,000 has been set aside out of existing budgets.

The issue is of interest to the community and Council's views, as community representatives, are sought.

### **Recommendation**

*That Kaipara District Council:*

- 1 *Receives the Parks and Community Manager's report 'Baylys Beach Community Centre/Public Toilets Encumbrance; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends that the encumbrance registered on the title of 52 Seaview Road, Dargaville, permitting Council to develop public toilets is removed; and*
4. *That a budget of \$70,000 is provided in the draft Long Term Plan 2018/2028 for a Baylys Beach Public Toilet Boardwalk to ensure the toilets are usable by people with physical disabilities.*

### **Reason for the recommendation**

The current site of the public toilets is conveniently located for beach visitors and unlikely to be impacted by coastal hazards. The cost of constructing and maintaining a second public toilet in this small settlement cannot be justified. Council may need to ensure the existing public toilet is useable by people with physical disabilities at some point in the future and there is a practicable solution available.

### **Reason for the report**

To inform Council of the request from Baylys Beach Community Centre Trust (BBCCT) to remove an encumbrance from the title of their property at 52 Seaview Road, Dargaville.

### **Background**

The Baylys area has a stable resident population, this swells over seasonal holiday periods with many people spending multiple days at and on the beach.

The public toilet facility is next to the only vehicle access point onto Ripiro Beach for visitors to Baylys Beach and a short walk from the foreshore. The facility is the only public toilet in the settlements of Baylys Beach and Chases Gorge. The condition, location and disability access to the toilet has been a matter of concern for Council and the community for some time.

Council had been grappling with the best course of action to take with the facility, either to refurbish or rebuild on the existing site or decommission and build a new public toilet facility at another location.

One option considered was to build a new toilet at 52 Seaview Road, a Council-owned property purchased to providing recreational space and better parking facilities at Baylys (**see Attachment 1**). The community raised concerns over Council's plans to locate a public toilet on this site, such as the distance from the beach and the location in a built-up residential area surrounded by established properties.

In May 2011, and after formally consulting with the community, Council resolved to sell the land.

After considering a number of potential options it was agreed to refurbish the public toilet on the existing site. A modest refurbishment was carried out in 2015 however this did not include improving the access to the toilets.



Current access to toilets

The toilet facility is fit for purpose for a coastal location with a summer peak. It is conveniently located for beach visitors who are the majority of users. The only negative issue is that the toilet facility is not useable by people with physical disabilities.

The section at 52 Seaview Road has been sold. However, to keep Council's options open in terms of future public toilet facilities an encumbrance has been registered on the title permitting Council to build public toilets and to provide access to the toilets.

### Issues

A Charitable Trust, BBCCT proposes to develop a community centre and a permanent surf lifesaving base on the site. The Trust has received a significant windfall from a local identity to undertake this project. The community fully supports the concept but there has been negative feedback on providing a public toilet on the site.

The Charitable Trust would like Council to consider removing the encumbrance from the title so that they do not have to provide separate public toilets i.e. additional to those they would normally provide in a public building. This will make it easier to finalise their plans, get community approval and a resource consent.

Although Council refurbished the current public toilets they are not useable by people with physical disabilities.

Funding new toilets to modern accessible standards would be an option at the 52 Seaview Road site.



An alternative option is to construct a boardwalk that meets Building Code accessibility standards to the existing public toilets.

## **Factors to consider**

### ***Community views***

In the past the community has expressed their concern at a public toilet being built at 52 Seaview Road. Issues raised by the community included the distance from the beach and the location in a built-up residential area surrounded by established properties.

In 2011 Council formally consulted with the community and formally resolved to sell 52 Seaview Road. The BBCCT has consulted with the community about their proposal including the public toilets. There has been negative feedback on providing a public toilet on the site. This negative feedback may make it harder to finalise their plans, get community approval and a resource consent.

### ***Policy implications***

Council has adopted features of the World Health Organisations 'Age Friendly Checklist' that are relevant to Council-related activities in the context of the smaller rural centres across the Kaipara district. This checklist requires public toilets to be sufficient in number, clean, well-maintained and accessible.

In terms of District Plan policy, it requires consideration of coastal hazards including a rise in global sea level of about 50cm by the year 2100. Due to its location above the foreshore the current public toilet facility will not be affected by global sea level rises. The 2014 Richardson Stevens Consulting Engineers – Engineering Report acknowledged this was an area prone to hazards of coastal erosion however a review of photographs from 1966 did not identify any stability issues.

### ***Financial implications***

The financial implications of retaining the encumbrance is that Council will need to fund and maintain the new public toilet facility component of the Community Centre project. The capital costs is yet to be quantified although the 2016/2017 and 2017/2018 Annual Plan budgets Community Infrastructure – District (\$30,000 per annum) has been set aside should this project come to fruition.

Council's level of provision for public toilets is 1 per 2,000 people. Having two public toilets in this small settlement would exceed Council's level of provision. If a new public toilet facility was built the current facility may need to close.

The financial implications of Council agreeing to remove the encumbrance is that Council may need to upgrade access to the public toilet so it is useable by people with physical disabilities at some point in the future. This is practicable and can be achieved by constructing a boardwalk from the car parking, up to the toilets and beyond to the beach and this has been estimated to be \$70,000. This can be provided for in the Long Term Plan 2018/2028.

### ***Legal/delegation implications***

As this building was constructed in the 1960s Council is not bound by the current Building Code and is not legally required to provide access for people who are physical disabled.

Council can legally remove the encumbrance from the title.

## Options

**Option A:** Agrees to remove the encumbrance registered on the title of 52 Seaview Road and provide funding in the Long Term Plan 2018/2028 to upgrade access to the public toilet so it is useable by people with physical disabilities.

**Option B:** Does not agree to remove the encumbrance registered on the title of 52 Seaview Road.

## Assessment of options

If Council agrees to the encumbrance being removed the BBCCT can get on with consulting with the community about the design of the proposed building. Council officers can make provision in the draft Long Term Plan for improved access to the existing toilets.

If Council does not agree to the encumbrance being removed it retains the option of public toilets in the future and the BBCCT will need to continue their consultation with the community on the understanding that the encumbrance will remain.

## Assessment of significance

This report is not considered to trigger Council's Significance and Engagement Policy.

## Recommended option

The recommended option is **Option A**.

## Next step

Staff to inform the Baylys Beach Community Centre Trust of the decision.

## Attachments

- Plan of Baylys Beach area



Location of  
Public  
Toilets

Location of  
52 Seaview  
Road

Baylys Beach – Location of toilets in relationship to 52 Seaview Road

**File number:** 2108.09.09

**Approved for agenda** 
**Report to:** Council

**Meeting date:** 04 April 2017

**Subject:** **Maungaturoto Residents Association Development Agreement and Draft Licence to Occupy to Build a Playground in View Street, Maungaturoto**
**Date of report:** 27 March 2017

**From:** Sue Hodge, Parks and Community Manager

**Report purpose**  **Decision**  **Recommendation**  **Information**
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

The Maungaturoto Residents Association has applied to Council for a Development Agreement (**Attachment 1**) and a Licence to Occupy (**Attachment 2**) that will allow them to construct a playground and activity zone in View Street, Maungaturoto (Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD).

Council declared this property surplus in 2010 and it was marketed for sale in 2014. Representatives of the local community requested that Council retains the land to allow the community to develop it as a children's playground and park area.

This was presented at the 15 December 2015 Council meeting and it was agreed that Council would retain this land, transfer \$70,000 from the accumulated financial contributions (reserves) fund to the general fund and subsequently include it in the Parks and Open Space Asset Management Plan and declare it as a recreation reserve under the Reserves Act.

This allowed for the Maungaturoto community, through Maungaturoto Residents Association, to be offered a Development Agreement for a Licence to Occupy to construct a playground on this area of land.

The Maungaturoto Residents Association has accepted the standard terms and conditions in Council's Licence to Occupy with the following additional terms:

- 1 The licence will be for a period of five years with five-yearly reviews and the possibility of two extension terms of five years each;
- 2 The Development Agreement and Licence to Occupy shall be for a playground zone only; and
- 3 The rental shall be a peppercorn rental of \$1.00 per year.

Council must now consider whether to approve in principle the Development Agreement and Licence to Occupy for the Maungaturoto Residents Association to build a playground.

Receiving approval in principle for these agreements will allow the Maungaturoto Residents Association to give funders assurance that their proposal can proceed should they be successful in getting the required funding.

If approval is given, the project needs to be completed in two years.

### **Recommendation**

*That Kaipara District Council:*

- 1 *Receives the Parks and Community Manager's report 'Maungaturoto Residents Association Development Agreement and Licence to Occupy – View Street, Maungaturoto' dated 27 March 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the terms and conditions as outlined in the above-mentioned report for a Development Agreement and Licence to Occupy with the Maungaturoto Residents Association in View Street, Maungaturoto (Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD); and*
- 4 *Delegates the Kaipara District Council's Chief Executive to finalise and sign the Development Agreement and Licence to Occupy with the Maungaturoto Residents Association.*

### **Reason for the recommendation**

Council agreed in principle to this development in December 2015. The resolutions passed at that meeting did not delegate the ability to finalise these agreements. Delegating this now will allow the completion of the project and for the Maungaturoto Residents Association to seek additional funding opportunities.

### **Reason for the report**

To recommend the approval in principle of a Development Agreement and draft Licence to Occupy for the Maungaturoto Residents Association to build a playground on View Street, Maungaturoto, (Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD).

### **Background**

Council declared this property surplus in 2010 however it was not marketed until 2014. The notice of sale created a response from some in the community who felt there was no consultation around this, particularly as community volunteers had been tidying and maintaining the section for a possible playground. The timing was a coincidence and unfortunate.

For this reason the Maungaturoto community requested that Council retain the property (legal description: Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD) to allow the community to develop it as a children's playground and park area.

In October 2015 some Maungaturoto community members met with Commissioner John Robertson on the proposed site to discuss their ideas and vision for the section and further presented this at the 27 October 2015 Council meeting. At a subsequent Council meeting in December 2015 it was agreed that Council would retain this land and would transfer \$70,000 from the accumulated financial contributions (reserves) fund to the general fund and would subsequently include it in the Parks and Open Space Asset Management Plan and declare it as a recreation reserve under the Reserves Act.

This allowed for the Maungaturoto community, through Maungaturoto Residents Association, to be offered a Development Agreement for a Licence to Occupy to construct a playground on this area of land.

### **Council Resolution**

#### **“Council-owned land, View Street, Maungaturoto Property - Playground Proposal**

**Moved Robertson/Winder**

*That Kaipara District Council:*

- 1 *Rescinds its resolution of 24 March 2010 that stated ‘Council agrees to offer for sale the properties identified as surplus Council land, subject to legal clearance’ including View Street, Maungaturoto Lot 34 Pt 33 35 36 DP 8374 Blk VIII Waipu SD; and*
- 2 *Agrees to remove this section of land (legal description: Lot 34 Pt 33 35 36 DP 8374 Blk VIII Waipu SD) off the market and to purchase this property using \$70,000 from the accumulated Reserve Contribution fund for the purpose of establishing it as a recreation reserve pursuant to the Reserves Act and including it in the Reserves and Open Space Asset Management Plan; and*
- 3 *Agrees to offer a Development Agreement and draft Licence to Occupy to the Maungaturoto Residents Association to develop a children’s playground and green space.*

**Carried”**

### **Issues**

Once the Development Agreement has been granted there is a chance that the community cannot secure sufficient funding to bring the project to fruition. This could tie the land up and prevent it being available to other groups. Additionally, Council would lose control over maintenance of the site and it could become overgrown and unsightly. For this reason the Development Agreement has a timeframe of two years for the community group to secure sufficient funding or it lapses.

Playgrounds available to the public must comply with NZS:5828 2004. A condition of the Development Agreement is that the playground designs will need to be approved by Council prior to construction to ensure compliance and suitability. Council will include this playground in its two-yearly playground audit to ensure there is no public or safety risk. Other non-Council playgrounds are already audited such as Mangawhai Domain and Mangawhai Activity Zone (MAZ). Factors to consider.

### **Community views**

Community members presented to Council in October 2015, and have been working with Council since then on the proposed park.

### **Policy implications**

Once the project is completed the property will need to be declared a reserve pursuant to the Reserves Act and Council’s Reserves Register would need to be updated.

### ***Financial implications***

There will be no financial implication for Council. It is intended that the community acquires sufficient capital funding for the project and will be responsible for ongoing maintenance costs of the playground.

The community intends that the playground will be created by volunteers, with equipment potentially donated or purchased piece by piece. They are also negotiating the possibility of equipment being donated by a local business. Issuing a Development Agreement will allow the community to seek funding from non-Council sources.

If in the future the group defaults on this arrangement this playground would come back to Council ownership and would not incur additional expense.

### ***Legal/delegation implications***

Council has agreed to purchase this land from Financial Contributions (Reserves) fund as open space. Once Maungaturoto Residents Association complete their project and sign their Licence to Occupy agreement Council will need to pass a resolution to declare the land a recreation reserve.

### **Options**

Council has the following options:

**Option A:** Give approval in principle to grant the Maungaturoto Residents Association a Development Agreement and Licence to Occupy for Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD in accordance with the terms and conditions as outlined in this report and; delegate the Kaipara District Council Chief Executive to finalise and sign the agreements.

**Option B:** Give approval in principle to grant the Maungaturoto Residents Association a Development Agreement and Licence to Occupy for Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD in accordance with terms and conditions other than those outlined in this report; and delegate the Kaipara District Council Chief Executive to finalise and sign the agreements.

**Option C:** Decline approval to grant the Maungaturoto Residents Association a Development Agreement and Licence to Occupy for Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIPU SD.

### **Assessment of options**

Option A, approving the terms and conditions as outlined in this report for the Development Agreement and Licence to Occupy would allow for the preparation of an agreement which is in line with the direction of Council and the Applicant. It would also increase the success of the Applicant to attract funding from non-Council sources.

Option B, approving the granting of a Development Agreement and Licence to Occupy along lines other than the terms and conditions outlined in this report would be a valid option if Council finds some fault or omission in the terms and conditions outlined in this report.

Option C, declining to grant the Development Agreement and Licence to Occupy would limit the success of the Applicant to attract funding for the development from non-Council sources.

### **Assessment of significance**

This matter does not trigger Council's Significance and Engagement Policy. However, there is likely to be public interest and discussion around this from the Maungaturoto community.

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

The Chief Executive, will proceed to finalise and sign the Development Agreement and associated Licence to Occupy with the Applicant.

### **Attachments**

- [Maungaturoto Residents Association Development Agreement](#)
- [Maungaturoto Residents Association Licence to Occupy](#)



**Development Agreement**

May 2017

**Kaipara District Council**

(Council)

**Maungaturoto Residents Association**

(Organisation)

DRAFT

**Development Agreement**

**for Licence to Occupy**

**View Road, Maungaturoto**

**Playground**

## Development Agreement for Licence to Occupy

**AGREEMENT** dated the ..... day of ..... 2017

### PARTIES

- 1 **Kaipara District Council** ("Council")
- 2 Maungaturoto Residents Association ("Organisation")

### INTRODUCTION

- A The Council is the registered proprietor of the Land described in Schedule 1 and holds such Land for the benefit of the Kaipara community, which may allow for community organisations to use and develop the Land for community purposes.
- B The Organisation has made application to the Council pursuant to the Council's policy for occupying public land and/or buildings to undertake a Development on the Land, as set out and described in Schedule 1.
- C The Council and the Organisation enter into this Agreement to, first, enable the Organisation to undertake the Development on the Land pursuant to the Project Plan approved by the Council and second, to make provision for the Council to grant the Organisation a Licence to Occupy the Land on completion of the Development.

### 1 **Agreement**

#### **Agreement to undertake Development**

- 1.1 The Organisation agrees to undertake and complete the Development in accordance with:
  - a) the particulars set out in Schedule 1;
  - b) the terms and conditions as set out in Schedule 2; and
  - c) the Project Plan set out in Schedule 3.

#### **Agreement to grant Licence to Occupy**

- 1.2 In consideration of the Organisation undertaking and completing the Development as provided for in clause 1.1 the Council agrees to grant the Organisation a Licence to Occupy the Land the principal particulars of which are set out in Schedule 1 and in accordance with the relevant terms and conditions as set out in Schedule 2.

**Terms and Conditions**

1.3 The Council and the Organisation agree to observe and perform their respective obligations under this Agreement as set out in the Schedules to this Agreement.

**Signed** on behalf of )

**Kaipara District Council** )

in the presence of: )

.....  
.....  
.....

Date .....

**The Common Seal of** )

**Maungaturoto Residents** )

**Association** )

was affixed in the )


presence of: )

.....  
.....  
.....

Date .....

Schedule 1

Particulars Schedule

<b>Organisation</b>	Maungaturoto Residents Association Incorporated
<b>Organisation contact details</b>	<ul style="list-style-type: none"> <li>• moorefinearts@gmail.com</li> <li>• PO Box 113, Maungaturoto</li> <li>• 09 431 8383</li> </ul>
<b>Council contact details</b>	<ul style="list-style-type: none"> <li>• council@kaipara.govt.nz</li> <li>• 42 Hokianga Road, Dargaville</li> <li>• 09 439 3123</li> </ul>
<b>Land</b>	<p>Valuation Number: 0123013500</p> <p>View Street, Maungaturoto</p> <p>Legal Description: Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIP</p> <p>Certificate of Title: 35D/17635D/177</p> 
<b>Status of Organisation</b>	Incorporated Society 1188479
<b>Community Benefits</b>	By providing a safe environment for families and to provide equipment for disabled people. To provide a central hub for that end of the town.
<b>Development</b>	To build a community playground and easy care gardens.
<b>Development Period</b>	Two years from May 2017

<b>Administration Fee</b>	N/A
<b>Rates payable during Development Period</b>	No
<b>Public Risk Insurance Amount</b>	\$2m
<b>Licence to Occupy Particulars</b>	<ul style="list-style-type: none"> <li>• <b>Term</b> – Five (5) years from Practical Completion of Development.</li> <li>• <b>Further Terms</b> - Two terms of five (5) years.</li> <li>• <b>Further Extensions</b> - Three terms of five (5) years.</li> <li>• <b>Annual Licence Fee</b> - \$1.00 per annum plus GST, subject to conversion at the discretion of Council to a licence fee comprising Council administration costs plus ground rent type payment, plus GST, following such conversion to be subject to reassessment by Council at five (5) yearly intervals and at the commencement of extension terms.</li> <li>• <b>Permitted Use</b> – Community Playground; Recreational Activity</li> <li>• <b>Total Term</b> – 30 years.</li> </ul>
<b>Substantial improvements to be effected by Organisation</b>	Yes – building a playground
<b>Conditions/Special Terms</b>	<p>Provide a Project Plan</p> <p>If the agreed plan changes the Council needs to be notified.</p> <p>If funding is not obtained within the two years of this agreement, by default the land falls back to Council.</p> <p>If there are any changes to the Trust the Council must be notified.</p> <p>Development must be sympathetic with the natural character of the area.</p> <p>Height of development is not to exceed three metres.</p> <p>Any murals or art work are to be approved by Council.</p> <p>Graffiti is removed within three days</p>

## Schedule 2

### Terms and Conditions

#### 1 Definitions and Interpretation

##### Definitions

1.1 In this Agreement, including the Introduction and all Schedules to this Agreement, unless the context otherwise requires:

"**Administration Fee**" is the fee which the Council may require the Organisation to pay for the administration costs of the Council relating to this Agreement and the Development, the amount of which is set out in Schedule 1.

"**Authority**" means any local body, government or other authority having jurisdiction or authority over or in respect of the Land, the Development or the use or occupation of either of the foregoing.

"**Community Benefits**" are as set out and described in Schedule 1.

"**Council**" means the Kaipara District Council its successors and assigns and includes any Government body, local authority or other organisation that takes over the responsibility of Kaipara District Council in respect of the Land.

"**Development**" means the Organisation's development to be undertaken by the Organisation on the Land as set out and described in Schedule 1 in accordance with the Project Plan.

"**Development Period**" means the period of time for the undertaking and completion of the Development as set out in Schedule 1 and such further period or periods as may be permitted by the Council pursuant to clause 2.

"**Land**" means the land set out and described in Schedule 1.

"**Licence to Occupy**" means the Licence to Occupy the Land the principal particulars of which are set out in Schedule 1 and otherwise on terms and conditions contained in a standard form of licence agreement as required by the Council. A copy of the Council's current standard form of licence agreement is attached as Schedule 4.

"**Organisation**" means the organisation named and described in Schedule 1 however does not include the organisation's successors or assigns.

"**Permitted Use**" is the permitted use of the Land as set out and described in Schedule 1 (Licence to Occupy particulars).

"**Practical Completion**" means the stage of construction of the Development when, in the opinion of the Council, the Development has been substantially completed in compliance with the Project Plan and plans and specifications approved by the Council so as to be capable of being utilised for the Permitted Use in compliance with clause 4.4 and pursuant to the Licence to Occupy provided for by

this Agreement without material inconvenience notwithstanding that there may be items of a minor nature that require finishing, alteration or remedial action.

"**Project Plan**" means the Organisation's plan for the undertaking of the Development a copy of which is attached to this Agreement as Schedule 3 and as more particularly provided for in clause 5.

"**Rates**" means the Council and Regional Council rates payable in respect of the Land or a proportion of such rates, as determined by the Council.

### Interpretation

#### 1.2 In this Agreement:

- a) references to clauses and schedules are reference to clauses and to schedules to this Agreement unless stated otherwise. Each such schedule forms part of this Agreement;
- b) where the context permits the singular includes the plural and vice versa;
- c) all references to legislation are (unless stated otherwise) references to New Zealand legislation and include all subordinate legislation, any re-enactment of or amendment to that legislation and all legislation passed in substitution for that legislation;
- d) where the context permits references to a "**person**" include an individual, firm, company, corporation or unincorporated body or persons, any public authority, territorial or regional council, any government or any governmental agency;
- e) references to a "**party**" means a party to this Agreement and any reference to a party, to the extent applicable, includes the successors, executors and administrators (as the case may be) of that party;
- f) defined words and expressions bear the defined meaning throughout this Agreement including the Introduction;
- g) where any condition or special term set out in Schedule 1 is in conflict with or is inconsistent with any other term of this Agreement the condition or special term shall prevail.

## 2 Licence for the Development Period

- 2.1 The Council grants and the Organisation accepts a licence to enter upon and use the Land for the purposes of undertaking and completing the Development in accordance with the provisions of this Agreement and the Project Plan.
- 2.2 This Agreement confers no right of use and occupation of the Land and any improvements erected on the Land beyond the expiry of the Development Period provided that the Council, in its absolute discretion, may extend the Development Period for such period of time it considers necessary to enable completion of the Development.

### 3 Warranties

3.1 The Organisation warrants to the Council as follows:

- a) that it is a not-for-profit organisation and has the status as set out in Schedule 1 which status will be a continuing status for the Development Period and the term or terms of the Licence to Occupy;
- b) that the Community Benefits of the Development are as set out and described in Schedule 1 and will continue for the term or terms of the Licence to Occupy;
- c) that the contents of the Project Plan are correct in all material respects;
- d) that the Organisation has or will have in a timely manner the financial resources to undertake and to complete the Development in accordance with the Project Plan;
- e) that the Development is reasonably capable of completion within the Development Period.

3.2 The Organisation acknowledges to the Council and accepts that the Council enters into this Agreement in reliance on the warranties set out in clause 3.1 being materially correct in all respects. A breach of any of such warranties shall be a default under this Agreement.

### 4 Development

4.1 The Organisation shall with all reasonable speed undertake and complete construction of the Development in a good and workmanlike manner:

- a) in accordance with plans and specifications approved by the Council (in the Council's land owning capacity) acting reasonably prior to the commencement of construction of the Development which plans and specifications shall be consistent with the Project Plan;
- b) in accordance with all required consents and proper requirements of all relevant Authorities, including this Council, (which shall include payment of any development contributions levied in respect of the Development);
- c) within the Development Period.

4.2 The Organisation shall report progress of the construction of the Development to the Council at such intervals as are reasonably required by the Council and as provided for in the Project Plan. The reporting of progress shall be against the timelines and milestones as set out in the Project Plan and shall at all times be relative to the Development Period.

4.3 In undertaking the construction of the Development the Organisation:

- a) shall use its best endeavours to ensure that as little inconvenience and disruption as possible is caused to occupiers of nearby properties or any other occupier or users of the Land or nearby Land owned by the Council;
- b) shall take out and keep in full force and effect during the Development Period and any extension of that period the following insurance covers:



- i) public liability insurance cover for a sum of not less than the sum set out in Schedule 1 for any single event or such greater sum required by the Council from time to time;
- ii) contractors all risks insurance cover;

and shall provide a copy of the policies or certificates of currency to the Council prior to the commencement of construction of the Development;

- c) shall comply with all requirements of the Council in respect of occupational health and safety, access to and through the Land for workmen, materials and machinery ensuring reasonable access and use of the Land is preserved for other users and occupiers of the Land;
- d) shall at its own cost comply with all legislation, bylaws, regulations or directions (statutory or otherwise) made or issued by any Authority, including the Council, as relate to the Land and the construction of the Development; and
- e) shall permit the Council (by its officers, agents or contractors) to access the Land at any time for the purpose of inspecting the progress of construction of the Development and any other matter relating to this Agreement or relating to the Land (including the use and occupation of the Land by other persons).

- 4.4 The Organisation shall provide the Council with copies of all Code Compliance Certificates or certificates for public use for the Development prior to any commencement of use or occupation of the improvements the subject of the Development pursuant to the Licence to Occupy.
- 4.5 The Council shall not be under any liability nor shall the Organisation have any right to claim damages or compensation against the Council where any delay in achieving Practical Completion is caused by adverse weather conditions, strikes, lockouts, accidents, unavailability of materials, fire, earthquake or any other cause including the Council performing any function in its regulatory capacity.
- 4.6 The Organisation shall be entitled to make variations or alterations to the Development and the plans and specifications for the Development (including substitution of unavailable materials) with the consent of the Council provided that such variations or alterations are of a minor nature and do not appreciably reduce or adversely affect the value, appearance or usefulness of the Development. The Council's consent shall not be unreasonably or arbitrarily withheld.
- 4.7 In the event that Practical Completion is not achieved within the Development Period or additional minor works or remedial works are required to be carried out to the Development the Council (and its contractors, agents and workmen) shall be entitled, however shall be under no obligation to do so, to enter upon the Land and the Development at all reasonable times to carry out all such works as may be required in the circumstances and to carry out such other works as may be required to any part of the Development. The costs incurred by the Council to undertake any such work shall be payable by the Organisation to the Council upon demand being made by the Council together with interest at the rate charged by the Council's principal banker on overdraft until payment.
- 4.8 In carrying out any works under clause 4.7, the Council will use its best endeavours to ensure that as little inconvenience and disruption is caused or results as is reasonable in the circumstances however the Council shall not be liable to the Organisation for any loss of enjoyment, disturbance or

interference caused to the Organisation (or to any members, staff, contractors, workmen or agents employed or engaged in any way by the Organisation) as a consequence of carrying on any of the works contemplated by clause 4.7, nor shall the Organisation have any right to claim damages or compensation (including the reduction, suspension or abatement of any of the Organisation's monetary obligations arising under this Agreement) by reason of such works.

## **5 Project Plan**

- 5.1 The parties acknowledge to each other that elements of the Project Plan may not be achieved in whole or in part and that as a result the Organisation may wish to revise, vary or alter the Project Plan during the Development Period. The parties agree to follow a process to deal with any proposed revision variation or alteration to the Project Plan which may:
- a) adversely affect the availability of funding for the Development;
  - b) extend the Development Period; or
  - c) otherwise adversely affect the Development in a material respect.
- 5.2 The Organisation shall notify the Council in writing of any circumstance which may fall within any of the possible consequences set out in clause 5.1 immediately the Organisation becomes aware of the circumstance and shall provide the Council with all relevant details together with the Organisation's proposal ("variation proposal") for revision, variation or alteration to any element of the Project Plan.
- 5.3 The Council will consider the Organisation's variation proposal in good faith acting reasonably and will consult with the Organisation as it considers necessary. However the Council shall be under no obligation to agree to the Organisation's variation proposal and the Council, acting in its discretion, shall be entitled to:
- a) agree to the variation proposal;
  - b) agree to a modification of the variation proposal; or
  - c) not agree to the variation proposal.
- 5.4 In the event of the Council not agreeing to the variation proposal the circumstance giving rise to the variation proposal shall be deemed to be a default under this Agreement on the part of the Organisation.
- 5.5 For the avoidance of doubt, if the Organisation wishes to revise, vary or alter the Project Plan where none of the circumstances set out in clause 5.1 will apply, the Organisation may amend the Project Plan following consultation with the Council and will give full and proper consideration to the views of the Council before proceeding with any proposed revision, variation or alteration.
- 5.6 The Organisation shall provide the Council with a full copy of any revised, varied or altered Project Plan.

## **6 Payments**

- 6.1 In addition to all other moneys which may be payable by the Organisation to the Council under this Agreement, including payments by the Organisation to the Council in the Council's regulatory capacity, the Organisation shall pay to the Council during the Development Period:

- a) the Administration Fee set out in Schedule 1 at the frequency set out in Schedule 1;
- b) Rates unless remitted by operation of any policy implemented by the Council in relation to the remission of Rates;
- c) all utilities and services relating to the Land and the Development (unless paid direct to suppliers);
- d) the Council's legal costs (as between solicitor and client) of and incidental to the negotiation, preparation and completion of this Agreement. The Organisation shall also pay the Council's legal costs (as between solicitor and client) of and relating to any variation of this Agreement, the Council's consent to any matter contemplated by this Agreement, and of and incidental to the enforcement or attempted enforcement of the Council's rights, remedies and powers under this Agreement.

## **7 Grant of Licence to Occupy**

- 7.1 With effect from the date of Practical Completion as determined by the Council or other date agreed by the parties, and provided the Organisation is not in default of any obligation under this Agreement in any material respect, the Council agrees to grant and the Organisation agrees to accept the Licence to Occupy.
- 7.2 The Council will prepare the Licence to Occupy (in duplicate), together with any modifications required by reference to this Agreement and such minor additions, alterations or modifications required by the Council which do not materially affect the rights and obligations of the Organisation, and forward it to the Organisation. The Organisation agrees to execute the Licence to Occupy in accordance with its constituting documents and return both copies to the Council within 14 days of receipt from the Council or its solicitor. The Council will execute the Licence to Occupy document in accordance with its policies and procedures for executing such documents and will forward a fully executed copy of the Licence to Occupy document to the Organisation following such execution.

## **8 Cancellation**

- 8.1 The Council may (in addition to the Council's right to apply to the Court for an order for possession) cancel this Agreement by entering the Land at the time or at any time thereafter if the Organisation:
  - a) makes default for a period of 30 days in payment of any Administration Fee required to be paid pursuant to the terms of this Agreement; or
  - b) makes default for a period of 30 days in payment of any of the moneys agreed to be paid by it under or by virtue of any loan the Council may have granted or shall grant to the Organisation for the purposes of the Development or the undertaking of the Permitted Use; or
  - c) makes any default in performance of any other obligation whatsoever contained in this Agreement (including any deemed default) and such default continues for a period of 30 days; or

- d) suffers or permits this Agreement and the rights and privileges granted by this Agreement or the Land or the Development to be seized under any proceedings for execution issued in pursuance of any judgment; or
- e) passes any resolution to wind up; or
- f) becomes insolvent or its affairs or assets are placed under any sort of management or receivership;

and the Development Period shall terminate on such cancellation, but without prejudice to the rights of either party against the other.

- 8.2 In the event of this Agreement being cancelled for any reason the Organisation shall at its own cost in all respects, if requested to do so by the Council, remove such improvements and materials the Organisation has erected or placed on the Land, as directed by the Council, and shall leave the Land in a clean and tidy condition.

## **9 Council's Role as Statutory Authority**

- 9.1 The Organisation acknowledges that the Council is the territorial authority for the area in which the Land is situated and that any power, right, obligation or duty of the Council under this Agreement shall be subject to compliance by the Council with the Local Government Act 2002, Resource Management Act 1991, Public Works Act 1981, Building Act 2004, Reserves Act 1977 and any other legislation regulating the conduct of the Council.
- 9.2 Any consent given by the Council for the purposes of this Agreement is in addition to and not in satisfaction of any consent that may be required from the Council for regulatory purposes.

## **10 Reserves Act 1977**

- 10.1 If the Land is classified as reserve land under the Reserves Act 1977 this Agreement shall be subject to the applicable provisions of that Act.

## **11 Disputes and Mediation**

- 11.1 The parties shall meet and discuss in good faith any dispute between them arising out of this Agreement.
- 11.2 If the discussions referred to in clause 11.1 fail to resolve the relevant dispute, either party may (by written notice to the other party) require that the dispute be submitted for mediation by a single mediator appointed by the Council and such appointee shall conduct the mediation at his/her discretion, including the determination of procedural rules and timetable.
- 11.3 Neither party may issue any legal proceedings (other than for urgent interlocutory relief), in respect of any such dispute, unless that party has first taken reasonable steps to comply with clauses 11.1 and 11.2.

## **12 Goods and Services Tax ("GST")**

- 12.1 The Organisation shall in addition to any consideration payable by the Organisation under this Agreement pay to the Council all GST paid or payable by the Council as a consequence of the receipt of the consideration or other moneys or the provision of services or other taxable supplies under this Agreement.
- 12.2 Any GST payable by the Organisation under this Agreement shall be paid on the date on which the relevant supply is deemed to have taken place by virtue of the Goods and Services Tax 1985.
- 12.3 If the Organisation shall make default in payment of the consideration or other moneys payable under this Agreement and the Council becomes liable to pay additional GST then the Organisation shall on demand pay to the Council the additional GST.

## **13 No Compensation**

- 13.1 On termination of this Agreement by effluxion of time, default, breach of conditions or otherwise the Land together with the improvements comprising the Development (whether wholly or partly completed) shall revert to the Council without any compensation whatsoever being payable to the Organisation by the Council.

## **14 No Objection**

- 14.1 The Organisation acknowledges that, excepting the footprint of the improvements comprising the Development, the Organisation will be sharing the balance of the Land with other users and occupiers.
- 14.2 The Organisation will not object to nor join or be associated with objectors to other uses of the balance of the Land, whether in the context of resource consent applications or the grant of occupation and use rights to other organisations.

## **15 Indemnity**

- 15.1 The Organisation shall indemnify and keep indemnified the Council from and against all claims, costs, damage, loss or penalties suffered or incurred by the Council directly or indirectly arising out of this Agreement, the undertaking of the construction of the Development or any use or activity on or about the Land whether on the part of the Organisation or the Organisation's members, staff, customers, workmen, contractors, invitees or licensees.

## **16 General**

### **Suitability**

- 16.1 No warranty or representation expressed or implied has been or is made by the Council that the Land is now suitable or will remain suitable or adequate for use by the Organisation or that any use of the Land by the Organisation will comply with the bylaws or ordinances of the requirements of any Authority, including this Council.

### **No Assignment**

- 16.2 The rights conferred by this Agreement are personal to the Organisation and the Organisation shall not assign or agree to assign this Agreement or the Organisation's interest under this Agreement.

**No Warranty**

16.3 The Organisation enters into this Agreement entirely in reliance on its own judgment and not in reliance on any statement, representation or warranty made by the Council or any agent of the Council or any other person.

**Non-Merger**

16.4 The obligations and warranties of the parties contained in this Agreement shall not merge upon execution of the Licence to Occupy and shall remain in full force and effect after the Licence to Occupy has been executed.

**Non-Waiver**

16.5 The failure of either party to insist in any one or more instances upon the strict performance of any of the terms of this Agreement or the waiver by either party of any term or right under this Agreement or of any default by the other party shall not be deemed or construed as a waiver by such party of any such term right or default in the future.

**Entire Agreement**

16.6 This Agreement records the entire arrangement between the parties relating to the matters dealt with in this Agreement and supersedes all previous arrangements, whether written, oral or both, relating to such matters.

**Relationship between the Parties**

16.7 Nothing expressed or implied in this Agreement shall constitute either party as the partner, agent, employee or officer of, or as a joint venturer with, the other party, and neither party shall make any contrary representation to any other person.

**Amendment**

16.8 This Agreement shall not be amended or varied except in writing signed by all parties or as otherwise provided in this Agreement.

**Licence to Occupy**

November 2018

**Kaipara District Council**

(Council)

**Maungaturoto Residents Association**

(Organisation)

**Licence to Occupy Land**

**View Street, Maungaturoto (Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIP)**

**Activity Zone**



## Licence To Occupy Land

**AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_ 2018

### PARTIES

1. **Kaipara District Council** ("Council")
2. **Maungaturoto Residents Association** ("Organisation")

### INTRODUCTION

- A. The Council is the registered proprietor of the Land described in Schedule 1 and holds such Land for the benefit of the Kaipara community, which may allow for community organisations to use the Land for community purposes.
- B. The Organisation and the Council are parties to a Development Agreement which provides for the Organisation to undertake and complete a development on the Land in accordance with the terms and conditions of the Development Agreement.
- C. The Organisation has completed the Development and achieved Practical Completion (as both terms are defined in the Development Agreement) and pursuant to the Development Agreement the Council and the Organisation now enter into this Agreement to establish and provide for the Organisation to use and occupy the Land on the terms and conditions set out in this Agreement.

### 1. **Agreement**

#### **Grant of Licence**

- 1.1 The Council grants and the Organisation accepts:
  - (a) a licence to use and occupy the Improvements on the Land; and
  - (b) a licence to use the balance of the Land, excluding that part of the Land on which the Improvements are situated, in common with other organisations and persons to whom the Council may grant similar rights.

#### **Terms and Conditions**

- 1.2 The Council and the Organisation agree that they are bound by and will observe and perform their respective obligations under this Agreement as set out in the Schedules to this Agreement.



**Signed by** )

**Kaipara District Council** )

in the presence of: )

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**The Common Seal of** )

**Maungaturoto Residents Association** )

was affixed in the )

presence of: )


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### Particulars Schedule

<b>Organisation</b>	Maungaturoto Resident Association
<b>Organisation</b> <b>Contact Details</b>	<ul style="list-style-type: none"> <li>moorefinearts@gmail.com</li> <li>PO Box 113, Maungaturoto</li> <li>09 431 8383</li> </ul>
<b>Council</b> <b>Contact Details</b>	<ul style="list-style-type: none"> <li>council@kaipara.govt.nz</li> <li>42 Hokianga Road, Dargaville</li> <li>0800 727 059</li> </ul>
<b>Land</b>	<p>Valuation Number: 0123013500</p> <p>View Street, Maungaturoto</p> <p>Legal Description: Lot 34 PT 33 35 36 DP 8374 BLK VIII WAIP</p> <p>Certificate of Title: 35D/17635D/177</p> 
<b>Improvements</b>	To build a community playground and easy care gardens.
<b>Status of Organisation</b>	Incorporated Society # 1188479
<b>Community Benefits</b>	By providing a safe environment for families and to provide equipment for disabled people. To provide a central hub for that end of the town.
<b>Annual Licence Fee</b>	\$1.00 per annum plus GST subject to conversion to a substantive Annual Licence Fee subject to reassessment
<b>Reassessment Intervals</b>	Five yearly and as at the commencement of any extension of the Term.

<b>Outgoings payable</b>	N/A
<b>Term</b>	Five years.
<b>Commencement Date</b>	From the date of Practical Completion under the Development Agreement.
<b>Extension Terms</b>	Two terms of five years each.
<b>Further Extensions for Substantial Improvements</b>	Substantial improvements erected – yes. Three terms of five years each.
<b>Total Possible Term</b>	15 years
<b>Permitted Use</b>	Playground and park area for recreation
<b>Public Risk Insurance Amount</b>	\$2 million
<b>Insurance Value</b>	To be determined once built,
<b>Conditions/Special Terms</b>	<p>Provide a Project Plan</p> <p>If the agreed plan changes Council needs to be notified.</p> <p>If funding is not obtained within two years of this agreement, by default the land falls back to Council.</p> <p>If there are any changes to the Trust, Council must be notified.</p> <p>Development must be sympathetic with the natural character of the area.</p> <p>Height of development is not to exceed three metres.</p> <p>Any murals or art work are to be approved by Council.</p> <p>Graffiti is removed within three days</p>
<b>Financial Year of Organisation</b>	Year end is 31 March

<p><b>Performance Measures</b></p>	<ul style="list-style-type: none"> <li>• the Community Benefits are continuing to be provided;</li> <li>• not for profit status of the Organisation is retained;</li> <li>• registration of the Organisation as a charitable entity is retained;</li> <li>• the constituting document of the Organisation permits membership or ability to participate to all members of the public who can legitimately take part in the activities of the Organisation and no-one shall be excluded from membership provided they pay the necessary fees and observe the usual and proper rules of the Organisation;</li> <li>• the degree and frequency of the undertaking of the Permitted Use;</li> <li>• the degree and frequency of use, including shared use, of the Improvements and the Land by other community organisations and members of the public.</li> </ul>
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## Schedule 2

### Terms and Conditions

#### 1. Definitions and Interpretation

##### Definitions

- 1.1 In this Agreement, including the Introduction and all Schedules to this Agreement, unless the context otherwise requires:

"**Administration Fee**" is the fee which the Council may require the Organisation to pay as a component of the Annual Licence Fee for the Council's administration costs of and incidental to the implementation and administration of this Agreement, which, without limitation, may include provision for staff time and regular, periodic and as required expenditure on repairs to and maintenance and enhancement of the Land (excluding the Improvements).

"**Annual Licence Fee**" is the annual licence fee, plus GST payable by the Organisation to the Council, the initial amount of which is set out in Schedule 1, and subject to conversion and reassessment as provided for in Schedule 1, and as more particularly provided for in clause 3.

"**Authority**" means any local body, government or other authority having jurisdiction or authority over or in respect of the Land or the use or occupation of the Land.

"**Commencement Date**" means the commencement date of this Agreement as set out in Schedule 1.

"**Community Benefits**" means the community benefits for the Kaipara community as set out and described in Schedule 1 to be achieved by the Organisation by entering into this Agreement and undertaking the Permitted Use.

"**Council**" means the Kaipara District Council its successors and assigns and includes any Government body, local authority or other organisation that takes over the responsibility of Kaipara District Council in respect of the Land.

"**Development Agreement**" means the prior Agreement between the Council and the Organisation for the development of the Improvements on the Land.

"**Extension Term/s**" means extension/s of the Term as set out in Schedule 1 and as provided for in clause 2.

"**Further Extension/s**" means further extensions of the Term following the initial Term and the Extension Term/s, as set out in Schedule 1 and provided for in clause 2.

"**Improvements**" means the buildings structures and all other improvements placed erected or constructed by the Organisation on the Land and includes all services which serve the Improvements.

"**Land**" means the land set out and described in Schedule 1.

"**Outgoings**" means the outgoings in respect of the Improvements and the Land which, as set out in Schedule 1, shall be payable by the Organisation, and as provided for in clause 4.

"**Organisation**" means the Organisation named and described in Schedule 1 but does not include the Organisation's successors or assigns.

"**Permitted Use**" is the permitted use of the Improvements and the Land as set out and described in Schedule 1.

"**Performance Measures**" are as provided for in clause 9 and as more particularly set out in Schedule 1.

"**Rates**" means the Council and Regional Council rates payable in respect of the Land or a proportion of such rates, as determined by the Council.

"**Term**" means the term of this Agreement and all extensions of the Term as set out and provided for in Schedule 1.

"**Total Possible Term**" is the total possible term of this Agreement including all extensions of this Agreement, if granted.

## Interpretation

1.2 In this Agreement:

- (a) references to clauses and schedules are reference to clauses and to schedules to this Agreement unless stated otherwise. Each such schedule forms part of this Agreement;
- (b) where the context permits the singular includes the plural and vice versa;
- (c) all references to legislation are (unless stated otherwise) references to New Zealand legislation and include all subordinate legislation, any re-enactment of or amendment to that legislation and all legislation passed in substitution for that legislation;
- (d) where the context permits references to a "**person**" include an individual, firm, company, corporation or unincorporated body or persons, any public authority, territorial or regional council, any government or any governmental agency;
- (e) references to a "**party**" means a party to this Agreement and any reference to a party, to the extent applicable, includes the successors, executors and administrators (as the case may be) of that party;
- (f) defined words and expressions bear the defined meaning throughout this Agreement including the Introduction.
- (g) where any condition or special term set out in Schedule 1 is in conflict with or is inconsistent with any other term of this Agreement the condition or special term shall prevail.

## 2. Term of Licence and Extensions

2.1 The term of the licence granted by this Agreement shall be for the Term set out in Schedule 1 and shall commence on the Commencement Date as set out in Schedule 1.

2.2 If the Organisation, during the Term, has, to the satisfaction of the Council:

- (a) paid the Annual Licence Fee;
- (b) has complied with the Organisation's obligations under this Agreement;
- (c) has and continues to meet the Performance Measures;
- (d) for the purposes of a Further Extension has complied with the conditions set out in clause 5.3;
- (e) has given written notice to the Council at least three months but not more than nine months (time to be of the essence) before the expiry of the Term of the Organisation's desire to accept an extension of the Term;

and if the Council is satisfied that the Improvements and the Land are being sufficiently used for the Permitted Use and there is a continuing community need for the Permitted Use, shall grant, and the Organisation agrees to accept, by way of extension of this Agreement, the relevant Extension Term as provided for in Schedule 1.

2.3 If this Agreement provides in Schedule 1 for a Further Extension of the Term on account of substantial improvements having been erected on the Land ("Further Extension") such extension shall be requested by the Organisation and granted by the Council in accordance with clause 2.2.

2.4 All extensions of the Term may be recorded in writing in such manner as the Council requires.

2.5 The total duration of the Term shall be limited to the Total Possible Term as set out in Schedule 1.

### 3. **Annual Licence Fee**

3.1 The Organisation shall pay the Council the Annual Licence Fee during each year of the Term on the date and the frequency set out in Schedule 1.

3.2 The initial Annual Licence Fee shall be the amount, plus GST, set out in Schedule 1.

3.3 Where the initial Annual Licence Fee is a peppercorn rent (for example \$1 per annum plus GST) the Council may at its discretion by notice in writing to the Organisation ("conversion notice") convert the amount of the Annual Licence Fee to a substantive Annual Licence Fee ("substantive Annual Licence Fee") which shall comprise:

- (a) the Administration Fee as assessed by the Council; plus
- (b) if the Council requires, a licence fee calculated at 5% per annum on the capital value of that part of the Land (excluding the Improvements) on which the Improvements are situated plus allowance for shared access, parking and curtilage, as assessed by a registered valuer appointed by the Council.

3.4 In the case of a conversion notice given by the Council under clause 3.3 the substantive Annual Licence Fee shall take effect from the date stipulated in the conversion notice given by the Council and may, at the discretion of the Council, be reassessed by the Council at the intervals and at the

dates provided for in Schedule 1, calculated from the date of conversion. In any case where a substantive Annual Licence Fee applies from the Commencement Date the substantive Annual Licence Fee may at the discretion of the Council be reassessed at the intervals and at the dates set out in Schedule 1.

- 3.5 In any assessment of the Annual Licence Fee which is a substantive Annual Licence Fee, the decision of the Council on the annual amount of the substantive Annual Licence Fee, plus GST, (which shall be communicated to the Organisation by the Council in writing) shall be final and binding on the Organisation.

#### 4. **Outgoings**

- 4.1 The Organisation will, from the Commencement Date, duly and punctually pay for all consumables in respect of its undertaking of the Permitted Use and use and occupation of the Improvements and the Land which without limitation shall include charges for telephone, gas, electricity, water, sanitation and sewage, cleaning, garden and ground maintenance, licences, consents and permits and land tax (if any).
- 4.2 The Organisation shall pay all Outgoings direct or otherwise as the Council directs and in respect of the Land, excluding the Improvements, shall pay a proportion of such Outgoings as are apportioned by the Council, which may include Outgoings which are shared with other organisations or persons.
- 4.3 The Organisation shall pay Rates to the Council unless remitted by operation of any policy implemented by the Council in relation to the remission of Rates.
- 4.4 All Outgoings payable by the Organisation shall be paid by the Organisation as and when each Outgoing falls due for payment and in the case of any outgoing which is payable to the Council upon request made by the Council.

#### 5. **Repair Maintenance and Replacement**

- 5.1 The Organisation shall at all times during the Term in a proper and workmanlike manner and to the reasonable requirements of the Council:
- (a) keep and maintain the Improvements (both external and internal and including all plant, fixtures and fittings, floor coverings and surfaces) in good serviceable and substantial repair and condition, repairing and replacing as necessary, and will at the end or earlier determination of the Term yield and deliver up the Improvements to the Council in such good serviceable and substantial repair and condition;
  - (b) redecorate, by painting or staining as applicable, those parts of the exterior and interior of buildings and structures comprising the Improvements when they reasonably require repainting and redecoration, to a standard approved by the Council such approval not to be unreasonably withheld;
  - (c) make good (by repairing or replacing as necessary) any damage to the Improvements at any time during the Term;



- (d) keep and maintain, repairing and replacing as necessary, the storm and waste water systems on the Land which serve the Improvements;
- (e) ensure that all toilets, sinks, drains wastes, fittings and pipes on the Land are not blocked and are used for their designed purposes only and are regularly inspected, cleaned and maintained and repaired and replaced as necessary;

5.2 The Organisation shall at all times during the Term in a proper and workmanlike manner, and in such proportions as required by the Council where there is shared use of the Land by other organisations or persons:

- (a) keep all open areas of the Land, whether utilised as open space, paths or tracks, bush or planted areas or carparking in a clean and tidy condition repairing and replacing (including replanting) as necessary; and
- (b) regularly cause all rubbish and garbage to be removed from the Land and keep all rubbish bins and containers in a tidy condition. The Organisation will also, at the Organisation's own expense, cause to be removed all trade waste, boxes and other goods or rubbish not removable in the ordinary course by any Authority.

5.3 If this Agreement provides in Schedule 1 for Further Extension/s, the Organisation shall as a condition for any such Further Extension to be granted by the Council:

- (a) have replaced or renewed all or some items of the Improvements on the Land during the initial Term or Extension Term/s provided for in this Agreement so that in the opinion of the Council their useful life extends into the Further Extension;
- (b) prepare and provide to the Council a development plan for the Further Extension to include the replacement of those items of the Improvements which the Council has notified to the Organisation in writing require replacement and any new or additional items of Improvements which the Organisation wishes to construct on the Land; and
- (c) obtain the approval of the Council to the development plan, such approval not to be unreasonably withheld.

## 6. Insurances

6.1 The Organisation shall keep the Improvements together with all fixtures, fittings, plant, equipment and chattels on the Land insured against loss, damage or destruction by fire, earthquake, flood, lightning, storm, aircraft, electric fusion, machinery breakdown, malicious damage, inevitable accident and other usual risks for the value specified in Schedule 1 or such other value as is approved by the Council.

6.2 In the event the Improvements or any part of the Improvements at any time during the Term being partially destroyed or damaged by fire or other insurable extraneous peril then and so often as the same shall happen all moneys received in respect of such insurance shall be expended by the Organisation with all reasonable speed in repairing the damage sustained.

6.3 In the event of the Improvements being totally destroyed or damaged by any cause as to render the Improvements unusable or in the reasonable opinion of the Council to require demolition or reconstruction, the Organisation shall, if the Council consents to rebuilding or reinstating and so requires, rebuild or reinstate the Improvements provided that the Organisation shall not be required to expend more than the available proceeds of insurance towards such rebuilding and reinstatement. If the Council should not permit rebuilding or reinstating the Term shall immediately cease and determine and the Organisation will at its own cost demolish and clear the debris and have the Land cleared to the satisfaction of the Council.

6.4 The Organisation shall during the Term at its own cost take out and keep in full force and effect at all times a public liability insurance policy for a sum of not less than the sum set out in Schedule 1 for any single event or such greater sum required by the Council from time to time and shall within 30 days of the execution of this Agreement or request for additional cover produce to the Council a copy of the policy or certificate of currency.

## **7. Nature Of Licence/Public Use**

7.1 The licence to use and occupy the Improvements and the licence to use the balance of the Land in common which is granted by this Agreement is subject to a right of use of the Land by the public but subject to the following provisions of this clause.

7.2 It shall be lawful for any person to enter and for any reasonable period of time to remain as a spectator upon the Land at all times and any person so entering or remaining on the Land shall not so long as he/she conducts and behaves himself/herself in an orderly and seemly manner and refrains from hindering and obstructing the activities of the Organisation be deemed to be a trespasser provided however that this authority shall not be deemed to authorise any person to enter or be within or upon any buildings or structures situated on the Land without the previous consent of the Organisation or person duly authorised by the Organisation.

7.3 The right of public entry on the Land is subject in all respects to the right, and obligation, of the Organisation to control the Improvements as licensee and occupier and the Organisation shall be entitled at all times to require compliance by the public with all legislation and by laws relating to the Improvements and the Land and its use and in particular the provisions of the Health and Safety in Employment Act 1992.

7.4 The Council shall at any time during the Term be entitled to undertake, or permit other organisations to undertake, another development or developments on the Land (excluding that part of the Land on which the Improvements are situated together with necessary curtilage and access) and the Organisation consents to any such development or developments, provided that the Council will use reasonable endeavours to ensure that as little interruption as possible is caused to the Organisation in its undertaking of the Permitted Use during the undertaking of such developments.

## **8. Permitted Use**

- 8.1 The Organisation shall use and occupy the Improvements and use the Land in common with others for the Permitted Use and shall provide the Community Benefits in accordance with the Performance Measures provided for in clause 9, all as set out and described in Schedule 1.
- 8.2 If at any time the Council is of the opinion that the Improvements and the Land are not being used or are not being sufficiently used for the Permitted Use or are being used for activities other than on a not for profit basis the Council, after making such enquiries as it thinks fit and giving the Organisation the opportunity of explaining the use of the Improvements and the Land, if the Council is satisfied that the Improvements and the Land are not being used or not being sufficiently used for the Permitted Use or are being used for activities other than on a not for profit basis, may terminate this Agreement by notice in writing to the Organisation.
- 8.3 The Organisation shall not:
- (a) carry on on the Improvements or the Land any noxious, noisome or offensive act, trade, business, occupation or any act, matter or thing which may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers or owners of any adjoining land or any other licensee, occupier or user of any other part of the Land;
  - (b) bring or permit to be brought on to the Improvements or the Land any item of a flammable, volatile or explosive nature or any contaminant (as defined in section 2 of the Resource Management Act 1991) without first complying with the provisions of all laws then in force relating to the handling and storage of such materials and the requirements of the insurers of the Improvements;
  - (c) allow, carry on on the Improvements or the Land any use or activity which may cause loss or damage to the Improvements or the Land or any adjoining land, or become an annoyance, nuisance or disturbance to the Council or any other user or occupier of the Land on any adjoining land;
  - (d) release into the environment, discharge, deposit, place or dispose of on or near the Land any contaminant referred to in clause 8.3(b) except in accordance with an approval given under environmental health and safety legislation;
  - (e) carry on any illegal or immoral activity; or
  - (f) carry on any use which is not a permitted use under the District Plan.

## **9. Community Benefits and Performance Measures**

- 9.1 The Organisation and the Council acknowledge and agree that they enter into this Agreement in order to provide through the undertaking of the Permitted Use, for the Term, the Community Benefits as set out and described in Schedule 1 and that the achievement of the Community Benefits are an essential term of this Agreement.

- 9.2 The provision of the Community Benefits shall be measured against the Performance Measures and the Performance Measures applicable to this Agreement are as set out and described in Schedule 1.
- 9.3 The Performance Measures shall be continuing obligations of the Organisation throughout the Term and the Organisation shall report to the Council annually against the Performance Measures within 3 months following the end of the financial year of the Organisation, as set out in Schedule 1, or at any other time reasonably requested by the Council. Such report shall include the provision of the annual financial statements of the Organisation (audited if required by law or the constituting document of the Organisation) and otherwise the report shall be in writing in a format reasonably required by the Council, but as an alternative may be provided, at the discretion of the Council, at a meeting or meetings held between representatives of the Council and the Organisation.
- 9.4 The achievement or non achievement of the Performance Measures or any one or more of them may be taken into account by the Council in making decisions concerning:
- (a) whether the Community Benefits continue to be provided;
  - (b) termination of this Agreement by the Council;
  - (c) any extensions of this Agreement as provided by clause 2;
  - (d) whether the Annual Licence Fee should be a substantive Annual Licence Fee;
  - (e) any funding sought by the Organisation from the Council; or
  - (f) any variation to this Agreement sought by the Organisation or by the Council.
- 9.5 Any failure by the Organisation to report to the Council in terms of clause 9.3 shall be a breach of this Agreement.

## **10. Legislation, Bylaws and Health and Safety**

- 10.1 The Organisation shall at all times during the Term at its own cost comply with all legislation, bylaws, regulations or directions (statutory or otherwise) made or issued by any Authority including the Council as relate to the Land or the Improvements and the undertaking of the Permitted Use.
- 10.2 The Organisation shall at all times during the Term:
- (a) forthwith notify the Council in writing of any accident which takes place on the Improvements or the Land and of any actual or potential hazards which exist on the Improvements or the Land;
  - (b) ensure that the Organisation has in place systematic checks to ascertain any actual or potential hazards which exist on the Improvements on the Land and immediately notify the Council in writing of such actual or potential hazards;
  - (c) take immediately all practical steps to remove any actual or potential hazards where such are identified; and
  - (d) indemnify the Council to the extent legally possible against all penalties, costs, damage, loss, injury or death resulting from any failure on the part of the Organisation to carry out the above obligations.

## **11. Indemnity**

- 11.1 The Organisation shall indemnify and keep indemnified the Council from and against all claims, costs, damage, loss or penalties suffered or incurred by the Council directly or indirectly arising out of this Agreement, the undertaking of the Permitted Use or any use or activity on or about the Improvements or the Land whether on the part of the Organisation or the Organisation's officers members, employees, customers, contractors, invitees, licensees and any persons, including members of the public, for whom the organisation is responsible with respect to the undertaking of the Permitted Use.
- 11.2 In particular the Organisation shall fully recompense the Council for any charges or expenses incurred by the Council in making good any damage to the Land or the Improvements notwithstanding such items may be owned by the Organisation.

## **12. Assignment or Subletting**

- 12.1 The Organisation shall not assign, charge or sub-licence this Agreement or part with possession of the Improvements or any part of the Land except as permitted by clause 12.2.
- 12.2 The Organisation may, during the Term permit use of the Improvements by other community organisations and members of the public for uses and activities which are within the Permitted Use.

## **13. Consequences On Termination**

- 13.1 On termination of this Agreement by effluxion of time or surrender the Organisation shall have the right to transfer the Improvements to any body or organisation approved by the Council having objects similar to the objects of the Organisation and which shall prohibit the distribution of its assets among its members and which body or organisation shall enter into a licence agreement with the Council for the use and enjoyment of the Improvements on the Land on such terms and conditions as determined by the Council.
- 13.2 The Organisation shall yield and deliver up to the Council the Improvements and to the extent applicable the Land in good clean and substantial order condition and repair fair wear and tear or damage by fire earthquake tempest or other inevitable accident alone excepted.
- 13.3 On termination of this Agreement by effluxion of time or surrender, breach of conditions or otherwise the Improvements shall revert to the Council without any compensation whatsoever being payable to the Organisation by the Council.

## **14. Council's Right to Inspect and Undertake Work**

- 14.1 Any person authorised by the Council may at all reasonable times enter upon the Improvements and the Land and view and inspect the Improvements and upon receipt by the Organisation of a notice in writing from an officer or agent of the Council of any defect or want of repair or maintenance of the Improvements or the Land requiring the Organisation within a reasonable time, to be specified in the notice, to repair or remedy the same the Organisation shall at the cost of the Organisation with all

reasonable speed cause the defect to be remedied and/or the repair to be made to the satisfaction of the Council.

- 14.2 That if default shall be made by the Organisation in complying with any notice served by the Council pursuant to clause 14.1 the Council without prejudice to its other rights and remedies shall at its option be entitled by its representative/s together with workmen and professional or expert advisers with all necessary equipment and materials at all reasonable times to enter upon the Land and the Improvements to execute such works as may be specified in such notice and all moneys expended by the Council by reason of such default of the Organisation shall be payable by the Organisation to the Council upon demand together with interest at the rate charged by the Council's principal banker on overdraft until payment.

**15. Alterations, Replacements or Construction of New Improvements**

- 15.1 The Organisation shall not alter or replace Improvements or construct new Improvements without first obtaining the consent in writing of the Council.

**16. Sale of Liquor Act**

- 16.1 The Organisation shall be responsible for compliance with the provisions of the Sale of Liquor Act 1989 and shall ensure that all necessary licences are obtained and conditions met in relation to any liquor contained, consumed or supplied on the Land or the Improvements.

**17. Council's Role as Statutory Authority**

- 17.1 The Organisation acknowledges that the Council is the territorial authority for the area in which the Land is situated and that any power, right, obligation or duty of the Council under this Agreement shall be subject to compliance by the Council with the Local Government Act 2002, Resource Management Act 1991, Public Works Act 1981, Building Act 2004, Reserves Act 1977 and any other legislation regulating the conduct of the Council.
- 17.2 Any consent given by the Council for the purposes of this Agreement is in addition to and not in satisfaction of any consent that may be required from the Council for regulatory purposes.

**18. Reserves Act 1977**

- 18.1 If the Land is classified as reserve land under the Reserves Act 1977 this licence shall be subject to the applicable provisions of that Act.

**19. Disputes and Mediation**

- 19.1 The parties shall meet and discuss in good faith any dispute between them arising out of this Agreement.
- 19.2 If the discussions referred to in clause 19.1 fail to resolve the relevant dispute, either party may (by written notice to the other party) require that the dispute be submitted for mediation by a single mediator appointed by the Council and such appointee shall conduct the mediation at his/her discretion, including the determination of procedural rules and timetable.

19.3 Neither party may issue any legal proceedings (other than for urgent interlocutory relief), in respect of any such dispute, unless that party has first taken reasonable steps to comply with clauses 19.1 and 19.2.

## **20. Quiet Enjoyment - Conduct**

20.1 The Organisation paying the Annual Licence Fee and observing all the covenants and agreements expressed and implied in this Agreement shall quietly hold and enjoy the rights of use and occupation conferred by this Agreement throughout the Term without any interruption by the Council or any person claiming under the Council.

20.2 The Organisation will conduct the Permitted Use on the Improvements and the Land in a quiet and orderly manner so as not to cause a nuisance or annoyance to the occupiers of any neighbouring properties or any other licensee, occupier or user of any other part of the Land and in particular the Organisation shall at all times during the Term comply with the conditions of noise control as set by any Authority.

## **21. Cancellation**

21.1 The Council may (in addition to the Council's right to apply to the Court for an order for possession) cancel this Agreement by re-entering the Improvements and the Land at the time or at any time thereafter if the Organisation:

- (a) makes default for a period of 30 days in payment of any licence fee required to be paid pursuant to the terms of this Agreement; or
- (b) makes default for a period of 30 days in payment of any of the moneys agreed to be paid by it under or by virtue of any loan the Council may have made or shall make to the Organisation for the purposes of the Improvements or the undertaking of the Permitted Use; or
- (c) makes any default in performance of any other obligation whatsoever contained in this Agreement and such default continues for a period of 30 days; or
- (d) suffers or permits this Agreement and the rights and privileges granted by this Agreement or the Land or the Improvements to be seized under any proceedings for execution issued in pursuance of any judgment; or
- (e) passes any resolution to wind up; or
- (f) becomes insolvent or its affairs or assets are placed under any sort of management or receivership; or
- (g) ceases to undertake the Permitted Use on the Land;

and the Term shall terminate on such cancellation but without prejudice to the rights of either party against the other.

## 22. General

### Goods and Services Tax ("GST")

- 22.1 The Organisation shall pay to the Council as the Council shall direct the GST payable by the Council in respect of the Annual Licence Fee and other payments payable by the Organisation under this Agreement. The GST in respect of the Annual Licence Fee shall be payable on each occasion when any payment of the Annual Licence Fee falls due for payment and in respect of any other payments shall be payable upon demand.
- 22.2 If the Organisation shall make default in payment of the Annual Licence Fee or other moneys payable under this Agreement and the Council becomes liable to pay additional GST then the Organisation shall on demand pay to the Council the additional GST.

### Suitability

- 22.3 No warranty or representation expressed or implied has been or is made by the Council that the Land is now suitable or will remain suitable or adequate for use by the Organisation or that any use of the Land by the Organisation will comply with the bylaws or ordinances of the requirements of any Authority.

### Non-Waiver

- 22.4 The failure of either party to insist in any one or more instances upon the strict performance of any of the terms of this Agreement or the waiver by either party of any term or right under this Agreement or of any default by the other party shall not be deemed or construed as a waiver by such party of any such term right or default in the future.

### Costs

- 22.5 The Organisation shall pay the Council's legal costs (as between solicitor and own client) of and incidental to the negotiation and preparation of this Agreement and any variation, extension or renewal or any document recording an assessment or reassessment of the Annual Licence Fee. The Organisation shall pay the Council's reasonable costs incurred in considering any request by the Organisation for the Council's consent to any matter contemplated by this Agreement and the Council's legal costs (as between solicitor and own client) of and incidental to the enforcement or attempted enforcement of the Council's rights, remedies and powers under this Agreement.

### Entire Agreement

- 22.6 This Agreement records the entire arrangement between the parties relating to the matters dealt with in this Agreement and supersedes all previous arrangements, whether written, oral or both, relating to such matters.

### Amendment

- 22.7 This Agreement shall not be amended or varied except in writing signed by both parties or as otherwise provided in this Agreement.



23. **Notices**

23.1 All notices must be in writing and must be served by one of the following means:

- (a) In the case of a notice under sections 245 or 246 of the Property Law Act 2007 in the manner prescribed by section 353 of that Act; and
- (b) In all other cases, unless otherwise required by sections 352 to 261 of the Property Law Act 2007;
  - (i) in the manner authorised by sections 354 to 361 of the Property Law Act 2007; or
  - (ii) by personal delivery or by posting by registered or ordinary mail, or by facsimile, or by email.

23.2 In respect of the means of service specified in clause 23.1(b)(ii), a notice is deemed to have been served:

- (a) in the case of personal delivery, when received by the addressee;
- (b) in the case of posting by mail, on the second working day following the date of posting to the addressee's last known address in New Zealand;
- (c) in the case of facsimile transmission, when sent to the addressee's facsimile number; or
- (d) in the case of email, when acknowledged by the addressee by return email or otherwise in writing.

23.3 In the case of a notice to be served on the Organisation, if the Council is unaware of the Organisation's last known address in New Zealand or the Organisation's facsimile number or email address, any notice placed conspicuously on any part of the Land or the Improvements shall be deemed to have been served on the Organisation on the day on which it is affixed.

23.4 A notice shall be valid if given by any chief executive officer, director, general manager, solicitor or other authorised representative of the party giving the notice.

## 7. Information Papers

**File number:** 3216.0

**Approved for agenda** 
**Report to:** Council

**Meeting date:** 04 April 2017

**Subject:** Kai Iwi Lakes (Taharoa Domain) Bylaw Update

**Date of report:** 20 March 2017

**From:** Howard Alchin, Policy Manager

**Report purpose**  **Decision**  **Recommendation**  **Information**
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

The Kai Iwi Lakes (Taharoa Domain) Bylaws are intended to support and enable the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan that was adopted by the Kaipara District Council (KDC) in September 2016. The Bylaws will cover water-based activities (Northland Regional Council's (NRC) jurisdiction) and land-based activities (KDC's jurisdiction). The Councils' have undertaken drafting of Bylaws and informal consultation, to gain initial feedback on a draft map showing where potential activities may occur both on the water and on the land. The draft map was produced based on the Reserves Management Plan (RMP) for the Kai Iwi Lakes (Taharoa Domain). It is intended that the process will continue to be a joint one.

It is now proposed to hold a joint consultation process on both the NRC Navigational Bylaw and the KDC Kai Iwi Lakes (Taharoa Domain) Bylaw, including a joint hearing. Given the practicalities of setting up a Hearing between the two Councils it is considered appropriate that both Councils delegate to a Hearing Panel, the responsibility to hear submissions, deliberate and make recommendations on both of the proposed Kai Iwi Lakes Bylaws to the respective Councils. In order to ensure a fair representation of affected parties, Council officers from both Councils recommend that a joint Hearing Panel should consist of:

- 1 Northland Regional Councillor (potentially the Kaipara-based Councillor); and
- 1 Kaipara District Councillor, who sits on the Taharoa Domain Governance Committee; and
- 1 iwi representative, who sits on the Taharoa Domain Governance Committee.

Confirmation of this arrangement will be sought at Council's May 2017 meeting.

NRC and KDC officers have agreed on the following tentative timeline and are seeking approval from their respective Councils:

- May 2017 Council meetings – Reports to be tabled seeking decisions from Councils to approve the draft Bylaw, the Statement of Proposal and formally delegate authority to a Joint Hearings Panel;
- June 2017 – Public Notification of proposed Bylaw and the Statement of Proposal, formal submissions period (one month in accordance with s83 Local Government Act 2002)
- Mid/late July 2017 – Hearing to be held;
- Mid/late July 2017 – Joint Hearing Panel to deliberate; and
- August/September 2017 – Councils to adopt final Bylaws.

It is considered that by following the above timeline the Bylaws will be put in place before the Summer 2017/2018 and will allow enough time for advertising of Bylaws, putting up signs and ensure sufficiently trained enforcement officers / wardens are in place.

### **Recommendation**

*That Kaipara District Council receives the Policy Manager's report 'Kai Iwi Lakes (Taharoa Domain) Bylaw Update' dated 20 March 2017 and the information contained therein.*

### **Reason for the recommendation**

This report is to make Council aware of the Kai Iwi Lakes Bylaws process and to provide indicative dates of this process going forward.

### **Reason for the report**

The purpose of this report is to inform the Council of process with regards to Kai Iwi Lakes (Taharoa Domain) Bylaws, including the timing of key stages of this process. It is also to make Council aware of future forthcoming recommendations to Council's consideration in the following months.

### **Background**

The Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) was adopted by Council in late 2016. The Reserve Management Plan provides guidance on how the Lakes are to be managed and developed over the next 10 years.

To help with this management two Bylaws are required; one is a Navigational Bylaw to determine where certain activities may take place on the Kai Iwi Lakes, such as swimming only areas and ski lanes. The second Kai Iwi Lakes Bylaw will cover land-based activities, such as where parking may occur to support activities that occur on the Lakes and within the wider Kai Iwi Lakes area (Taharoa Domain).

The navigational Bylaw is under the jurisdiction of Northland Regional Council (NRC), while Kaipara District Council (KDC) has jurisdiction for the land-based activities. Due to the inter-connectedness of the two, and public perception as such, NRC and KDC have been undertaking this work as a joint matter, and will continue to do so. **Appendix 1** to this report contains information on Bylaws and the Bylaw process with consideration of the Kai Iwi Lakes (Taharoa Domain) Bylaws.

### **Applying Bylaws to the Kai Iwi Lakes (Taharoa Domain) and the Bylaw process**

A Bylaw can be put in place to manage an issue or to regulate a particular circumstance. With regards to the Kai Iwi Lakes, in order for a Bylaw to be put in place to manage the activities on the water the NRC needs to take the lead, as they have the authority to put a Bylaw in place under the Maritime Transport Act 1994. KDC manages land-based activities through Bylaws under the Local Government Act 2002 and/or the Reserves Act 1977 (as the Taharoa Domain is a Classified Reserve). The final decision on a Bylaw rests with the full Council, as responsibility to adopt a Bylaw cannot be delegated. Either Council, KDC or NRC, can provide input to the other Council's Bylaw throughout the process. Enforcement or administration of the Bylaws can be transferred. Therefore enforcement/administration can be undertaken by either NRC or KDC.

KDC can put in place Bylaws for land-based activities such as:

- Fires
- Dogs
- Speed limits
- Vehicle no-go areas e.g. lake foreshore
- Vehicle movements e.g. keeping vehicles to formed track
- Litter
- Noise
- Alcohol Ban areas
- Fees and Charges.

NRC can put in place Bylaws for the following types of water activities:

- Vessel speed and navigation
- Minimum age for vessel operators
- Access lanes
- Reserve areas on lake e.g. for swimming
- Moorings
- Wharves, landing places and ramps
- Noise
- Biosecurity
- Fees and Charges.

All Proposed Bylaws need to meet legislative requirements and follow the statutory processes. The proposed Bylaws also needs to go through a formal public consultation process. Fees and charges can also be considered through this process. Submissions need to be considered when confirming the final form of Bylaw. Once a final Bylaw is confirmed it needs to be communicated to the public as to when it is to come into force. Once in force, enforcement can begin.

### **What is a Bylaw?**

Bylaws are a tool councils can use to manage an ‘actual or perceived problem’ and have enforcement options available if/ when required. A Bylaw must relate to an area of responsibility under the jurisdiction of the council. They give a clear message as to what behaviour or activities are acceptable and what is not.

### **Bylaws and Legislation**

Bylaws in general can be established under the Local Government Act 2002. There are other pieces of legislation that require councils to take into consideration for particular circumstances. For the Kai Iwi Lakes the Reserve Act 1977 should be considered, along with the Maritime Transport Act 1994. These need to be considered as the Kai Iwi Lakes (Taharoa Domain) is a reserve under the Reserves Act and the safety issues around activities on the water of the Kai Iwi Lakes (Maritime Transport Act).

More information on this is provided in Appendix 1 to this report.

## **What needs to be considered when Council seeks to make a Bylaw for the Kai Iwi Lakes (Taharoa Domain) ?**

In order to establish a Bylaw for managing activities on water bodies located at the Kai Iwi Lakes (Taharoa Domain) the provisions within the Local Government Act 2002, Reserves Act 1977 and the Maritime Transport Act 1994 need to be considered, these considerations are shown in the process in **Appendix 1** to this report, in relation to the Kai Iwi Lakes (Taharoa Domain).

### **Process of the NRC Navigational Bylaw and KDC to date**

The NRC and KDC have been working together to develop their respective Bylaws. There has been an informal consultation process undertaken over the summer season 2016/2017 based on the RMP and best practice standards. This was intended to capture feedback from visitors to the area who frequented the lakes, as well as local residents. The informal consultation process saw letters sent to every submitter from the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan process, and resulted in approximately 100 submissions.

Comments included but were not limited to:

- Reducing the 5 knot limit for powerboats from 200m to 100m from the shoreline;
- Reducing the 5 knot limit for powerboats from 200m to 10m from the shoreline for water skiing;
- Having a dedicated swim zone in Sandy Bay
- Requests for additional ski lanes
- Allowing powered boats in the sin bin area.

As a result of this feedback some amendments are being considered by each respective Council. These will be included in the draft Bylaw and Statement of Proposal to be consulted on as required under section 83 of the Local Government Act 2002. The Full Council can expect to see these documents at the May 2017 Council meeting for adoption.

### **Hearing of submissions and make up of a Hearing Panel**

It has been proposed to hold a joint consultation process on both the NRC Navigational Bylaw and the KDC Kai Iwi Lakes (Taharoa Domain) Bylaw. Given the practicalities of setting up a Hearing between the two Councils it is considered appropriate that both Councils delegate to a Hearing Panel, the responsibility to hear submissions, deliberate and make recommendations on both of the proposed Kai Iwi Lakes Bylaws to the respective Councils. In order to ensure a fair representation of affected parties, Council officers from both Councils recommend that a joint Hearing Panel should consist of:

- 1 Northland Regional Councillor (potentially the Kaipara-based Councillor); and
- 1 Kaipara District Councillor, who also sits on the Taharoa Domain Governance Committee; and
- 1 iwi representative, who also sits on the Taharoa Domain Governance Committee.

It is intended that the Joint Hearing Panel will have delegated authority to hear and make recommendations to the Councils on the respective Bylaws which are within the jurisdiction of each respective Council. That is that recommendations on the NRC Navigational Bylaw will need to be endorsed and approved by NRC. This will also mean the KDC Kai Iwi Lakes Bylaw recommendations will need to be endorsed and approved by KDC. Should Council not agree or decide not to resolve the

recommendations on their respective Bylaw then the Council as a whole will need to reconsider the submissions and potentially re-hear the hearings. Confirmation of the panel and who from KDC Council will be on the panel is to be confirmed at Council's May 2017 meeting.

### **Delegations**

Council will be required to delegate the authority to the Hearing Panel, to hear submissions, deliberate and to make recommendations on a decision to Council on the proposed Bylaws through a resolution of Council. This resolution will need to name the panel members directly. Both NRC and KDC will need to make the same resolution. It is proposed that Council nominates a Councillor to be part of this Hearing Panel prior to formally resolving the make-up of the Hearing Panel at the May 2017 Council meeting. Council staff will nominate an Iwi representative at this same meeting.

### **Process and proposed timeline**

There is a need to have these Bylaws confirmed and in place before the next high season (i.e. December 2017). This means that the timeline will need to be closely managed, in consideration of Council meetings and statutory requirements.

NRC and KDC officers have agreed on the following tentative timeline and are seeking approval from their respective Councils:

- May 2017 Council meetings – Reports to be tabled seeking decisions from Councils to approve the draft Bylaw, the Statement of Proposal and formally delegate authority to a Joint Hearings Panel;
- June 2017 – Public Notification of proposed Bylaw and the Statement of Proposal, formal submissions period (one month in accordance with s83 Local Government Act 2002)
- Mid/late July 2017 – Hearing to be held;
- Mid/late July 2017 – Joint Hearing Panel to deliberate; and
- August/September 2017 – Councils to adopt final Bylaws.

### **Implementation of Bylaws**

Once the Bylaws are in place and adopted by the Councils following actions include:

- Placing of a public notice and notification of decision to submitters
- Signage – confirming location and installation of signs
- Enforcement – ensure training has been undertaken and enforcement officers/wardens are ready and in place over the busing summer period

### **Next step**

Council officers from both NRC and KDC will continue drafting the proposed Bylaw, and accompanying Statement of Proposal.

Reports will be prepared for both Councils' meetings in May 2017 which will seek decisions on the proposed Bylaw, Statement of Proposal and composition and delegation of authority regarding the Joint Hearing Panel.

## Appendix 1 – Bylaw information, and process with consideration to the Kai Iwi Lakes

### What can we make a Bylaw for?

#### Local Government Act 2002

Under the Local Government Act 2002 a Bylaw can be made for the following Reasons (s145 Local Government Act 2002):

- protecting the public from nuisance:
- protecting, promoting, and maintaining public health and safety:
- minimising the potential for offensive behaviour in public places.

#### Reserves Act 1977

Under the Reserve Act 1977, every administering body (Kaipara District Council in this instance) may with respect to the reserve under its control make Bylaws for all or any of the following purposes specified below (s106 Reserves Act):

- (a) the management, safety, preservation, and use of the reserve or any part thereof and the preservation of the flora and fauna and the scenic, historic, archaeological, biological, geological, or other scientific or natural features therein, and for the preservation of the natural environment;
- (b) the exclusion of horses, dogs, or other animals therefrom, and their destruction if intruding therein;
- (c) prescribing the conditions on which persons shall have access to or be excluded from any reserve or any part of a reserve, or on which persons may use any facility (including any building) in a reserve, and fixing charges for the admission of persons to any part of a reserve and for the use of any such facility;
- (d) regulating the times of admission thereto and exclusion therefrom of persons, horses, dogs, or other animals, and vehicles or boats or aircraft or hovercraft of any description;
- (e) the control of all persons, horses, dogs, and other animals, and vehicles or boats or aircraft or hovercraft of any description using or frequenting a reserve;
- (f) prohibiting the bringing into a reserve or the possession or consumption in a reserve of alcohol either generally or on specified occasions or during specified periods;
- (g) prescribing the safety devices to be fitted to any machinery or devices operating in a reserve under the authority of any agreement, lease, or licence, and regulating the operation and maintenance of such machinery or devices;
- (h) prescribing conditions on which persons may be permitted to enter and remain on any wilderness area within a reserve:
- (i) prescribing conditions upon which operators and pilots in command of aircraft and persons in charge of hovercraft may set down or pick up or recover within the reserve any person, livestock, carcass, or article of any description;
- (j) generally regulating the use of a reserve, and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the reserve.



### Maritime Transport Act 1994

Under the Maritime Transport Act 1994 for the purpose of ensuring maritime safety in its region, a regional council may, in consultation with the Director (of Maritime New Zealand), make Bylaws to (section Maritime Transport Act 1994):

- (a) regulate and control the use or management of ships;
- (b) regulate the placing and maintenance of moorings and maritime facilities;
- (c) prevent nuisances arising from the use of ships and seaplanes;
- (d) prevent nuisances arising from the actions of persons and things on or in the water;
- (e) reserve the use of any waters for specified persons, ships, or seaplanes;
- (f) in relation to boat races, swimming races, or similar events:
  - (i) prohibit or regulate the use of ships;
  - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
- (g) regulate and control the use of anchorages;
- (h) prescribe ship traffic separation and management schemes;
- (i) specify requirements for the carriage and use of personal flotation devices and buoyancy aids on pleasure craft;
- (j) require the marking and identification of personal water craft.

**Note** Ship means: every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- (a) a barge, lighter, or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible.

### Fees and Charges

Under the Local Government Act 2002 fees and charges may be prescribed under a Bylaw (s150). Under the Maritime Transport Act 1994 s150 (3-6) of the Local Government Act 2002 may be applied in respect to fees and charges.

#### Section 150 Local Government Act 2002

- (1) A local authority may prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection by, the local authority in respect of a matter provided for—
  - (a) in a Bylaw made under this Act; or
  - (b) under any other enactment, if the relevant provision does not—
    - (i) authorise the local authority to charge a fee; or
    - (ii) provide that the certificate, authority, approval, permit, consent, or inspection is to be given or made free of charge.
- (2) A Bylaw may provide for the refund, remission, or waiver of a fee in specified situations or in situations determined by the local authority.

- (3) Fees provided for in subsection (1) must be prescribed either—
- (a) in Bylaws; or
  - (b) following consultation in a manner that gives effect to the requirements of section 82 (Principles of Consultation).
- (4) The fees prescribed under subsection (1) must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged.
- (5) The local authority must ensure that copies of all Bylaws made under subsection (1) or subsection (3) are available for public inspection free of charge at the public office of the local authority during ordinary office hours.
- (6) This section does not apply to charges for goods, services, or amenities provided by the local authority in reliance on the general power under section 12 (status and powers of a local authority).

### **Who can make a Bylaw?**

Under the Local Government Act 2002 both the Northland Regional Council and the Kaipara District Council have Bylaw making powers. However both Councils are limited as to where they can apply a Bylaw.

Under the Reserves Act 1977 the Kaipara District Council as the administering body of the Kai Iwi Lakes can put in place a Bylaw for any of the reasons specified above. A Bylaw can be made under both the Local Government Act 2002 and the Reserves Act 1977.

Under the Maritime Transport Act 1994 – Rule 91 the Northland Regional Council may put in place a Bylaw for the reasons above.

### **What is the process (requirements) to get a Bylaw in Place?**

Section 145 to section 161 of the Local Government Act 2002 empowers Councils to make Bylaws, considerations and processes when reviewing or putting in place a Bylaw.

- A. Clearly identify the perceived problem matter to be regulated, including any fees and charges that may need to be applied; The Reserve Management Plan (RMP) for the Kai Iwi Lakes (Taharoa Domain) is the guiding document when determining the matters that need to be regulated in a Bylaw in order to give effect to the RMP.
- B. Determine that a Bylaw is the appropriate way to address the issues or best way to regulate a matter.
  - Council must take into consideration section 155 of the Local Government Act 2002:
    1. as to whether the Bylaw is the most appropriate means of addressing the perceived problem and that it is a matter that can be regulated under the Maritime Transport Act 1994 (see 4.2 above) ; and
    2. If the proposed Bylaw is the most appropriate form of Bylaw; and

3. Determination whether the Bylaw gives rise to any issues under the New Zealand Bill of Rights or that the Bylaw is not inconsistent with the New Zealand Bill of Rights.

- Consider other options – this helps determine appropriateness of a Bylaw to address an issue or regulate a matter. Options could include guidance, education, or a policy. A Bylaw in conjunction with another option, could also be considered appropriate, for example, a policy and a Bylaw, or education and a Bylaw.

C. Prepare a Statement of Proposal (SOP);

- A Statement of Proposal needs to be prepared and consulted on. The Statement of Proposal is required to include the following (section 86(2) Local Government Act 2002):
- The reasons for the Proposal
- A report on section 155 matters (see B above)
- A draft of the proposed Bylaw provisions to be adopted.

The Statement of Proposal should also be clear on the scope of the Bylaw and what is being consulted on. Any changes to a proposed Bylaw as a result of consultation needs to be within this scope. In other words to be in scope it needs to be a matter discussed or considered in the Statement of Proposal. If a consideration is outside of the scope, the Bylaw cannot be amended to reflect that consideration. In order to give effect to a consideration outside of the scope of the Bylaw the draft Bylaw would need to be re-notified.

D. Council consultation considerations:

- Decide if the proposed Bylaw or amendment concerns a matter identified in the Council's Significance and Engagement Policy (Section 76AA LGA 2002) as being of significant interest to the public.
- Under Section 156(1)(b) of the Local Government Act 2002 where a council has determined that the proposed Bylaw is a matter that is more than minor but not of significance to undertake consultation using the Special Consultative Procedure, the council must consult in a manner that gives effect to the requirements of Section 82 of the Local Government Act 2002, Principles of Consultation.

In terms of the NRC Kai Iwi Lakes Navigational Bylaw and the supporting KDC Kai Iwi Lakes (Taharoa Domain) Bylaw it is considered to be of significant interest to the general public to undertake the full special Consultative Procedure under s83 of the Local Government Act 2002. It is also considered to be of particular interest to all submitters on the RMP for the Kai Iwi Lakes (Taharoa Domain) and the Proposed Kai Iwi Lakes (Taharoa Domain) Powerboat Bylaw 2015 (which was withdrawn) to require direct notification of the Statement of Proposal on the new proposed Bylaws.

E. Council to adopt the Statement of Proposal, including draft Bylaw for public consultation;

- If a council undertakes consultation in accordance with, or using a process or a manner that gives effect to, the requirements of Section 82 of the Local Government Act 2002 it

must apply Section 82A(2). Section 82A(2) outlines the information that must be made publicly available.

- Section 82A(2) outlines that a council must, for the purposes of section 82(1)(a) and (c), make the following publicly available:
  - o the proposal and the reasons for the proposal. Consideration of section 145 of the Local Government Act and section 106 of the Reserves Act 1977; and
  - o an analysis of the reasonably practicable options, including the proposal, identified under section 77(1) - Requirements in relation to decisions; and
  - o a draft of the proposed Bylaw.

F. Receive submissions from the community and hold a public Hearing for those wishing to be heard in respect of their submission;

G. Deliberate on proposed Bylaw and make amendments in response to submitters.

Note: Councils are advised that there may be risk of legal challenge to the Council's decision if it proceeds to make any changes to the proposed Bylaw or amendments that fall outside the scope/intent of the matters raised for consultation in the documentation prepared for the public. In such cases it may not be appropriate to immediately proceed to make changes to the Bylaw.

H. Adopt the changes to the Bylaw by Council Resolution at a Council meeting;

- Note: Need to ensure that the reasons for making changes to the proposed Bylaw are documented.

I. Publicly notify the Bylaw change including when it comes into force:

- Let submitters know what the resolution was and why (copy of deliberations report);
- When publicly notifying, the Council must indicate where and how copies of the new or altered Bylaw can be obtained.
- The Public Notice must also state when the Bylaw becomes operative.

### **Enforcement of Bylaws**

The enforcement of any Bylaws can be transferred from one Council to another.

**File number:** 4101.01 **Approved for agenda**

**Report to:** Council

**Meeting date:** **04 April 2015**

**Subject:** **Draft 2017 Walking and Cycling Strategy**

**Date of report:** 20 March 2017

**From:** Sue Hodge, Parks and Community Manager

**Report purpose**  **Decision**  **Recommendation**  **Information**

**Assessment of significance**  **Significant**  **Non-significant**

### Summary

Kaipara District Council's current Walking and Cycling Strategy was developed in 2005 and no longer aligns with current policies, local or regional needs or current drivers. A need for a new strategy was identified in the Long Term Plan 2015/2025 to enable an integrated network for walking and cycling across the Kaipara district, and allow projects to be managed and prioritised.

The Parks and Community and Roding teams are jointly working on this project to ensure walking and cycling projects for the Kaipara district can be clearly identified, prioritised and included in the Roding Asset Management Plan, and are able to gain external funding where possible. Consultants MWH New Zealand Ltd are working alongside the project team to write the strategy document.

This report provides an overview of the project to Council and an update on the progress that has occurred so far to feed into the draft strategy document (**Attachment 1**). It is anticipated that a final strategy document be adopted by Council in June 2017 and feasibility studies for key projects can then be progressed in the 2017/2018 financial year.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Parks and Community Manager's report 'Draft 2017 Walking and Cycling Strategy' dated 20 March 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives the draft Walking and Cycling Strategy, circulated as Attachment 1 to the above-mentioned report, and supports the direction it is taking.*

### Reason for the recommendation

To ensure Council is aware of the Walking and Cycling Strategy review that is currently taking place and is supportive of the direction that it is moving, ready for adoption in June 2017.

## Reason for the report

To ensure Council is aware of and is supportive of the Walking and Cycling Strategy review that is currently being progressed in a joint project by the Parks and Community and Roding Teams.

## Background

Council's current Walking and Cycling Strategy was developed in 2005 and no longer aligns with current policies, local or regional needs or current drivers. A need for a new strategy was identified in the Long Term Plan 2015/2025 to enable an integrated network for walking and cycling across the Kaipara district and allow projects to be managed and prioritised.

A strategic approach is required for the development of the Walking and Cycleway programme within the Transport (Roding) Asset Management Plan and therefore Council's Long Term Plan 2018/2028, to ensure that Council attracts the maximum funding from external funders such as NZ Transport Agency (NZTA) and the Ministry of Business, Innovation and Employment (MBIE) for the key walking and cycleway projects.

The strategy is also a requirement to enable access to regionally allocated central government funding as it will demonstrate alignment with our Northland regional partners, Whangarei District Council and Far North District Council, along with alignment to the Regional Land Transport Programme (RLTP) regional strategy.

Kaipara walking and cycling initiatives are also included in the Northland Economic Action Plan and therefore may be eligible to receive MBIE funding for business cases, feasibility studies and even a contribution towards development. Project Team staff will continue to work with Northland Inc to achieve this.

The Walking and Cycling Strategy will give Kaipara the tools to effectively manage and prioritise the individual projects that will be listed, as well as enable an integrated network throughout the Kaipara district. The prioritisation process will include matching up growth, recreational areas, high safety gains, value for money, community-led initiatives and other roading projects to provide lowest cost outcomes.

It is identified that this strategy is purposely not focused on footpaths or smaller scale connections, except where they may be very high priority. Once the strategy document is adopted, key projects will then be investigated and feasibility studies are able to be conducted.

Stakeholder engagement has been undertaken as part of this review, for the purpose of gaining input from key walking and cycling stakeholders and determining priority projects for the Kaipara district.

This has included:

- Meeting with Te Roroa (still to meet with Te Uri o Hau).
- A workshop with regional stakeholders, including; Far North District Council, Whangarei District Council, Northland Regional Council, Northland Inc, NZ Transport Agency. Councillor Jones attended this workshop as well.
- A workshop with local or district level stakeholders, including; Department of Conservation, NZ Walking Access Commission, Sport Northland, local community interest groups. Councillors Curnow and Wade attended this workshop as well.

- A one page information sheet was sent to other key interest groups from throughout Kaipara for their comments.
- A survey was sent to 22 schools within the Kaipara district asking travel-related questions around how many students walk, cycle or catch the bus to school.

### **Draft Strategy**

At this stage of the review, taking into account feedback received from key stakeholders, the following vision and objectives have been developed for the renewed strategy:

#### ***Vision:***

The Kaipara district is a safe, pleasant and comfortable place for walking and cycling, where people of all ages choose to walk or cycle for transportation, tourism and recreation.

#### ***Objectives:***

1. To develop safe, connected and enduring walking and cycling networks that deliver affordable, accessible and sustainable transport choices.
2. To increase walking and cycling participation.
3. To become a walking and cycling tourism destination to support economic growth for the Northland region.
4. To identify opportunities for collaboration with key partners to expand and improve Kaipara's walking and cycling network.

The point about 'enduring' walking and cycling networks in objective 1 was added to highlight that legal agreements for access should be formalised to ensure any investment into future walkways/cycleways is secure.

The following projects have subsequently been identified as key potential projects, as the strategy has been discussed with stakeholders, and fall under four categories:

#### **1 Key District projects:**

- Improve signage and promotion of current walking tracks;
- Dargaville to Donnelley's Crossing North, potentially in partnership with Te Roroa (making existing Kauri Coast Heartland Ride off road);
- Connecting Kai Iwi Lakes to existing Kauri Coast Heartland Ride;
- Historic Dargaville riverside loop;
- Dargaville to Mangawhai connecting towns and features in between (in alignment with the Twin Coast Discovery byway project);
- Connecting Mangawhai Heads with Mangawhai Village via a shared path, and an all tide coastal walkway allowing for the Te Araroa Trail to continue along the coast; and
- Future use of rail corridor.

#### **2 Safe and connected urban networks in (focused on connections to key locations):**

- Mangawhai;
- Kaiwaka;
- Dargaville;

- Maungaturoto; and
- Ruawai.

### **3 Community projects (identified so far):**

- Ruawai stopbank cycleway;
- Brown Road Mountain Bike Park (Mangawhai); and
- Mangawhai Harbour walkway/cycleway (Mangawhai Track Charitable Trust).

### **4 Missing connections considered central to walking and/or cycling:**

- Connecting the Kaihu residential area and shop;
- Connecting the Landing with The Village Green (Paparoa); and
- Connecting Fonterra with the existing footpath connection (Maungaturoto).

The draft strategy document (Attachment 1) details these potential projects further.

## **Issues**

Some community groups are wanting to move quickly with certain projects, but Council has no mandate to support them at this stage without an updated and adopted strategy. However, this is not considered a major issue at this point in time.

## **Factors to consider**

### ***Community views***

Community views are central to this strategy, particularly as some projects are already being progressed by community organisations. As stated above, the project team has been working closely with regional and district-wide stakeholders to ensure there is a clear understanding of community projects, and local desires in terms of walking and cycling networks.

### ***Policy implications***

The Walking and Cycling Strategy is identifying and prioritising key walking and cycling projects Kaipara-wide. Therefore alignment with other key policy and plans is considered key. Examples include, the Mangawhai Town Plan, Kaiwaka Township Improvement Plan and Dargaville Placemaking initiatives. Projects from this strategy also feed into the Roding Asset Management Plan.

### ***Financial implications***

There are no financial implications with the strategy document itself, as this work has an allocated budget. Larger costs are anticipated for feasibility studies of key projects once the strategy itself has been adopted. However, there is the potential for Council and community groups to receive external funding for these investigations.

### ***Legal/delegation implications***

There are no legal or delegation implications at this initial strategy stage.

## **Options**

**Option A:** Receives the draft strategy and supports the direction it is taking.

**Option B:** Receives the draft strategy, suggests amendments and provides feedback on the direction the strategy is taking.



### **Assessment of options**

If Council receives and supports the Draft 2017 Walking and Cycling Strategy, this means that the strategy is able to continue to be developed within the scheduled timeframe, and therefore is on track to be adopted by June 2017. This then ensures that the prioritised projects are able to be included the Rooding Asset Management Plan, Council's Long Term Plan 2018/2028, the Regional Land Transport Plan and Northland Economic Action Plan, and projects facilitated by Council and the community have a mandate to be investigated and progressed.

If Council does not receive and support the draft Walking and Cycling Strategy, this may then offset the project timeframe and hinder certain projects from being included in the above-mentioned associated plans. It also has the potential to slow down the progression of community lead projects.

### **Assessment of significance**

As an information item, this report is not considered to trigger Council's Significance and Engagement Policy.

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Project Team continues to progress strategy review with consultants MWH, on track for the final strategy document to be completed and adopted by Council in June 2017.

### **Attachment**

- DRAFT Strategy from MWH

# **Kaipara Walking and Cycling Strategy**

draft

(First version 21/03/2017)

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## 1 Introduction

This strategy has been prepared to provide a framework to increase walking and cycling participation in the Kaipara district. It includes initiatives to develop and expand walking and cycling networks, for both local journeys and long distance touring routes to support economic growth. The Strategy also identifies opportunities for the district to collaborate with key partners to jointly fund and connect key linkages.

The main aims of the strategy are to:

- Provide a safe and connected network of footpaths and cycleways;
- Improve access and the level of service for pedestrians and cyclists;
- Legitimise the role of walking and cycling in our communities, and demonstrate the benefits of these modes to the community;
- Provide affordable and equitable transport choices;
- Identify opportunities to fund walking and cycling infrastructure and promotional initiatives;
- Establish Kaipara as a cycle tourism destination;
- Contribute to health and environmental outcomes for our communities.

The social, environmental, economic and health benefits of cycling are well understood and there is increasing support and investment in the development of walking and cycling infrastructure. Providing safe and connected walking and cycling networks will take time and money and this strategy will provide Kaipara with priorities for investment. In addition, Kaipara also needs to position itself to take advantage of new and evolving opportunities and partnerships as they arise, to maximise benefits from Council's investment.

## 2 National Strategic Alignment

### 2.1 Ministry of Transport - Government Policy Statement (2014/15-2024/25)

The Government Policy Statement (GPS) on Land Transport Funding 2014/15-2024/25 outlines the Government's priorities for the National Land Transport Fund and prioritises investment accordingly. The Statement provides funding allocations to various transport activity classes such as local road maintenance, road policing, public transport and transport planning. Funding is managed and administered through the NZ Transport Agency (NZTA) and it is important that Kaipara's transport priorities align with the key priorities of the GPS. The key priorities of the current GPS are:

- Economic growth and productivity
- Road Safety
- Value for money

Expanding the pedestrian and cycle network in Kaipara will contribute to the three key priorities of the GPS.

## 2.2 NZ Transport Agency - Safer Journeys Road Safety Strategy (2010-2020)

Safer Journeys is the Government's strategy to guide improvements in road safety over the period 2010 to 2020. The Strategy's vision is for 'a safe road system increasingly free of death and serious injury'. The Strategy introduces the Safe System approach to New Zealand and consists of four key elements as shown in Figure 1. The Safe System approach recognises that people make mistakes and are vulnerable in a crash.



Figure 1: The Safe System approach (Source: NZTA<sup>1</sup>)

Improved pedestrian access and provision of safe and connected cycle facilities in Kaipara will contribute to reductions in death and serious injury of vulnerable road users, contributing to the overall vision of the Safer Journeys strategy.

## 2.3 Ministry of Business, Innovation and Employment - Tai Tokerau Northland Economic Action Plan

The Ministry of Business, Innovation and Employment has identified Northland as one of six regions to be supported by the Regional Growth Programme. The aim of this programme is to identify potential growth opportunities to increase jobs, income and investment. The Tai Tokerau Northland Economic Action Plan identifies four key workstreams, including the growth of the visitor industry sector. Development of tourism product offerings is specified and references the development of "Kaipara cycleways and walkways project – linking west coast lakes, coastline and forests".

## 3 Regional Strategic Alignment

### 3.1 Northland Regional Land Transport Plan (2015 – 2021)

The Northland Regional Land Transport Plan (RLTP) sets out the region's land transport priorities and provides a forecast of anticipated transport revenue and expenditure over the period. Proposed activities should be aligned and give effect to the objectives and priorities of the Government Policy Statement on Land Transport (GPS).

<sup>1</sup> NZ Transport Agency website - <http://www.saferjourneys.govt.nz/> Accessed 19 January 2017

The RLTP addresses the physical and social challenges and constraints faced in the region and identifies the main transport priorities for Northland. The Plan lists seven key outcomes, four of which are relevant for walking and cycling:

- A sustainable transport system that enhances the growth and existing economic development of Northland and New Zealand.
- All road users are safe on Northland's roads.
- Our people have transport choices to access jobs, recreation and community facilities.
- The transport system enhances the environmental and cultural values of Northland.

The RLTP also illustrates potential areas where walking and cycling opportunities should be developed. These included Dargaville, Maungaturoto, Kaiwaka and Mangawhai within the Kaipara district. These areas represent some of the larger concentrations of population within the Region; enhancing the local networks for recreational and commuting use will offer the greatest benefits and value for money.

### 3.2 [Northland Regional Road Safety Action Plan \(2012\)](#)

The vision for Northland's Road Safety Action Plan is that "All road users are safe on Northland's roads". The Plan provides background data and emerging trends to identify the key road safety issues faced in the region. The Plan provides a toolbox of solutions that can be drawn upon to deliver successful interventions.

## 4 **Local Strategic Alignment**

### 4.1 [Kaipara District Council Long Term Plan \(2015/2025\)](#)

Councils are required to produce a Long Term Plan (LTP) to establish the council's intentions for the next decade. The Plan provides a 10 year budget, including anticipated revenue and expenditure. Long Term Plans are reviewed every three years to ensure the direction still aligns with community outcomes.

The goal for the provision of roads and footpaths in the Plan is for "People and goods are able to move safely and efficiently around the district by a variety of means". However, as road spending accounts for a substantial amount of general rates funding, there are limited opportunities for new projects or to improve service levels. As such, Council's focus is to only do work that is eligible for a subsidy from the NZTA.

Funding provision for footpaths (new and maintenance) has been included in the 10 year programme, however there is no expenditure for cycle infrastructure in the Plan.

### 4.2 [Kaipara Walking and Cycling Work Plan: Kai Iwi Lakes \(Taharoa Domain\) – 2015](#)

The Kai Iwi Lakes Walking and Cycling Work Plan identifies opportunities to enhance walking and cycling experiences and improve connectivity within the reserve. The Plan also identifies broader potential links and circuits that provide connections to and between the Twin Coast cycle trail and the Kauri Coast cycleway.

#### 4.3 Mangawhai Town Plan - 2016

Mangawhai is the fastest growing settlement in Kaipara as a result of its proximity to Auckland and high recreational and scenic value. Kaipara District Council has identified the Mangawhai Town Plan (MTP) as a priority project to manage and improve design, environmental and infrastructure outcomes. Improving walking and cycling uptake and connectivity is a priority and guiding principle of the Town Plan.

#### 4.4 Safety Management System - 2015

Council's Safety Management System incorporates Kaipara's Road Safety Strategy. The goals of the strategy include improving road safety goals and working with key road safety partners. The operational activity sheet for vulnerable road users states that Council will "ensure that the road environment is as safe as can be reasonably expected for all road users including pedestrians, cyclists, elderly, children, skateboarders, mobility scooters and motorcyclists".

#### 4.5 Walking and Cycling in the district

There are currently approximately 87.6 kilometres of formed footpaths in the Kaipara district with the majority located in Dargaville and Mangawhai. While many of Mangawhai's new footpaths will be constructed as part of new development works, other areas will soon require renewal and upgrading, with the more established areas tending to have no kerbs and swales.

Half of the urban road network has footpaths on one side of the road while only 8% have footpaths on both sides. However there are approximately 70 kilometres of urban roads across the district where there are no footpaths on either side of the carriageway. While the footpath network is still being developed, Council's priority is to create new footpaths in areas where there are currently none provided, rather than to achieve footpaths on both sides of the road at this time.

There are no dedicated cycle facilities in Kaipara. Cycle routes such as the National Cycle Trails that pass through Kaipara generally use low volume roads, supported with cycle wayfinding signage.

With limited walking and cycling infrastructure, and isolated rural communities located far from local goods and services, few people in the district walk and cycle. A complete picture of journeys via mode share is not available, however the census journey to work shown in Figure 2 provides a snapshot of commuter mode share and compares data in Kaipara, Northland and New Zealand.

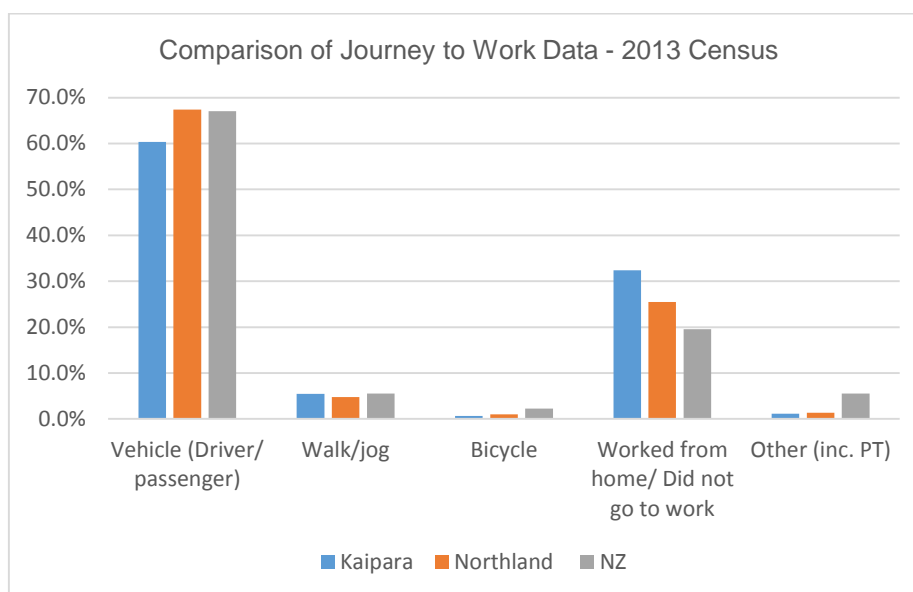


Figure 2: Comparison of journey to work data for Kaipara, Northland and NZ (Source: Statistics NZ<sup>2</sup>)

The data reveals that very few people cycle to work in Kaipara (0.7%), compared to the national average of 2.3%. However, the proportion of people walking to work is similar to the rate in Northland and the New Zealand average. While fewer people travel to work by vehicle in Kaipara, this is offset with substantially more people working from home/did not go to work. This is likely to be a result of Kaipara’s rural environment, where many people are employed in the farming and agriculture industries and work from home.

## 5 Key Problems and Opportunities

### 5.1 Problems

#### 5.1.1 Few Transport Choices

Kaipara is predominantly rural with a number of small towns and coastal settlements dispersed across the district. The population is just under 22,000, of which 4,500 live in Dargaville, the largest town and main service centre in the district. Given the small and dispersed population, public transport services are not viable and walking and cycling journeys between towns are too vast. Older, more established urban areas such as Dargaville generally have well-developed footpath networks, however many of the coastal settlements (e.g. Mangawhai) have narrow roads and few formed footpaths. Cycle facilities across the district are limited to directional signage, with no dedicated facilities available.

To access many goods and services most households require access to a vehicle. A comparison of motor vehicle ownership between Kaipara, Northland and New Zealand (refer to Figure 3) reveals that the proportion of two and three car households in Kaipara is similar to the New Zealand average, however multiple-car households are more common in Kaipara compared with the Northland average. There are also fewer households in Kaipara with no access to a motor vehicle than the Northland and New Zealand average.

<sup>2</sup> Stats NZ website - Census 2013 data. <http://www.stats.govt.nz/Census/2013-census/data-tables/meshblock-dataset.aspx>  
Accessed 20 January 2017.



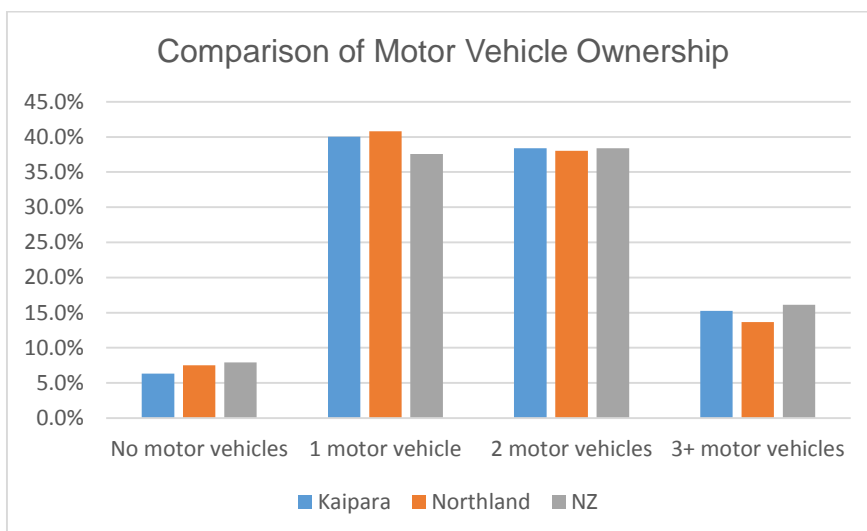


Figure 3: Comparison of motor vehicle ownership data for Kaipara, Northland and NZ (Source: Statistics NZ<sup>3</sup>)

In summary, most households own at least one car as it is difficult to get around without one. However Kaipara has a lower median income than the national median, meaning that some households are spending a high proportion of their income on fuel and transport.

### 5.1.2 Safety

Over the past five years, there have been 22 reported pedestrian and cyclist casualties in Kaipara. In general, casualties have been declining since 2011 (refer to Figure 4), however there was a cyclist fatality in Maungaturoto in 2016.

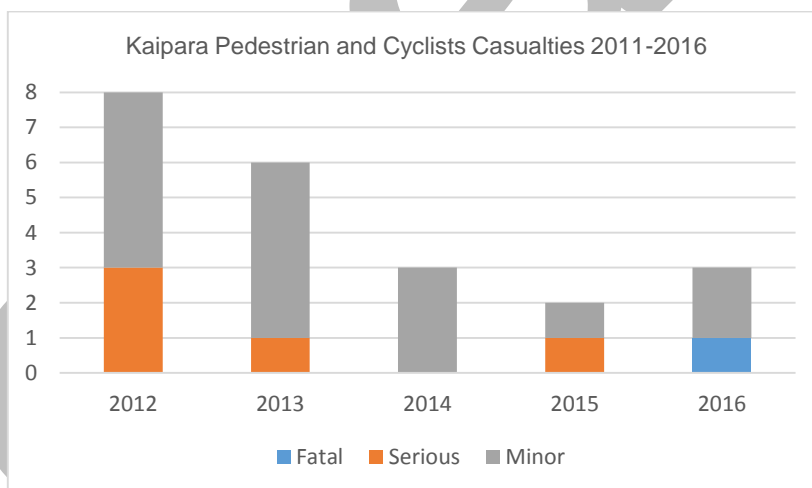


Figure 4: Pedestrian and cyclist casualties in Kaipara between 2011 and 2016

The largest concentrations of pedestrian and cyclist casualties are in Dargaville, given its higher population (refer to Figure 5). A cluster of crashes is evident at the intersection of Hokianga Road/ State Highway 12 intersection. This four-leg unsignalised intersection has relatively high traffic and pedestrian volumes. Both intersecting roads are wide, meaning vulnerable road users have longer crossing times, increasing their risk of exposure to crashes.

<sup>3</sup> Statistics NZ website - Census 2013 data. <http://www.stats.govt.nz/Census/2013-census/data-tables/meshblock-dataset.aspx> Accessed 20 January 2017.



**Figure 5: Pedestrian and cyclist crash locations in Dargaville between 2011-2016**

Most commercial areas throughout the district are located on the State Highway network. The shops and services located on these routes provide a sense of place for these communities, however this conflicts with the movement function of these high order roads. The presence of freight (including logging trucks) travelling through these townships contributes to the real and perceived safety risk of these roads, and hinders walking and cycling participation. Some rural schools are located on the State Highway network in high speed environments; many of these schools actively discourage cycling to school.

Townships such as Dargaville and Kaiwaka feature wide main streets, contributing to high traffic speeds. Without separated facilities, these streets can be difficult for pedestrians and cyclists to safely navigate. Conversely Mangawhai has narrow streets including many without footpaths. While this encourages lower traffic speeds and volumes, pedestrians must often share the road with vehicles. This may be particularly challenging for more vulnerable road users such as children and the elderly.

### 5.1.3 Ageing Population

Access to reliable and affordable transport enables people to participate within their communities and provides access to social and economic opportunities. However few transport options are available in Kaipara, and it is difficult to get around without a vehicle. The young, elderly and disabled may be unable or not permitted to drive. Others may be unable to afford a car and some residents may choose not to own one. Kaipara has a greater proportion of residents over 65 compared to Northland and New Zealand. Furthermore, the median population of the district is 45.3 years, which is substantially higher than the New Zealand median of 38 years.

As the population continues to age, there will be greater need for improved pedestrian facilities and transport options to ensure residents do not become socially excluded.

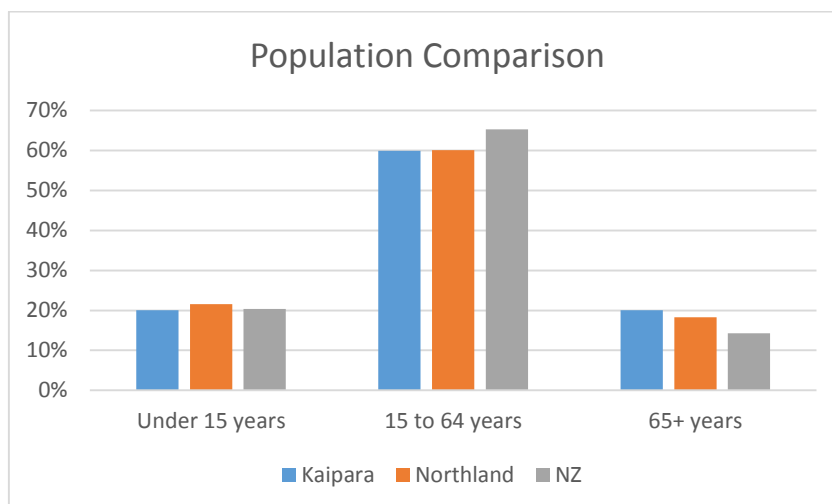


Figure 6: Comparison of population for Kaipara, Northland and NZ (Source: Statistics NZ<sup>4</sup>)

#### 5.1.4 Funding

Interest in developing cycle infrastructure has gained momentum in recent years and funding for walking and cycling projects and initiatives at the National level has increased significantly (refer to Figure 7). However the focus of NZTA’s expenditure has been on urban centres. Funding for this activity class is now oversubscribed as the larger cities can provisionally obtain higher rates of investment for walking and cycling projects. However, for districts such as Kaipara with no urban centres, no funding is currently available from this activity class.

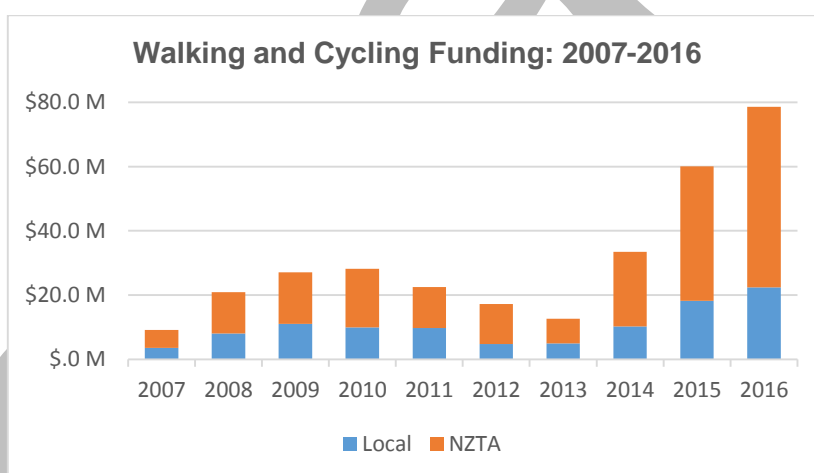


Figure 7: Walking and cycling funding over the last 10 years (Source: NZTA<sup>5</sup>)

Councils must also compete for NZTA funding for projects. Projects have to demonstrate value for money; the benefits of the project must generally outweigh the costs. The benefits of walking and cycling projects consider the projected growth in the numbers of users following the implementation of the project. Projects in areas of low population density such as Kaipara are unlikely to be competitive against projects in large urban centres.

<sup>4</sup> Statistics NZ website - Census 2013 data. <http://www.stats.govt.nz/Census/2013-census/data-tables/meshblock-dataset.aspx>  
Accessed 20 January 2017.

<sup>5</sup> NZ Transport Agency website - <http://www.nzta.govt.nz/assets/userfiles/transport-data/FundWalkingCycling.html>  
Accessed 24 January 2017.

At the same time, Kaipara has limited ability to fund walking and cycling projects. With a small rates base and high levels of debt, Kaipara District Council is focused on repaying debt and will seek to maintain base level services and minimise borrowing over the next 10 years. Therefore, in order to develop walking and cycling facilities in the district, Council must investigate new opportunities to source funding and seek to leverage and maximise its existing budget.

## 5.2 Opportunities

### 5.2.1 Existing National Cycle Trail routes

There are two existing National Cycle Trail routes in Kaipara. The Kauri Coast Cycleway provides a link between Dargaville and Rawene and connects to the Far North Cycleway that extends to Cape Reinga. The Kaipara Missing Link Cycleway links to the Kauri Coast Cycleway, connecting Dargaville to Auckland via the Kaipara Harbour and Pouto Peninsula. This route includes a charter boat crossing of Kaipara Harbour.

There are significant opportunities to add value and provide options for cyclists using these routes, providing connections to service centres and other key attractions. Possibilities include:

- Link between Dargaville and Whangarei; or Dargaville to Maungaturoto and Kaiwaka via rail corridor;
- Link between Kauri Coast cycleway and Taharoa Domain (recreational reserve with high walking and cycling value);
- Link between Baylys Beach and Dargaville; and
- Links from Donnelly's Crossing to Dargaville and further north.

### 5.2.2 Compact Townships

While many residents will periodically need to travel to larger towns such as Whangarei and Auckland to access key goods and services, the larger towns in the district provide much of what people require on a day to day basis. Given the compact size of many towns, these trips provide ideal opportunities to encourage local residents to walk and cycle. Encouraging communities to 'live locally' also contributes to the economic viability of local businesses. Dargaville has a predominantly urban catchment, and would be ideally placed to promote walking and cycling journeys for school and work travel, following the implementation of supporting infrastructure.

### 5.2.3 Road Width

In a number of more established towns including Dargaville and Kaiwaka, the width of the road carriageway is generous. Wide roads provide opportunities to reallocate space to other modes and uses, without significantly impacting on the movement and access function of the road. This improves the viability of repurposing space, as communities are likely to be more supportive where fewer compromises are required.

Council can consider repurposing this space to provide separate facilities for pedestrians and/or cyclists, provide crossing points, for landscaping or to create public spaces. Narrowing wide streets has the additional benefits of reducing crossing distance, providing additional parking or dining/retail space, reduced road maintenance costs and reducing vehicle travel speeds.

Conversely, some coastal townships such as Mangawhai have narrow roads, some without footpaths. On low volume roads, this can provide an opportunity to create low speed environments that are shared by all users. Ideally, these roads are supported with a low posted speed limit and traffic calming measures such as gateway treatments and landscaping.

## 6 Vision

The Kaipara district is a safe, pleasant and comfortable place for walking and cycling, where people of all ages can choose to walk or cycle for transportation, tourism and recreation.

## 7 Objectives

- 1 Develop safe, connected and enduring walking and cycling networks that deliver affordable, accessible and sustainable transport choices.
- 2 Increase walking and cycling participation.
- 3 Become a walking and cycling tourism destination to support economic growth.
- 4 Identify opportunities for collaboration with key partners to expand and improve Kaipara's walking and cycling network.

### 1 Develop safe and connected walking and cycling networks that deliver affordable and sustainable transport choices

Key issues	Action
Many townships are located on the State Highway network, which is often wide and offers few safe crossing opportunities.	<ul style="list-style-type: none"> <li>• Identify opportunities to reallocate road space to provide separate facilities for pedestrians and/or cyclists or to create public spaces.</li> </ul>
Traffic and freight speed and volumes can intimidate vulnerable road users who are likely to perceive these roads as unsafe. Speed limits in the vicinity of some rural schools, commercial centres and on the urban fringe are not compatible with adjacent land use. Some schools discourage walking and cycling due to high traffic speed and presence of freight vehicles.	<ul style="list-style-type: none"> <li>• Council to work with NZTA to reduce speed limits around rural schools and commercial areas, supported with traffic calming (such as gateway treatments), enforcement and education.</li> <li>• Undertake safe routes to school safety audits to develop work programmes that enable students to travel safely and independently to school, including the provision of additional crossings.</li> <li>• Identify opportunities to expand urban speed limit areas, where development is occurring on urban fringes.</li> </ul>
Many towns have streets that lack basic pedestrian facilities, requiring pedestrians to walk on the road. This reduces the appeal of	<ul style="list-style-type: none"> <li>• Continue to prioritise new footpath construction on streets that currently have no pedestrian infrastructure and where</li> </ul>

<p>these modes, reducing their viability.</p>	<p>there is high demand (i.e. providing links between key destinations such as schools, recreation or retail areas).</p>
<p>Some towns feature narrow roads and do not have enough width to provide separate facilities for pedestrians and cyclists.</p>	<ul style="list-style-type: none"> <li>• Consider the implementation of a lower speed limit or implementation of traffic calming such as threshold treatments, pavement treatments and/or signage to reinforce a shared space environment through. Alternatively, Council could investigate the implementation of lower speed limits in urban areas.</li> </ul>
<p>No safe links between towns are available for vulnerable road users. Most local roads and State Highways feature high speeds, narrow shoulders and single lane bridges.</p>	<ul style="list-style-type: none"> <li>• Identify suitable routes for long distance cycling. On these roads, Council can seek opportunities to increase width during road rehabilitation/pavement reconstruction and seal shoulders. This offers safety benefits for motorists and cyclists.</li> <li>• Consider options to improve cycle and pedestrian safety on narrow and single lane bridges e.g. clip-on bridges.</li> </ul>
<p>Many of our urban centres have ageing populations. Quality walking surfaces and connectivity are important for older people (and those dependent on walking aids such as mobility scooters and wheelchairs) to maintain independent mobility.</p>	<ul style="list-style-type: none"> <li>• Continue to implement engineering design guidelines to ensure pedestrian crossing facilities meet disability guidelines.</li> <li>• Consider further measures to improve footpath quality including ongoing maintenance, surface grade and drainage, lighting, signage and seating.</li> </ul>
<p>Average incomes in Kaipara are lower than the national average, however many services are inaccessible without access to a private vehicle.</p>	<ul style="list-style-type: none"> <li>• Provide and promote safe and connected walking and cycling networks. This will provide residents with viable and affordable transport choices that will enable residents to reduce their transport costs.</li> </ul>
<p>Lack of adequate end of trip facilities (e.g. showers, bicycle parking) for people who walk and cycle may be a barrier for some people to walk or ride to their destination.</p>	<ul style="list-style-type: none"> <li>• Require large commercial and industrial developments in urban centres to provide suitable end of trip facilities for their staff.</li> <li>• Provide public bicycle parking facilities in key urban centres.</li> </ul>

## 2 Increase walking and cycling participation

Key issues	Action
<p>Many people do not perceive themselves as someone who walks or rides a bike or may consider these modes unsafe. Others may perceive that distances are too far to walk (or cycle).</p>	<ul style="list-style-type: none"> <li>• Host and promote walking and cycling events to encourage and support new and existing walkers/riders. Ideally, this can be aligned to the construction of new routes and facilities.</li> <li>• Consider implementing wayfinding signage that provides walking times to key destinations in urban centres.</li> </ul>
<p>Some residents find it difficult to include physical activity into their lives, resulting in poor health outcomes. However, the health benefits of walking and cycling are often a significant motivator for people to change behaviour.</p>	<ul style="list-style-type: none"> <li>• Work with local health and community groups to develop initiatives that encourage physical and social activity.</li> </ul>
<p>Many school children no longer walk and ride to school, often due to perceived risk (road safety and personal safety risks). Many schools actively discourage cycling due to traffic safety concerns including vehicle speeds and freight. Additional vehicles in the vicinity of the school at peak times exacerbates the risk for vulnerable road users. For some children in rural areas, travel distance can also be a barrier to walking and cycling uptake.</p>	<ul style="list-style-type: none"> <li>• Support the promotion of walking and cycling events in schools.</li> <li>• Continue to implement cycle skills training and road safety education to provide children with road environment awareness and skills.</li> </ul>
<p>Many residents and visitors may not be aware of walking and cycling opportunities available.</p>	<ul style="list-style-type: none"> <li>• Work with tourism bodies to identify and develop walking and cycling routes, supported with wayfinding signage. These can be supported with brochures and maps containing themed information on routes such as historical and nature-based walks, potential side trips from the National Cycle Trail routes and mountain bike trails. Costs for printed materials could be sourced through advertising from local service providers.</li> </ul>



Key issues	Action
Council does not measure walking and cycling participation.	<ul style="list-style-type: none"> <li>• Undertake walking and cycling monitoring to establish baseline data.</li> <li>• Undertake periodic monitoring to measure participation and change over time (including cycle tourism participation). Monitoring methods could include peak counts on key routes, cordon counts, video monitoring or permanent counter sites.</li> </ul>

### 3 Become a walking and cycling destination to support economic growth

Key issues	Opportunities/ actions to address issues
Tourism is a growing industry in New Zealand, and regional and international visitors are seeking new and alternative travel experiences. The development of National Cycle Trail routes is facilitating this industry, however there are few links within Kaipara.	<ul style="list-style-type: none"> <li>• Work with key stakeholder to develop new potential cycle trails and links between existing routes and service towns.</li> <li>• Engage with National Cycle Trail representatives to gauge eligibility for funding and support.</li> </ul>
Residents in Kaipara have lower than average incomes, however many have high travel costs as few goods and services are available locally. However providing more affordable local transport options will lead to reduced transport costs, providing residents with increased discretionary income to support local businesses. This in turn allows local businesses to remain viable, improving the variety of goods and services available locally.	<ul style="list-style-type: none"> <li>• Continue to expand and connect walking and cycling networks to provide safe transport choices.</li> <li>• Investigate implementing initiatives such as a 'living local' campaign to support local businesses.</li> </ul>
Fewer opportunities for active travel in Kaipara can result in poor community health outcomes. Providing active travel choices for local communities can lead to improved fitness and reduced health costs.	<ul style="list-style-type: none"> <li>• Work with community health providers to encourage active modes, following the implementation of safe and connected walking and cycling networks.</li> </ul>



#### 4 Identify opportunities for collaboration with key partners to expand and improve Kaipara's walking and cycling network

Key issues	Opportunities/ actions to address issues
<p>Kaipara has a low population and rates base, with limited funding available. This makes it difficult to leverage for national funding which requires a local share component.</p>	<ul style="list-style-type: none"> <li>Identify opportunities to integrate walking and cycling initiatives into other district projects. Options may include roading and safety improvements, urban design projects, parks and recreation projects, community development initiatives and development of routes along stopbanks.</li> </ul>
<p>Townships in Kaipara are small and dispersed, meaning the benefits of investment are lower than large urban centres. This makes it difficult to compete for funding at the national level.</p>	<ul style="list-style-type: none"> <li>Seek funding from alternative Government streams and private grants. Potential sources include those that seek health, environmental, social community development, tourism, and economic growth/employment benefits and outcomes (e.g. MBIE, Fonterra, community trusts, Lottery grants).</li> </ul>
<p>Walking and cycling infrastructure is often seen as 'nice to have' and considered discretionary rather than core infrastructure (such as roading).</p>	<ul style="list-style-type: none"> <li>Ensure that walking and cycling infrastructure is provided with a funding allocation in Council's Annual and Long Term Plans.</li> </ul>
<p>Walking and cycling infrastructure and maintenance can be delivered in an ad hoc manner, often in reaction to Annual Plan submissions and customer requests.</p>	<ul style="list-style-type: none"> <li>Prioritise walking and cycling expenditure based on demand and connectivity benefits.</li> <li>Work with other Councils in the Northland region to develop a regional walking and cycling strategy and identify opportunities to pool funds and work collaboratively.</li> </ul>
<p>The State Highway network forms much of Kaipara's transport network and offers direct links through and between townships. No cycle facilities are provided on the State Highway network.</p>	<ul style="list-style-type: none"> <li>Advocate to the NZTA to provide for cycling on the State Highway network, particularly where these routes pass through towns, and provide key routes between towns.</li> </ul>
<p>Developers are required to construct footpaths for new subdivisions, Some newly constructed footpaths are isolated and do not connect with other parts of the pedestrian network.</p>	<ul style="list-style-type: none"> <li>Review engineering design guidelines for footpaths and cycleways to ensure they meet best practice. Ensure pedestrian access and links from new subdivisions to the existing network are provided, as is required for vehicle accessibility.</li> </ul>

## 8 Targets/Measures of Success? (Still to be developed)

Include Monitoring and Review

## 9 Implementation Plan (Still to be developed)

Route description/identification, map, potential funding source, potential cost...

Assess using multi-criteria measures to prioritise projects

- How does each project contribute to (low/med/high):
  - Reduction in DSI;
  - Increase walking and cycling participation;
  - Opportunities for collaboration with partners (internal and external); and
  - GPS factors – Road Safety, Economic Growth and Productivity, Value for Money.

draft

## Walking and Cycleway Indicative Projects

### Connecting Rural Networks

Ranking	Location	Type	Advantages/Constraints	Estimated cost
	Dargaville to Donnelley's Crossing (off road)	Walking and Cycling		
	Donnelley's Crossing North (Waoku Coach Road)	Walking and Cycling	The coach road is legally an unformed road, how every an formed track exists	
	Taharoa Domain to Kauri Coast Heartland Ride	Walking and Cycling	Would potentially an on road route	
	Connecting Kaihu residential area with shops (SH12)	Walking and Cycling	Would potentially an on road route	
	Baylys Beach to Dargaville cycle connection	Walking and Cycling	Would potentially an on road route	
	Northern Wairoa Bridge to Dargaville Museum	Walking and Cycling	A foot bridge would be required over the Kaihu River	
	Dargaville and Whangarei/or Dargaville to Maungaturoto and Kaiwaka via railway line	Walking and Cycling	A decision on the decommissioning of the railway lines still to be decided	
	Future use of the Matakohe Bridges	Walking and Cycling	What would this route link to.	

## Safe and Connected Urban Networks

### Priority projects

#### Dargaville Township

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Awakino Road for SH12 to the hospital entrance.	Cycleway	The existing width of this road provides space for a cycleway.	
	Hokianga Road from SH12 to the town limit.	Cycleway	The existing width of this road provides space for a cycleway.	
	Gordon Street from Hokianga Road to Bowen Street.	Cycleway	There is ample clear road reserve where a cycle lane could be constructed.	
	Ranfurly Street from Hokianga Road to Awakino Road.	Cycleway	Ranfurly Street has kerb and channel making widening of the road pavement more costly.	
	Plunket Street from Ranfurly Street to the schools.	Cycleway	The existing footpath could easily be widened to accommodate cyclists.	

#### Ruawai Township

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Off road cycleway from township to the schools via existing stopbanks.	Walking and Cycling		

#### Maungaturoto Township

Rank	Location	Type	Advantages/Constraints	Estimated cost
	SH12 from Doctors Hill Road to the Dairy Factory	Walking and Cycling	There is already an existing foot bridge over the stream.	

### Mangawhai Heads and Village

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Molesworth Drive.	Walking and Cycling		
	Insley Street to Black Swamp Road.	Walking and Cycling	A footbridge will need to be attached to the existing Tomarata Road bridge.	
	Moir Street from Insley to the Domain.	Walking and Cycling	There is sufficient road reserve width to widen the existing footpath to accommodate cyclists.	
	Wood Street from Molesworth Drive to Robert Street, Robert Street to North Avenue , North Avenue to Alamar Crescent to the Motor Camp.	Walking and Cycling	There is sufficient road reserve width to widen the existing footpath to accommodate cyclists.	
	Motor Camp along the foreshore to Pearl Street Wintle Street intersection, Wintle Street to the carpark.	Walkway	This walkway is already in existing, it now requires being made an all-tide walkway.	

### Kaiwaka Township

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Pedestrian access on both Mountain Creek and Kaiwaka River bridges.	Walking and Cycling		
	Future link between Marshall Road and Kaiwaka-Mangawhai Road.	Walking and Cycling		

## Potential projects

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Te Araroa Trail (Mangawhai upgrade).			
	Dargaville to Mangawhai connection.			
	Thelma Road (link Thelma Road north to Thelma Road South).	Walking and Cycling	There is an unformed road (paper road) that can be utilised.	
	From Jack Boyd Drive down accessway, along estuary foreshore to Thelma Road.	Walking and Cycling	This may require the construction of a boardwalk along the estuary foreshore.	
	Possible future link from Sailrock Drive to Thelma Road.	Walking and Cycling	There is the opportunity for this link when this land is subdivided.	
	Possible future link from Longview Street to Moir Street.	Walking and Cycling	There is the possibility for this via Wilson Street.	

## Community projects

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Brown Road to Baldrock Road (Mountain Bike trail).		Tracks already exist.	
	Ruawai Stopbank walkway, Cycleway.		The stopbanks are already available for use.	
	Mangawhai Harbour walkway, Cycleway.			
	Historic Walkway along river's edge (Dargaville).	Walkway	A new footbridge will be required over the Kaihu River.	
	Connecting the Landing with the Village Green (Paparoa).			

### Natural feature walkways

Rank	Location	Type	Advantages/Constraints	Estimated cost
	Tokotoka Bluff.			
	Maungaraho Rock.			

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**LEGEND**

- PRIORITY PROJECTS
- POTENTIAL PROJECTS

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**LEGEND**

- PRIORITY PROJECTS
- POTENTIAL PROJECTS

**SHEET 2 OF 7**

REV	REVISIONS	DRAWN	CHECKED	APPROVED	DATE

Name	Date



**KAIPARA DISTRICT COUNCIL**  
**WALKING AND CYCLING STRATEGY**  
**WOOD STREET TO MOLESWORTH DRIVE BRIDGE**

<b>Stamp</b>	<b>DRAFT PLAN</b>
<b>Date</b>	21/03/2017
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<b>Sheet No</b>	C101
<b>Page</b>	1



**LEGEND**

- PRIORITY PROJECTS
- POTENTIAL PROJECTS

**SHEET 3 OF 7**

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SURVEYED	Name	Date

KAIPARA DISTRICT COUNCIL  
WALKING AND CYCLING STRATEGY  
MOLESWORTH DRIVE BRIDGE TO KDC OFFICE

<b>DRAFT PLAN</b>		
Date Drawn: 21/03/2017		
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Drawing No: 80509535	Sheet No: C102	Rev: 1

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	POTENTIAL PROJECTS

**SHEET 4 OF 7**

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	Name	Date
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KAIPARA DISTRICT COUNCIL  
 WALKING AND CYCLING STRATEGY  
 MOLESWORTH DRIVE BRIDGE TO KDC OFFICE

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Date of Stamp		21/03/2017	
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**LEGEND**

- PRIORITY PROJECTS
- POTENTIAL PROJECTS

**SHEET 5 OF 7**

REV	DESCRIPTION	DATE	APPROVED

Name	Date



**KAIPARA DISTRICT COUNCIL**  
**WALKING AND CYCLING STRATEGY**  
**DARGAVILLE**

Sheet Name	<b>DRAFT PLAN</b>
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**SHEET 6 OF 7**

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KAIPARA DISTRICT COUNCIL  
WALKING AND CYCLING STRATEGY  
STATE HIGHWAY 12, MAUNGATUROTO

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Date	21/03/2017	
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Drawing No	80509535	Sheet No
	C105	1

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**LEGEND**

- PRIORITY PROJECTS
- - - POTENTIAL PROJECTS

REV	REVISIONS	DRAWN	CHECKED	APPROVED	DATE

Name	Date



KAIWARA DISTRICT COUNCIL  
 WALKING AND CYCLING STRATEGY  
 KAIWARA TOWN CENTRE

**SHEET 7 OF 7**

**DRAFT PLAN**

Date: 21/03/2017

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## 8 Public Excluded Council Agenda items: 04 April 2017

### Recommended

That the public be excluded from the following part of the proceedings of this meeting namely:

- Kaipara District Council Resource Management Commissioner Pool : Additional Planning Commissioners Approval
- CON682 Road Maintenance: Awarding Separable Portion 4
- Forestry – EOI Evaluation

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) 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</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Kaipara District Council Resource Management Commissioner Pool : Additional Planning Commissioners Approval</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or 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.</i>
<i>CON682 Road Maintenance: Awarding Separable Portion 4</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or 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.</i>
<i>Forestry – EOI Evaluation</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or 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.</i>

**Recommended**

That the meeting resumes in Open Meeting.



## **9 Open Council Agenda Tuesday 04 April 2017**

### **Recommended**

That the public be re-admitted to the meeting and resolutions made whilst in Public Excluded be confirmed in Open Meeting once the relevant parties have been informed.

### **Closure**

**Kaipara District Council**  
**Dargaville**