

I hereby give notice of the following Ordinary meeting:

Meeting	Kaipara District Council
Date	Thursday 26 July 2018
Time	9.30am
Venue	Mangawhai Club – Molesworth Drive, Mangawhai

Open Agenda

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
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

Jason Marris
General Manager Governance, Strategy and Democracy

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**Ordinary meeting of Kaipara District Council
26 July 2018 in Mangawhai**

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 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, Presentations and Petitions

2.1 Mark and Trish Rolfe

Baylys Beach Motor Camp Lease

3 Minutes

3.1 Confirmation of Open Council minutes 26 June 2018

General Manager Governance, Strategy and Democracy 1601.22

Recommended

That the unconfirmed Open minutes of the Kaipara District Council meeting held 26 June 2018 be confirmed as a true and correct record.

Kaipara District Council

Minutes

Meeting	Kaipara District Council
Date	Tuesday 26 June 2018
Time	Meeting commenced at 9.35am Meeting concluded at 1.45pm
Venue	Northern Wairoa War Memorial Hall (Dargaville Town Hall), 37 Hokianga Road, Dargaville
Status	Unconfirmed

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
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

Jason Marris
General Manager Governance, Strategy and Democracy

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**Minutes, Ordinary meeting of Kaipara District Council
26 June 2018 in Dargaville**

1 Opening
1.1 Karakia

Councillor Curnow opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith (Chair), Deputy Mayor Peter Wethey and Councillors Anna Curnow, Victoria del la Varis-Woodcock, Julie Geange, Libby Jones, Karen Joyce-Paki, Jonathan Larsen and Andrew Wade

Name	Designation	Item(s)
Curt Martin	Acting Chief Executive	All
Sue Davidson	General Manager Finance, Risk and IT	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Fran Mikulicic	Acting General Manager Infrastructure	All
Ian McCauley	Acting General Manager Regulatory, Planning and Policy	All
Henri van Zyl	Roading Manager	All except 6.3
Bernard Petersen	Roading Maintenance Engineer	All except 6.3
Christine Toms	Revenue Manager	1-4.3
Francis Toko	Iwi Relations Manager	1-4.3
Diane Miller	Project Manager	1-4.3
James Bews-Hair	Governance and Procedural Advisor	1-4.3
Peter Gulliver	Council's Appointed Lead Auditor (Deloitte)	1-4.2
Jessica Hollis	Policy and Planning Manager	6.3
Joy Hewlett	Acting Quality Assurance Manager	6.3
Kathie Fletcher	Policy Manager	5.3, 6.3
Mark Schreurs	Policy Analyst	5.3
Lisa Hong	Governance Advisor	All (Minute-taker)

Adjournments

Reason	Start Time	Finish Time
Tea break	10.35am	10.50am
Lunch break	12.18pm	12.48pm

1.3 Apologies

Nil.

1.4 Confirmation of Agenda

Moved Smith/Curnow

That Kaipara District Council confirms the Agenda of 26 June 2018.

Carried

1.5 Conflict of Interest Declaration

Name	Conflict
Councillor Jones	Item 5.2 'Chief Executive's Report May 2018' – Councillor Jones is a member of the Paparoa Medical Society.
Councillor del la Varis-Woodcock	Public Excluded Item 6.3 'Kaipara District Council Resource Management Commissioner Pool : Additional Hearing Commissioners Approval (RC Application RM170441 Tegel Foods Ltd)' – Councillor del la Varis-Woodcock made a submission to Northland Regional Council regarding Resource Consent RM170441.

2 Deputations, Presentations and Petitions

Nil.

3 Minutes

3.1 Confirmation of Council minutes 23 May 2018

General Manager Governance, Strategy and Democracy 1601.22

Moved Smith/Wethey

That the unconfirmed Open minutes of the Kaipara District Council Ordinary meeting held 23 May 2018 be confirmed as a true and correct record.

Confirmed

3.2 Open Committee minutes confirmed in May - June 2018

General Manager Governance, Strategy and Democracy 16/Various

Moved Curnow/Joyce-Paki

That Kaipara District Council receives the confirmed Open minutes of the following Kaipara District Council Committee meetings, for information:

- 1 *Audit, Risk and Finance Committee meeting held 14 February 2018;*
- 2 *Mangawhai Community Park Governance Committee meeting held 19 February 2018; and*
- 3 *Combined meeting of the Pou Tu Te Rangi Joint Management Committee and Harding Park Committee held 07 March 2018.*

Carried

4 Decision

[Secretarial Note: Items 4.1, 4.2 and 4.3 were circulated under separate covers: Supplementary Agenda Volumes 1, 2 and 3.]

4.1 Fees and Charges 2018/2019: Annual review – adoption

General Manager Regulatory, Planning and Policy 2301.07

Moved Joyce-Paki/Jones

That Kaipara District Council:

- 1 *Receives the General Manager Regulatory, Planning and Policy's report 'Fees and Charges 2018/2019: Annual review - adoption' dated 19 June 2018; 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 *Adopts the proposed Fees and Charges 2018/2019 as outlined in the draft schedule, appended as Attachment 1 to the aforementioned report, for the purpose of setting the Fees and Charges 2018/2019.*

Carried

4.2 Long Term Plan 2018/2028 (final) – Adoption

General Manager Governance, Strategy and Democracy 2302.22

[Secretarial Note: Council's Lead Auditor Peter Gulliver of Deloitte spoke to this item.]

(1) Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report "Long Term Plan 2018/2028 (final) - Adoption" dated 20 June 2018; 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 *Notes that the following policies and strategies are included in the final Long Term Plan 2018/2028;*
 - a. *Financial Strategy;*
 - b. *Infrastructure Strategy (2018/2048);*
 - c. *Funding Impact Statement Rating Tools;*
 - d. *Significance and Engagement Policy;*
 - e. *Revenue and Finance Policy;*
 - f. *Rates Postponement and Remission Policy;*
 - g. *Early Payment of Current Year Rates Policy;*
 - h. *Early Payment of Rates for Subsequent Years Policy;*
 - i. *Maori Freehold Land Rates Postponement and Remission Policy; and*
- 4 *Adopts the Long Term Plan 2018/2028 (circulated as Attachment 1 to the above-mentioned report); and*
- 5 *Delegates the Chief Executive and Mayor to approve minor typographical changes that do not alter the intent of the information in the Long Term Plan 2018/2028.*

Carried

(2) Amendment moved Larsen/Geange

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report "Long Term Plan 2018/2028 (final) - Adoption" dated 20 June 2018; 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 Notes that the following policies and strategies are included in the final Long Term Plan 2018/2028;
- a. Financial Strategy;
 - b. Infrastructure Strategy (2018/2048);
 - c. Funding Impact Statement Rating Tools;
 - d. Significance and Engagement Policy;
 - e. Revenue and Finance Policy;
 - f. Rates Postponement and Remission Policy;
 - g. Early Payment of Current Year Rates Policy;
 - h. Early Payment of Rates for Subsequent Years Policy;
 - i. Maori Freehold Land Rates Postponement and Remission Policy; and
- 4 Adopts the Long Term Plan 2018/2028 (circulated as Attachment 1 to the aforementioned report) subject to the following amendments:
- a. That the proposed annual rates increase of 4.97% for 2018/2019, 5.26% for 2019/2020 and 4.83 % for 2020/2021 be changed to reflect the Local Government Cost Index of 1.8%, 2.0% and 2.2% respectively in accordance with the Local Government Act 2002 Part 2 s.14(1)(g) “a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region.”;
 - b. That the Chief Executive is instructed to meet the existing and agreed work programmes but find efficiency savings to fund the difference and remain in surplus;
 - c. That the Mangawhai Community Plan is removed from the Long Term Plan subject to receiving an accurate legal opinion on the questions previously raised and that the plan be brought back for consultation as an amendment to the LTP 2018/2028 through the 2019/2020 Annual Planning process;
 - d. That the District Plan funding remain in the Long Term Plan 2018/2028 for the 2018/2019 year only and any further funding be subject to an accurate business case being presented and consulted on for 2019/2020 in accordance with the purpose of local government “to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.” (Local Government Act 2002 Part 2 s. 10 (1)(b));
 - e. That the Mayoral foreword be amended to acknowledge the importance and significance of the roading network as our biggest cost centre and arguably our biggest challenge over the next 10 years; and
- 5 Delegates the Chief Executive and Mayor to approve minor typographical changes that do not alter the intent of the information in the Long Term Plan 2018/2028.

A division was called, and the voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Councillor Geange	Councillor Curnow	Councillor Wade
Councillor Larsen	Councillor del la Varis-Woodcock	
	Councillor Jones	
	Councillor Joyce-Paki	
	Councillor Wethey	
	Mayor Smith	

The amendment motion was declared LOST.

The following substantive motion was then put to vote:

(1) Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report "Long Term Plan 2018/2028 (final) - Adoption" dated 20 June 2018; 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 *Notes that the following policies and strategies are included in the final Long Term Plan 2018/2028;*
 - a. *Financial Strategy;*
 - b. *Infrastructure Strategy (2018/2048);*
 - c. *Funding Impact Statement Rating Tools;*
 - d. *Significance and Engagement Policy;*
 - e. *Revenue and Finance Policy;*
 - f. *Rates Postponement and Remission Policy;*
 - g. *Early Payment of Current Year Rates Policy;*
 - h. *Early Payment of Rates for Subsequent Years Policy;*
 - i. *Maori Freehold Land Rates Postponement and Remission Policy; and*
- 4 *Adopts the Long Term Plan 2018/2028 (circulated as Attachment 1 to the above-mentioned report); and*
- 5 *Delegates the Chief Executive and Mayor to approve minor typographical changes that do not alter the intent of the information in the Long Term Plan 2018/2028.*

A division was called, and voting was as follows:

<u>For</u>	<u>Against</u>
Councillor Curnow	Councillor Geange
Councillor del la Varis-Woodcock	Councillor Larsen

Councillor Jones

Councillor Wade

Councillor Joyce-Paki

Councillor Wethey

Mayor Smith

The motion was declared CARRIED.**4.3 Setting of Rates, Due Dates and Penalties Regime 2018/2019****Acting Chief Executive 2306.18****Moved Smith/Curnow***That Kaipara District Council:*

- 1 *Receives the report from the Acting Chief Executive, 'Setting of Rates, Due Dates and Penalties Regime 2018/2019' dated 15 June 2018; and*
- 2 *Notes 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 provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Sets the rates, due dates for payment and penalties regime for the 2018/2019 financial year, as set out below:*

*Rates resolution for the 2018/2019 financial year.**The following rates are set for the period commencing on the first day of July 2018 and ending on the last day of June 2019. All rates and amounts are GST inclusive unless otherwise stated.***A. General rate***Under Section 13 of the Local Government (Rating) Act 2002 (the Act), a General Rate set for all rateable land within the district based on the land value of the land and at different rates in the dollar for different categories of land as set out in the table below.*

Area	Differential category*	Rate in the Dollar (including GST)
<i>Rest of district</i>	<i>Residential and small sized lifestyle properties</i>	<i>0.002391</i>
	<i>Other</i>	<i>0.003706</i>
<i>Mangawhai Harbour Restoration Area</i>	<i>Residential and small sized lifestyle properties</i>	<i>0.002413</i>
	<i>Other</i>	<i>0.003740</i>

**The definitions of these differential categories can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.*

B. Uniform Annual General Charge

Under Section 15 of the Act, a uniform annual general charge on all rateable land within the district of \$728.00 (including GST) per Rating Unit.

C. Targeted rates for Wastewater – networks

Under Section 16 of the Act, targeted rates for Wastewater in each of the networks referred to in the table below, for operating and maintaining Wastewater treatment plants and pump stations and reticulation repairs and minor upgrades, including renewals and extensions of the respective systems.

The rates are set on a differential basis based on the use to which the land is put and the provision or availability to the land of the Wastewater service provided by, or on behalf of, Council.

Each targeted rate is calculated as:

1. Properties not connected to the Wastewater network as at 30 June 2018, but capable of being connected (being situated within 30 metres of a public sewerage drain to which it is capable of being effectively connected, either directly, or through a private drain) "serviceable":
 - a. A fixed amount per Separately Used or Inhabited Part of a Rating Unit (SUIP) for all units used primarily as a residence; and
 - b. A fixed amount per Rating Unit for all other units.
2. Properties that are connected to the Wastewater network as at 30 June 2018 ("connected"):
 - a. A fixed amount per SUIP for all units used primarily as a residence; and
 - b. For all other units:
 - i. A fixed amount per Rating Unit; and
 - ii. A charge per pan (urinal or water closet) for each pan after the second.

Wastewater Network*	Differential Category*	Charge per Rating Unit (including GST)	Charge per SUIP (including GST)	Charge per pan (after the second) (including GST)
Dargaville	Residence and connected	-	\$1,024.00	-
	Residence and serviceable	-	\$768.00	-
	Other and connected	\$1,024.00	-	\$512.00
	Other and serviceable	\$768.00	-	-
Glinks Gully	Residence and connected	-	\$1,250.80	-
	Residence and serviceable	-	\$938.10	-
	Other and connected	\$1,250.80	-	\$625.40
	Other and serviceable	\$938.10	-	-

Kaiwaka	Residence and connected	-	\$1,183.20	-
	Residence and serviceable	-	\$887.40	-
	Other and connected	\$1,183.20	-	\$591.60
	Other and serviceable	\$887.40	-	-
Mangawhai	Residence and connected	-	\$1,281.10	-
	Residence and serviceable	-	\$960.80	-
	Other and connected	\$1,281.10	-	\$640.55
	Other and serviceable	\$960.80	-	-
Maungaturoto Township and Maungaturoto Station Village	Residence and connected	-	\$1,280.30	-
	Residence and serviceable	-	\$960.20	-
	Other and connected	\$1,280.30	-	\$640.15
	Other and serviceable	\$960.20	-	-
Te Kopuru	Residence and connected	-	\$688.30	-
	Residence and serviceable	-	\$516.20	-
	Other and connected	\$688.30	-	\$344.15
	Other and serviceable	\$516.20	-	-

*The definitions of each network, differential categories and a SUIP can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.

D. Targeted rates for Wastewater – capital contributions

Under Section 16 of the Act, targeted rates for all rateable land connected or capable of connection to the Mangawhai wastewater network as at 30 June 2013, based on where the land is situated, as defined on maps in the Appendix of the Long Term Plan 2018/2028. The targeted rates for each of the four defined areas (A, D, E and F) are as follows:

Targeted rate*	Fixed amount per Rating Unit (including GST)
Mangawhai Wastewater Capital Contribution A	\$676.00
Mangawhai Wastewater Capital Contribution D	\$569.95
Mangawhai Wastewater Capital Contribution E	\$606.31
Mangawhai Wastewater Capital Contribution F	\$643.26

*The full definitions of the land subject to each targeted rate can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.

E. Targeted rates for Stormwater – networks

Under Section 16 of the Act, targeted rates for Stormwater in each of the following networks, for the purpose of running and maintaining each Stormwater network. The rate is the amount per dollar of the land value for all land situated in the respective Stormwater network.

Stormwater Network*	Rate in the Dollar (Land Value) (including GST)
Baylys	0.001617
Dargaville	0.002603
Kaiwaka	0.000844
Mangawhai	0.000727
Te Kopuru	0.001517

*The definitions of each network can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.

F. Targeted rate Land Drainage – Raupo

Under Section 16 of the Act, a targeted rate for all rateable land within the Raupo Land Drainage scheme, at different rates in the dollar for different categories of land based on where the land is situated. The rate is an amount per dollar of the land value of the land.

This rate is to fund work undertaken to maintain and improve the current capacity of the land drainage network and stopbanks.

Differential Category*	Rate in the Dollar (Land Value) (including GST)
Raupo District A	0.002560
Raupo District B	0.000217
Raupo Township	0.003078

*The definitions of these differential categories can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.

G. Targeted rates for Land Drainage – other schemes

Under Section 16 of the Act, targeted rates for Land Drainage in each of the following schemes, for the purpose of maintaining and improving the capacity of the land drainage network and stopbanks. The rate is an amount per dollar of the land value for all land situated in the respective Land Drainage scheme.

Land Drainage Scheme*	Rate in the Dollar (Land Value) (including GST)
Aoroa	0.001671
Arapohue N°1	0.000142
Arapohue N°2	0.000328
Aratapu Swamp	0.001491
Aratapu Village	0.000381
Awakino Point	0.000563
Awakino Valley	0.000562
Greenhill	0.000231
Hoanga	0.002129
Horehore	0.000608
Kaihu	0.000462
Kopuru Swamp	0.001310
Koremoa	0.000561
Mangatara	0.000451
Manganui	0.000120
Mititai	0.000515

Notorious	0.000805
Oruariki	0.001403
Otiria	0.000468
Owairangi	0.000487
Tangowahine N°1	0.001102
Tangowahine N°2	0.000899
Tangowahine Valley	0.000156
Tatarariki 1	0.000473
Tatarariki 2	0.000907
Tatarariki 3	0.000909
Te Hapai	0.001052
Tikinui	0.000878
Whakahara	0.000491

The definitions of each land drainage scheme can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.

H. Targeted rates for Water Supply

Under Sections 16 and 19 of the Act, targeted rates for Water Supply in each of the networks referred to in the table below, for operating and maintaining the Water Supply network. In particular, the costs associated in treating the water for domestic consumption.

The rates are set on a differential basis based on the provision or availability to the land of the water supply service provided by, or on behalf of, Council. Each targeted rate is calculated as:

Metered properties as at 30 June 2018:

1. A scale of charges based on the per cubic metre amount of water consumed.

Other properties (except in the Mangawhai water supply network, where there is no rate set for "other properties"):

2. A fixed amount per rating unit.

Networks	Metered properties*		Other properties*
	Volumetric charge (up to and including the first cubic metre) (including GST)	Volumetric charge (per cubic metre beyond the first cubic metre) (including GST)	Fixed amount per Rating Unit (including GST)
Dargaville	\$131.97	\$3.14	\$98.98
Glinks Gully	\$372.85	\$1.59	\$279.64
Mangawhai	\$131.97	\$3.01	N/A
Maungaturoto (Station Village)	\$256.61	\$3.80	\$192.46
Maungaturoto (Township)	\$274.43	\$3.53	\$205.83
Ruawai	\$218.57	\$4.56	\$163.93

*The definitions of each network can be found in the Funding Impact Statement - Rating Tools section of Council's Long Term Plan 2018/2028.

I. Targeted rate for Mangawhai Harbour Restoration

Under Section 16 of the Act, a targeted rate for all rateable land within the Mangawhai Harbour Restoration area of \$80.00 (including GST) per Rating Unit. A map of the Mangawhai Harbour Restoration area can be found in the Appendix of Council's Long Term Plan 2018/2028.

J. Targeted rate for Ruawai Tokatoka Hall

Under Section 16 of the Act, a targeted rate for all rateable land within the Ruawai Tokatoka Hall targeted rate area of \$38.33 (including GST) per Rating Unit. A map of the Ruawai Tokatoka Hall targeted rate area can be found in the Appendix of Council's Long Term Plan 2018/2028.

K. Targeted rate for Forestry Roding

Under Section 16 of the Act, a targeted rate for all rateable land within the Forestry Roding targeted rate area of 0.007289 (including GST) per dollar of the land value for all land situated in the area. A map of the Forestry Roding targeted rate area can be found in the Appendix of Council's Long Term Plan 2018/2028.

L. Due dates

Under Section 24 of the Act, the rates, except targeted rates for metered water supply, will be payable in four instalments with the following due dates:

Instalment 1	20 August 2018
Instalment 2	20 November 2018
Instalment 3	20 February 2019
Instalment 4	20 May 2019

Metered water rates will be billed twice during the year. The due date for each billing is the 20th of the month following the delivery of the invoice. The billing and due dates for each area are:

Billing month	Area	Payment due date
July 2018 January 2019	Dargaville (Hokianga Road and side streets) and Glinks Gully	20 August 2018 20 February 2019
August 2018 February 2019	Dargaville (Station and Beach Roads) and Mangawhare	20 September 2018 20 March 2019
September 2018 March 2019	Dargaville (Township East)	20 October 2018 20 April 2019
October 2018 April 2019	Dargaville (Awakino Road and Main Street) and Ruawai	20 November 2018 20 May 2019
November 2018 May 2019	Dargaville (Ranfurly, Plunket and Tirarau Streets); Maungaturoto Railway; Maungaturoto Township and Mangawhai	20 December 2018 20 June 2019
December 2018 June 2019	North Dargaville to Kaihu, Awakino Point and Baylys	20 January 2019 20 July 2019

M. Penalties

Under Sections 57 and 58 of the Act:

- a) A penalty of 10% of the rates (other than water-by-meter rates) assessed in the 2018/2019 financial year that are unpaid after the due date for each instalment will be added on the relevant penalty date for each instalment stated below, except where a ratepayer has entered into an arrangement by way of direct debit authority, or an automatic payment authority, and honours that arrangement. For each instalment the date the penalty will be added is as follows:

Instalment 1	21 August 2018
Instalment 2	21 November 2018
Instalment 3	21 February 2019
Instalment 4	21 May 2019; and

- b) A penalty of 10% of the amount of all rates (including any penalties) other than water-by-meter rates from any previous financial years that are unpaid on 03 July 2018 will be added on 05 July 2018; and
- c) A penalty of 10% of the amount of all rates to which a penalty has been added under b) and which remain unpaid will be added on 05 January 2019; and
- d) A penalty of 10% of the amount outstanding for water-by-meter rates charged per invoice will be added on the relevant penalty date for each billing month and area stated below, except where a ratepayer has entered into an arrangement by way of direct debit authority, or an automatic payment authority, and honours that arrangement. For each billing month and area, the date the penalty will be added is as follows:

Billing month	Area	Penalty date
July 2018 January 2019	Dargaville (Hokianga Road and side streets) and Glinks Gully	21 August 2018 21 February 2019
August 2018 February 2019	Dargaville (Station and Beach Roads) and Mangawhare	21 September 2018 21 March 2019
September 2018 March 2019	Dargaville (Township East)	21 October 2018 21 April 2019
October 2018 April 2019	Dargaville (Awakino Road and Main Street) and Ruawai	21 November 2018 21 May 2019
November 2018 May 2019	Dargaville (Ranfurlly, Plunket and Tirarau Streets); Maungaturoto Railway; Maungaturoto Township and Mangawhai	21 December 2018 21 June 2019
December 2018 June 2019	North Dargaville to Kaihu, Awakino Point and Baylys	21 January 2019 21 July 2019

- 4 Delegates authority to the Revenue Manager and the Revenue Operations Officer to apply penalties to unpaid rates according to the resolutions above; and
- 5 Notes that it is required to send a copy of the adopted resolution within 20 working days to the Secretary of Local Government; and

- 6 Notes that the above-mentioned Setting of Rates Due Dates and Penalties Regime 2018/2019 report, has been reviewed by Council's lawyers.

Carried

Meeting adjourned at 10.35am.

Meeting to recommence at 10.50am.

4.4 Mangawhai Historic Wharf Trust - Request for Council representation

Community Relationships Manager 2108

Moved Jones/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Mangawhai Historic Wharf Trust - Request for Council representation' dated 29 May 2018; 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 *Appoints Councillor Wethey (Otamatea Ward), as Council's representative to the Mangawhai Historic Wharf Trust.*

Carried

4.5 Taharoa Domain Governance Committee Terms of Reference – Amendment to include rotation of Chair

Governance Advisor 1203.01

Moved Wade/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Governance Advisor's report 'Taharoa Domain Governance Committee Terms of Reference - amendment to include rotation of Chair' dated 11 June 2018, and its Attachments 1 and 2; 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 Adopts the new draft Taharoa Domain Governance Committee Terms of Reference (Attachment 2 to the aforementioned report), including the following clause:
- *'The Chair of the Committee will rotate amongst members on an annual basis with a new Chair being selected at the first meeting following 01 July each year'.*

Carried

4.6 Policy Citizens Awards 2018 - Adoption

Policy Analyst 2120.01.03

Moved Geange/Jones

[Secretarial Note: The meeting agreed to make an amendment to the Citizens Award Policy, with leave from the mover and seconder.]

That Kaipara District Council:

- 1 *Receives the Policy Analyst's report 'Policy Citizens Awards 2018 - Adoption' dated 08 June 2018 and its Attachments 1, 2 and 3; 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 *Adopts the draft Citizens Awards Policy (Attachment 3 to the aforementioned report) with the following amendment:*
 - *Section 3, Paragraph 4 – to remove the words 'or organisation' to read 'It is not necessary to have the consent of the person being nominated for the Awards' [page 93 of the agenda].*

Carried

4.7 Customer Privacy Policy - Adoption

General Manager People and Capability 2206.0

Moved Smith/Geange

That Kaipara District Council:

- 1 *Receives the General Manager People and Capability's report 'Customer Privacy Policy - Adoption' dated 18 June 2018 and its Attachment 1, Draft Customer Privacy Policy June 2018; 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 Audit, Risk and Finance Committee's recommendation for Council to adopt the Customer Privacy Policy as amended at its 13 June 2018 meeting (Attachment 1 to the aforementioned report); and*
- 4 *Adopts the Customer Privacy Policy as appended as Attachment 1 to the aforementioned report.*

Carried

5 Information

5.1 Resolutions Register and Action Tracker

Governance Advisor **1202.05**

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

That Kaipara District Council receives the Governance Advisor's Resolutions Register and Action Tracker dated 14 June 2018.

Carried

5.2 Chief Executive's Report May 2018

Acting Chief Executive **2002.02.18/May**

Moved **Smith/Joyce-Paki**

That Kaipara District Council receives the Chief Executive's Report for the month of May 2018.

Carried

Elected Members and staff observed a moment of silence for Garry McGraw, Council's Senior Asset Engineer who passed away on 04 June 2018.

5.3 Kauri Coast Water Storage Investigation Update

Policy Analyst **2132.07.05**

Moved **Joyce-Paki/Geange**

That Kaipara District Council receives the Policy Analyst's report 'Kauri Coast Water Storage Investigation Update' dated 07 June 2018.

Carried

Meeting adjourned at 12.18pm

Meeting recommenced at 12.48pm.

Unconfirmed

6 Public Excluded Council minute items 26 June 2018

The meeting went into public excluded session at 12.49pm.

Moved Curnow/del la Varis-Woodcock

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

- *Public Excluded Committee minutes confirmed in June 2018;*
- *Crown Manager's report to action regarding outstanding rates;*
- *Kaipara District Council Resource Management Commissioner Pool : Additional Hearing Commissioners Approval (RC Application RM170441 Tegel Foods Ltd); and*
- *Contract 888 Road Maintenance and Renewals Contract - Award.*

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:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Public Excluded Committee minutes confirmed in June 2018</i>	<i>Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable the local authority to carry out, without prejudice or disadvantage, 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>Crown Manager's report to action regarding outstanding rates</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable the local authority to carry out, without prejudice or disadvantage, 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>

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
Kaipara District Council Resource Management Commissioner Pool : Additional Hearing Commissioners Approval (RC Application RM170441 Tegel Foods Ltd)	Section 7(2)(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 where the withholding of the information is necessary to: Protect the privacy of natural persons, including deceased natural persons	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.
Contract 888 Road Maintenance and Renewals Contract - Award	Section 7(2) (i) enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiation.)	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

Carried



7 Open Council minutes 26 June 2018

The meeting went back into Open session at 1.42pm.

Closure

Meeting closed at 1.45pm.

Confirmed

Chair

Kaipara District Council
Dargaville

Unconfirmed

4 Decision

File number: 1301.01 **Approved for agenda**

Report to: Council

Meeting date: **Thursday 26 July 2018**

Subject: **Representation Review: Initial Proposal**

Date of report: 12 July 2018

From: Dale Ofoske, Electoral Officer

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

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

Summary

The Local Electoral Act 2001 (LEA) requires local authorities to undertake a review of their representation arrangements at least once every six years. Council carried out its last review in 2012 (for 2013 [cancelled] and the 2016 triennial elections) and is therefore required to undertake another review in 2018 (for the 2019 and 2022 triennial elections).

Current representation arrangements are the mayor (elected at large), eight councillors (elected from three wards) and no community boards. One ward (Otamatea) does not comply with the fair representation criteria (+/- 10% rule).

Council has held three public briefings over the last few months to discuss the relevant issues when undertaking a review (communities of interest, ensuring fair and effective representation and reviewing community boards), and considered at least six options. Council also undertook informal community consultation via a public survey in May 2018.

This report presents a preferred option for decision, which is to retain eight councillors elected from four wards (plus the mayor) with no community boards. This preferred option is considered to provide effective representation to Kaipara district residents and ratepayers and reflects the significant growth in the southeast area of the district by providing a fourth ward. It also complies with the fair representation criteria.

The Draft Engagement Plan and public material to inform our community about the proposal and consultation is also included in this report.

Recommendation

That Kaipara District Council:

- 1 *Receives the Electoral Officer's report 'Representation Review: Initial Proposal' dated 12 July 2018; 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 Resolves, pursuant to sections 19H and 19J of the Local Electoral Act 2001, to adopt, as its initial proposal for the review of representation arrangements for the 2019 and 2022 triennial elections, the following:
- i. Kaipara District Council to comprise eight councillors elected under the ward system, plus the mayor elected at large;
 - ii. Kaipara District Council be divided into four wards, these being:
 - Dargaville Ward (two councillors) being the existing ward comprising the township of Dargaville (the area delineated on SO Plan 70435 deposited with Land Information New Zealand), the boundaries of which are shown on **Attachment 1** of the aforementioned report;
 - Kaiwaka-Mangawhai Ward (two councillors) comprising the southeast area of the district including the townships of Kaiwaka, Mangawhai, Mangawhai Heads, Oruawharo, Oneriri Peninsula, Hakaru and surrounding areas, the boundaries of which are shown on **Attachment 2** of the aforementioned report;
 - Otamatea Ward (two councillors) comprising the State Highway 12 townships from Tokatoka back to the Brynderwyns including Ruawai, Matakohe, Paparoa, Maungaturoto, Taipuha, Ararua, Pahi, Whakapirau, Tinopai and surrounding areas, the boundaries of which are shown on **Attachment 3** of the aforementioned report;
 - West Coast-Central Ward (two councillors) comprising the area surrounding Dargaville through to Waipoua Forest, including Kaihu, Aranga, Donnellys Crossing, Mamaranui, Omamari, Baylys Beach, Hoanga, Tangowahine, Tangiteroria, Te Kopuru, Pouto, Turiwiri and Arapohue, the boundaries of which are shown on **Attachment 4** of the aforementioned report;
 - iii. no community boards be established;
 - iv. the reason the total number of councillors is proposed to remain at eight (plus the mayor) is to provide effective representation to Kaipara district residents and ratepayers (whilst still ensuring accessibility to a large area made up of populated towns and villages and sparsely populated rural areas); and
- 4 Issues a public notification on 01 August 2018 that informs the public of the initial proposal and the opportunity to make a submission in the period 01 to 31 August 2018 should they wish to; and
- 5 Approves the Statement of Proposal and Draft Engagement Plan (Attachment 7 and Attachment 8 of the aforementioned report) to inform the community of the review and their opportunity to provide feedback during the formal consultative process; and
- 6 Notes that once the decision on the initial proposal is made as above, there are legislative timeframes for the remaining process, outlined in the aforementioned report.

Reason for the recommendation

Kaipara District Council is required to review its representation arrangements in 2018, for the 2019 and 2022 triennial local body elections, under the Local Electoral Act 2001 (LEA) by undertaking a formal process including public consultation.

Reason for the report

The reason for this report is for Council to resolve an initial proposal for its review of representation arrangements (number of councillors, wards etcetera) that will apply for the 2019 and 2022 triennial elections.

Background

The LEA requires every local authority to undertake a review of their representation arrangements at least once every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of these wards. Reviews also include whether there are to be community boards and if so, arrangements for these boards. Representation arrangements must provide fair and effective representation for individuals and communities.

Council last reviewed its representation arrangements before the 2013 (cancelled) triennial elections and is therefore required to undertake a review before the 2019 triennial elections.

Current representation arrangements, in addition to the Mayor elected at large, are eight councillors elected from three wards, and no community boards:

Ward	Councillors
Dargaville	2
Otamatea	3
West Coast-Central	3

The Local Government Commission (LGC) issued guidelines for local authorities when undertaking a review of representation arrangements that must be taken into consideration.

Issues

Part 1A of the LEA sets out the processes and timeframes for local authorities to follow when undertaking reviews of representation arrangements. The three key principles that local authorities must consider are:

- communities of interest;
- effective representation;
- fair representation.

Territorial authorities are also required to consider:

- total number of councillors;
- number of wards, boundaries and names;
- number of councillors to be elected from each ward;
- communities and community boards.

Communities of interest

The LGC in its June 2017 'Guidelines for local authorities undertaking representation reviews', advises territorial authorities to ensure that representation proposals provide effective representation of communities of interest in their district. Determining effective representation is based on considering the identified communities of interest which in turn becomes the determinant in selecting the overall representation arrangements of a territorial authority.

The term “community of interest” is not defined by statute. It is a term that can mean different things to different people, depending on an individual’s or group’s perspective from time to time.

In a general sense, the LGC is of the view that a community of interest is the area to which one feels a sense of belonging and to which one looks for social, cultural, service and economic support contributing to the development of a shared identity. Geographic features (e.g. rivers, mountain ranges) and the roading network can affect the sense of belonging to an area. The community of interest can often be identified by access to the goods and services needed for everyday existence. Another community of interest factor could be the rohe or takiwa area of tangata whenua.

The LGC, through previous reviews, views a community of interest as usually having a number of defining characteristics, which may include:

- a sense of community identity and belonging;
- similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community;
- similarities in economic activities;
- dependence on shared facilities in an area, including schools, recreational and cultural facilities and retail outlets;
- physical and topographic features;
- the history of the area; and
- transport and communication links.

As communities of interest may alter over time, territorial authorities need to give careful attention to identifying current communities of interest within their district when undertaking representation reviews.

Effective representation

The number of councillors for territorial authorities must fall within the statutory limits of between five and 29. Section 19T of the LEA requires territorial authorities to ensure:

- that the number and boundaries of wards will provide effective representation of communities of interest within the district;
- that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
- that so far as is practicable, ward boundaries coincide with the boundaries of any community boards.

In its guidelines the LGC provides the following principles that territorial authorities could apply when considering this issue:

- a recognised community of interest should not be split between electoral boundaries;
- grouping together two or more communities of interest that share few commonalities of interest should be avoided;
- accessibility, size and configuration of an area should be considered:
 - would the population have reasonable access to its elected members and vice versa?
 - would elected members be able to effectively represent the views of their electoral constituency?
 - would elected members be able to attend public meetings throughout their area, and provide reasonable opportunities for their constituents to have face-to-face meetings?

Fair representation

Fair representation is defined as a democratic model where there is a reasonable ratio of elected members per head of population, assurance that elected members are in reasonable geographic proximity to citizens for easy contact, and there is sufficient opportunity for representation and involvement of communities of interest.

There should be a strong link between elected representatives and their wards so as to promote a healthy democracy, protect citizens' rights and ensure that their views and opinions are heard. For this to be achieved, elected members must be able to respond to the interest and demands of their wards (if applicable).

In essence, this is the requirement that each councillor represents about the same number of people, within a plus or minus 10% range.

The population figures to be used for the review are either the last census (2013) or the latest population estimates (30 June 2017). We have used the 30 June 2017 population estimates (22,530 population).

When considering fair representation based on the current three wards and eight councillors, the +/- 10% compliance is not achieved in one ward (Otamatea Ward - by approximately 400 people):

Ward	Population	Councillors	Average	Fits rule	% Variation
Dargaville	5,080	2	2,540	Yes	-9.8%
Otamatea	9,670	3	3,223	No	+14.45%
West Coast-Central	7,780	3	2,593	Yes	-7.92%

22,530 divided by eight councillors equals 2,816. +/- 10% equates to between 2,534 and 3,097.

There is however some leeway in the LEA for allowing non-conformity of the fair representation criteria under certain circumstances, outlined overleaf:

- an isolated community;
- an island community;
- compliance would divide a community of interest between wards;
- compliance would unite within a ward two or more communities of interest with few commonalities.

Informal community consultation

Council agreed to undertake limited informal preliminary consultation between 30 April and 18 May 2018 by way of a survey.

Of the 78 responses, 24 (31%) came from the Dargaville Ward, 35 (45%) came from the Otamatea Ward and 19 (24%) came from the West Coast-Central Ward.

In summary:

- 65% want a ward system retained, 14% want an at large system and 19% want a mixed system;
- 44% are happy with the current ward names, 21% are not;
- 55% want eight councillors retained, 22% want nine councillors;
- 53% want community boards established, 37% do not.

A detailed summary of the questions and responses is available in **Attachment 5**.

The formal consultation process under the LEA (one-month submission period and one-month appeal/objection period) will occur in the period August – November 2018.

Options considered

Council at its first briefing discussed six options:

Option 1 (status quo)

Eight councillors (plus the mayor) elected from three current wards (Dargaville Ward two councillors; Otamatea Ward three councillors; West Coast-Central Ward three councillors), no community boards. This option does not comply with the +/- 10% rule (Otamatea Ward).

Option 2 (eight councillors, four wards [new Mangawhai Ward])

Eight councillors (plus the mayor) elected from four wards (Dargaville Ward two councillors; Mangawhai Ward one councillor; Otamatea Ward two councillors; West Coast-Central Ward three councillors), no community boards. This option does not comply with the +/- 10% rule (Mangawhai Ward).

Option 3 (nine councillors, four wards [new Mangawhai Ward])

Nine councillors (plus the mayor) elected from four wards (Dargaville Ward two councillors; Mangawhai Ward two councillors; Otamatea Ward two councillors; West Coast-Central Ward three councillors), no community boards. This option does not comply with the +/- 10% rule (Mangawhai and Otamatea Wards).

Option 4 (seven councillors, four wards [new Mangawhai Ward])

Seven councillors (plus the mayor) elected from four wards (Dargaville Ward two councillors; Mangawhai Ward one councillor; Otamatea Ward two councillors; West Coast-Central Ward two councillors), no community boards. This option does not comply with the +/- 10% rule (Dargaville, Mangawhai and West Coast-Central Wards).

Option 5 (mix - eight councillors, four elected at large and four elected from four wards [new Mangawhai Ward])

Eight councillors (plus the mayor), four elected at large and four elected from four wards (Dargaville Ward one councillor, Mangawhai Ward one councillor, Otamatea Ward one councillor, West Coast-Central Ward one councillor), no community boards. This option does not comply with the +/- 10% rule (Mangawhai and West Coast-Central Wards).

Option 6 (eight [or between five - 29] councillors elected at large)

Eight councillors (plus the mayor) – or between five to 29 elected at large, no wards, possible community boards.

Council at its second and third briefings discussed three options:

Option 1 (eight councillors from four wards [new Kaiwaka-Mangawhai Ward])

Eight councillors (plus the mayor) elected from four wards (Dargaville Ward two councillors, Kaiwaka-Mangawhai Ward two councillors, Otamatea Ward two councillors, West Coast-Central Ward two councillors), no community boards. This option complies with the +/- 10% rule:

Ward	Population	Councillors	Average	Fits rule	% Variation
Dargaville	5,080	2	2,540	Yes	-9.8%
Kaiwaka-Mangawhai	6,170	2	3,085	Yes	+9.55%
Otamatea	5,480	2	2,740	Yes	-2.7%
West Coast-Central	5,830	2	2,915	Yes	+3.52%

22,530 divided by eight councillors equals 2,816. +/- 10% equates to between 2,534 and 3,097.

Option 2 (nine councillors from slightly modified three current wards)

Nine councillors (plus the mayor) elected from slightly modified three wards (Dargaville Ward two councillors, Otamatea Ward four councillors, West Coast-Central Ward three councillors), no community boards. This option complies with the +/- 10% rule:

Ward	Population	Councillors	Average	Fits rule	% Variation
Dargaville	5,080	2	2,540	Yes	+1.48%
Otamatea	10,390	4	2,597	Yes	+3.75%
West Coast-Central	7,090	3	2,363	Yes	-5.59%

22,530 divided by nine councillors equals 2,503. +/- 10% equates to between 2,252 and 2,753.

Option 3 (nine councillors, four wards [new Kaiwaka-Mangawhai Ward])

Nine councillors (plus the mayor) elected from four wards (Dargaville Ward two councillors, Kaiwaka-Mangawhai Ward two councillors, Otamatea Ward two councillors, West Coast-Central Ward three councillors), no community boards. This option complies with the +/- 10% rule:

Ward	Population	Councillors	Average	Fits rule	% Variation
Dargaville	5,080	2	2,540	Yes	-9.8%
Kaiwaka-Mangawhai	5,170	2	2,585	Yes	+3.27%
Otamatea	5,220	2	2,610	Yes	+4.27%
West Coast-Central	7,090	3	2,363	Yes	-5.59%

22,530 divided by nine councillors equals 2,503. +/- 10% equates to between 2,252 and 2,753.

Initial proposal

At Council's briefing on 20 June 2018 direction was provided that the preferred option for decision on the initial proposal be based on the following:

- retain eight councillors, plus the mayor;
- the eight councillors to be elected from four wards. The map showing this is available at **Attachment 6**;
- establish a new Kaiwaka-Mangawhai Ward to reflect this community of interest;
- not to establish community boards.

This report recommends the initial proposal for adoption by Council.

Next steps

Assuming the decision is made at this meeting, the formal consultative process commences with a public notice of the initial proposal on 01 August 2018 and provides the ability for the public to make submissions during the period 01 to 31 August 2018.

The consultative process will include:

- A Statement of Proposal (SoP) for the public which contains an explanation of the submission process, outline of the proposal and rationale for it including maps to show changes, and a Questions and Answers section. This is included at **Attachment 7**;
- Engagement with our communities. The Draft Engagement Plan is located at **Attachment 8**.

Timetable

Under the provisions of the LEA, following a Council resolution of its initial proposal, the timetable is as follows:

Council resolution of initial proposal	26 July 2018	(section 19H LEA)
Public notice of initial proposal	01 August 2018	(section 19M LEA)
Public submission period	01 – 31 August 2018	(section 19M LEA)
Submissions heard	Early September 2018	(section 19M LEA)
Council resolution of final proposal	09 October 2018	(section 19N LEA)
Public notice of final proposal	12 October 2018	(section 19N LEA)
Public appeals/objection period	12 October 2018 – 12 November 2018	(section 19N LEA)
Forward material to LGC (if required)	End November 2018	(section 19Q LEA)
Determination by LGC (if required)	By 10 April 2019	(section 19R LEA)

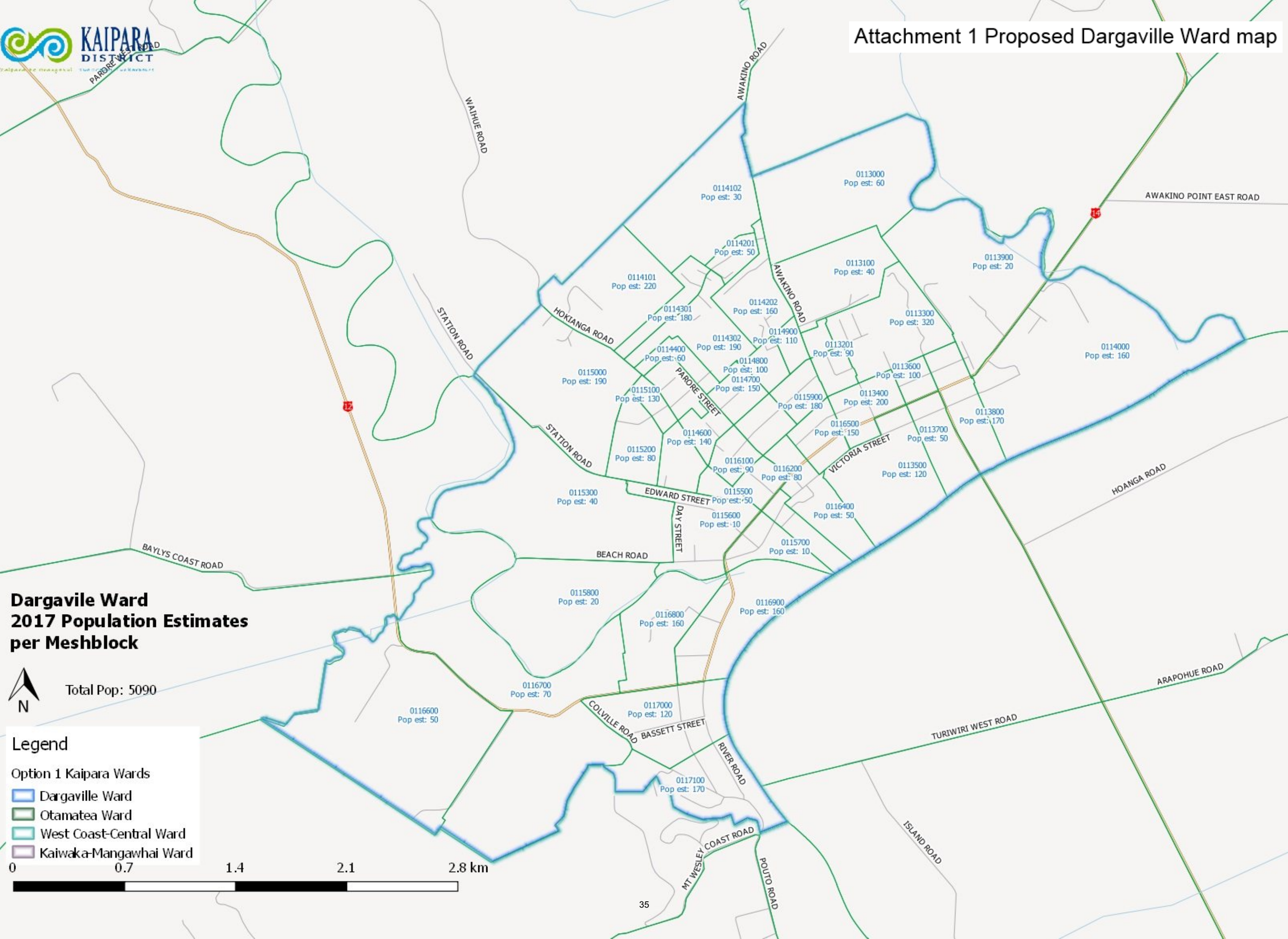
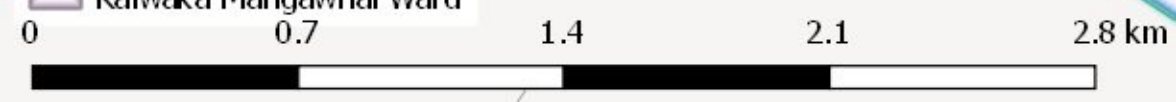
Attachments

- Attachment 1 Proposed Dargaville Ward map
- Attachment 2 Proposed Kaiwaka-Mangawhai Ward map
- Attachment 3 Proposed Otamatea Ward map
- Attachment 4 Proposed West Coast-Central Ward map
- Attachment 5 Summary of informal consultation (survey)
- Attachment 6 Proposed district/wards map
- Attachment 7 Statement of Proposal
- Attachment 8 Draft Engagement Plan

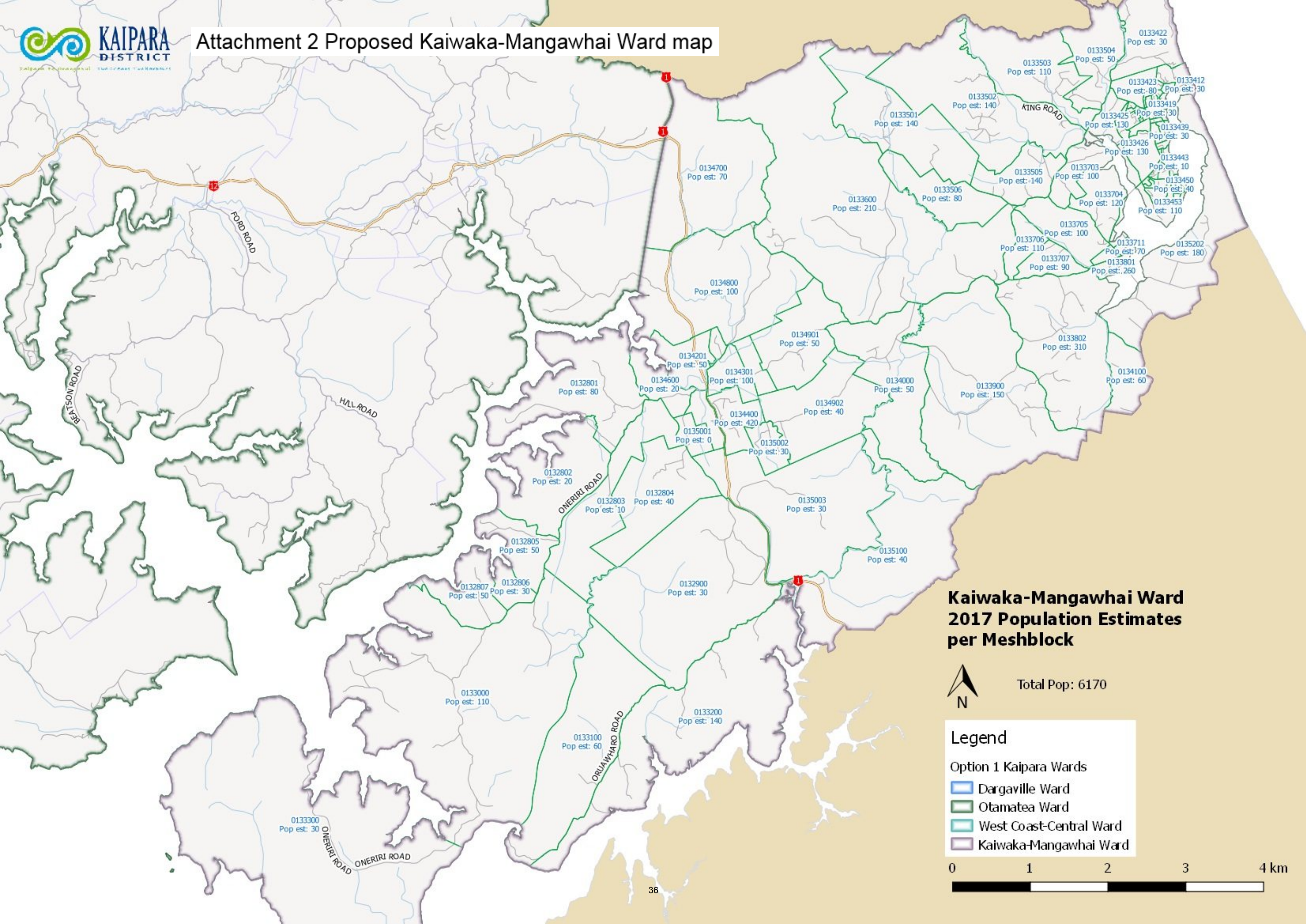
**Dargaville Ward
 2017 Population Estimates
 per Meshblock**

Total Pop: 5090

- Legend**
- Option 1 Kaipara Wards
 - Dargaville Ward
 - Otamatea Ward
 - West Coast-Central Ward
 - Kaiwaka-Mangawhai Ward



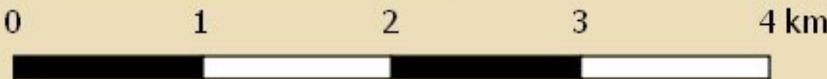
Attachment 2 Proposed Kaiwaka-Mangawhai Ward map



**Kaiwaka-Mangawhai Ward
2017 Population Estimates
per Meshblock**

Total Pop: 6170

- Legend**
- Option 1 Kaipara Wards
 - Dargaville Ward
 - Otamatea Ward
 - West Coast-Central Ward
 - Kaiwaka-Mangawhai Ward

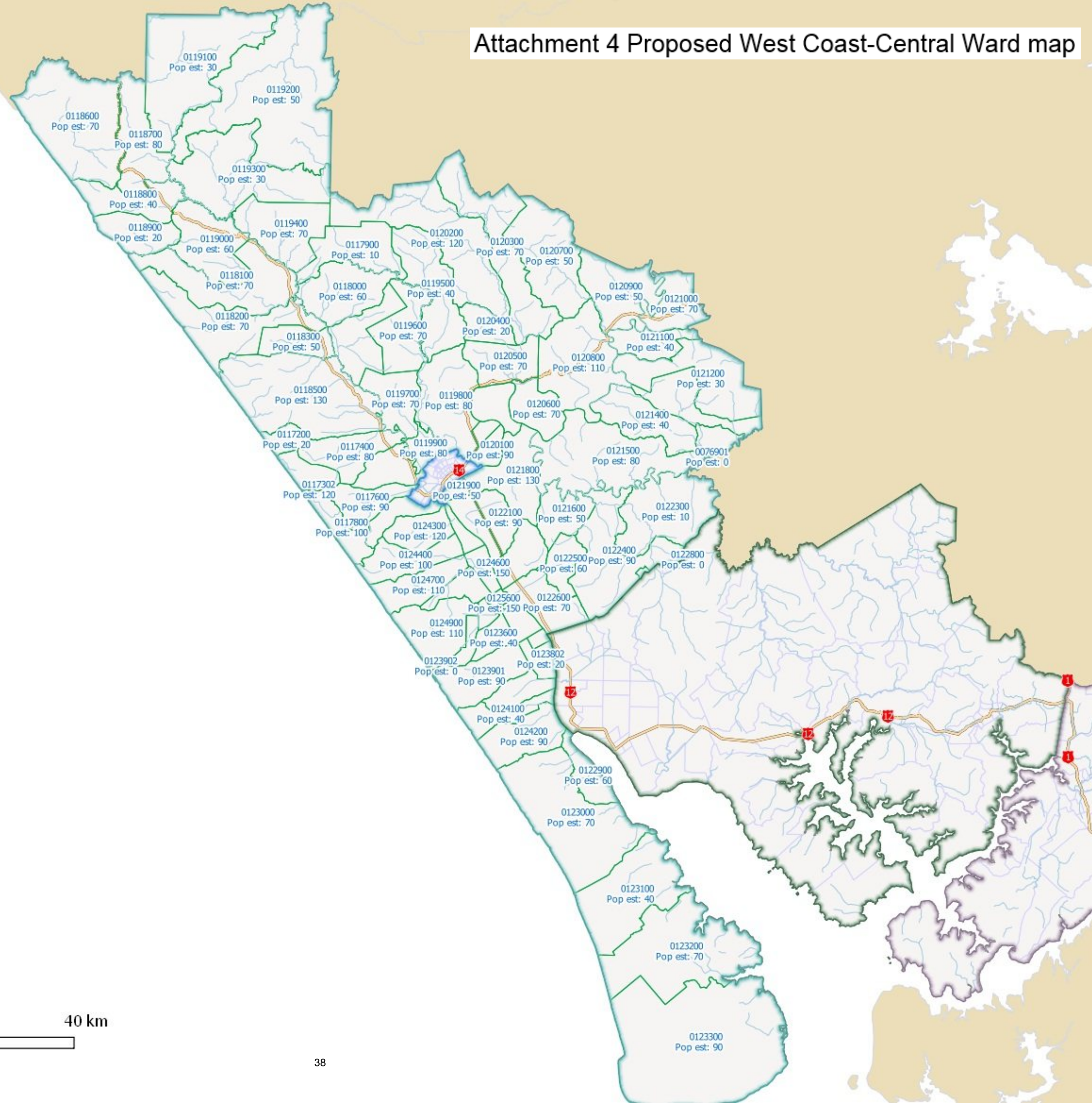


**Otamatea Ward
 2017 Population Estimates
 per Meshblock**

Total Pop: 5480

- Legend**
- Dargaville Ward
 - Otamatea Ward
 - West Coast-Central Ward
 - Kaiwaka-Mangawhai Ward



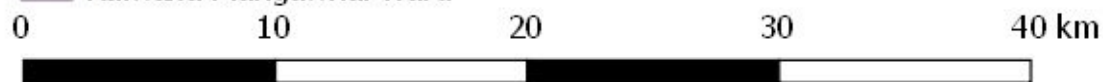


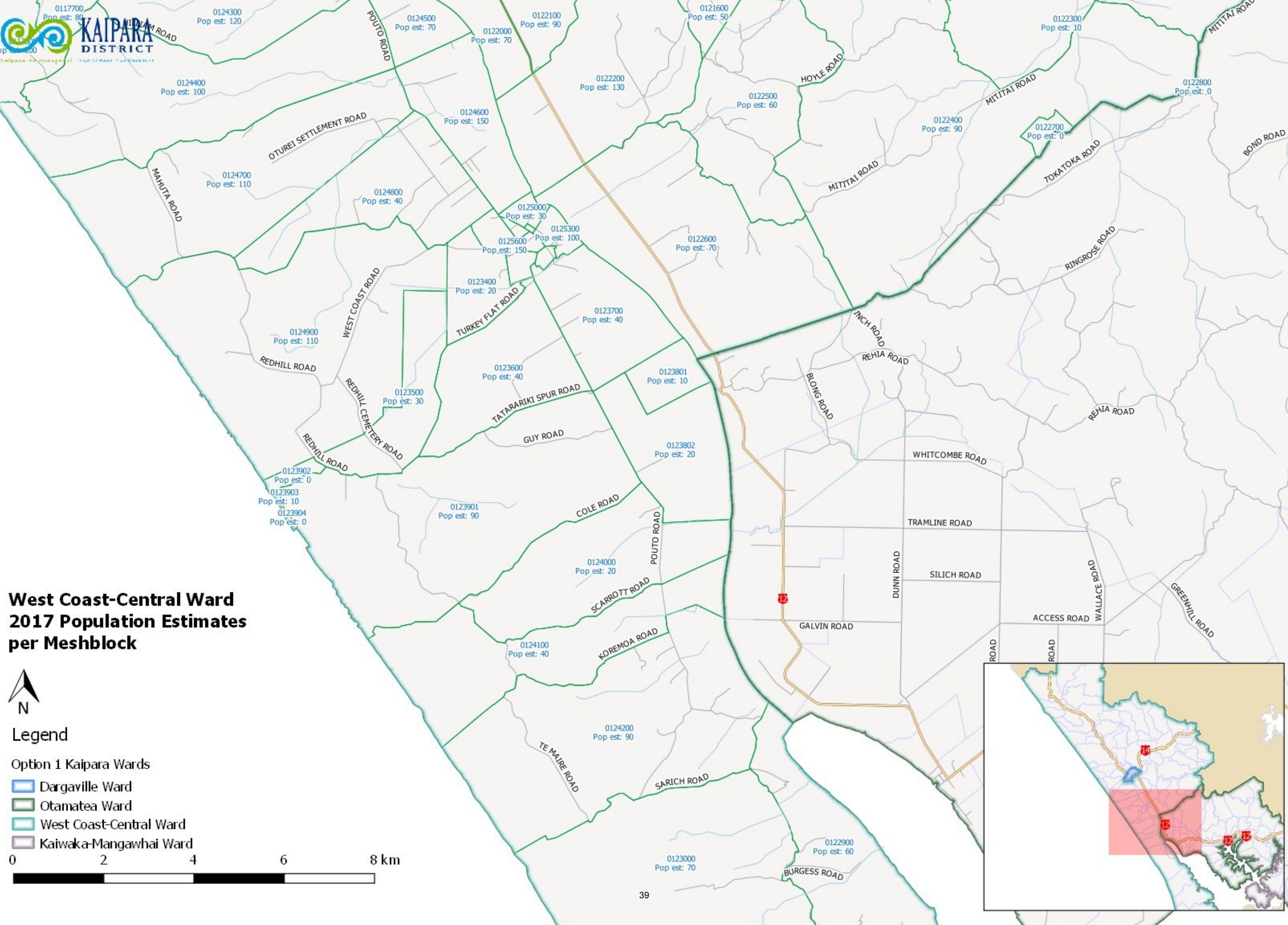
**West Coast-Central Ward
 2017 Population Estimates
 per Meshblock**

North Arrow
 Total Pop: 5830

Legend

- Option 1 Kaipara Wards
- Dargaville Ward
 - Otamatea Ward
 - West Coast-Central Ward
 - Kaiwaka-Mangawhai Ward



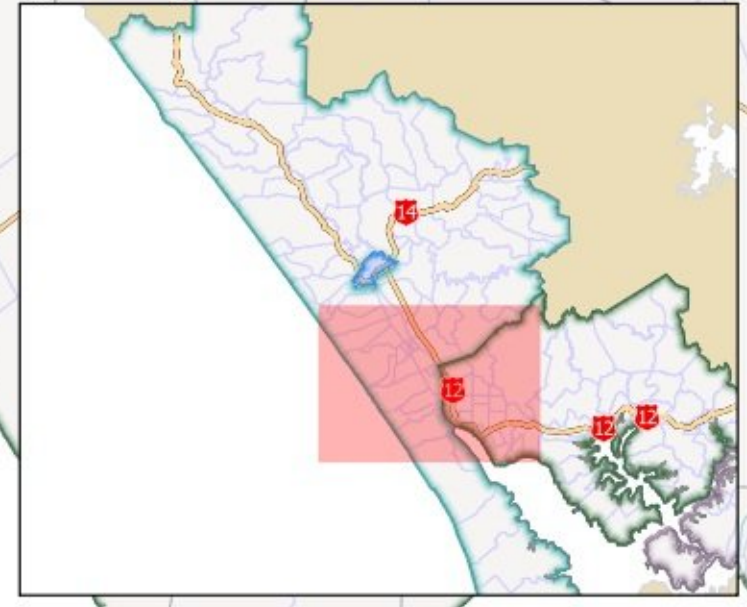


**West Coast-Central Ward
2017 Population Estimates
per Meshblock**



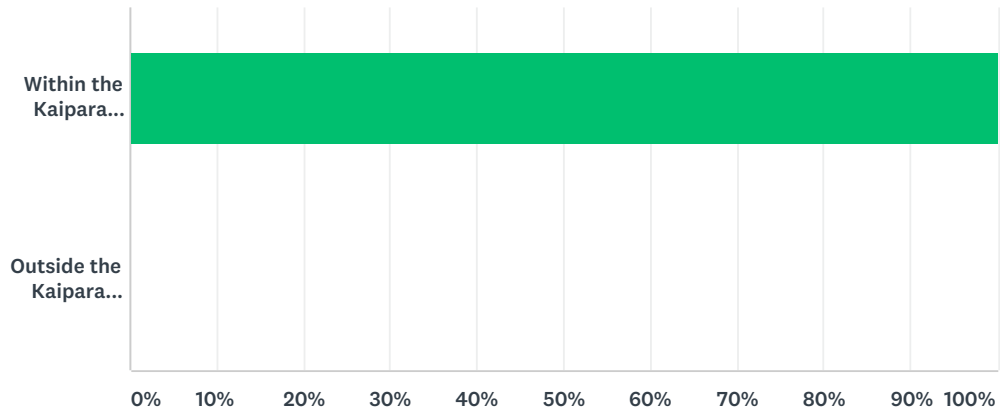
Legend

- Option 1 Kaipara Wards
- Dargaville Ward
 - Otamatea Ward
 - West Coast-Central Ward
 - Kaiwaka-Mangawhai Ward



Q1 Is your main residence

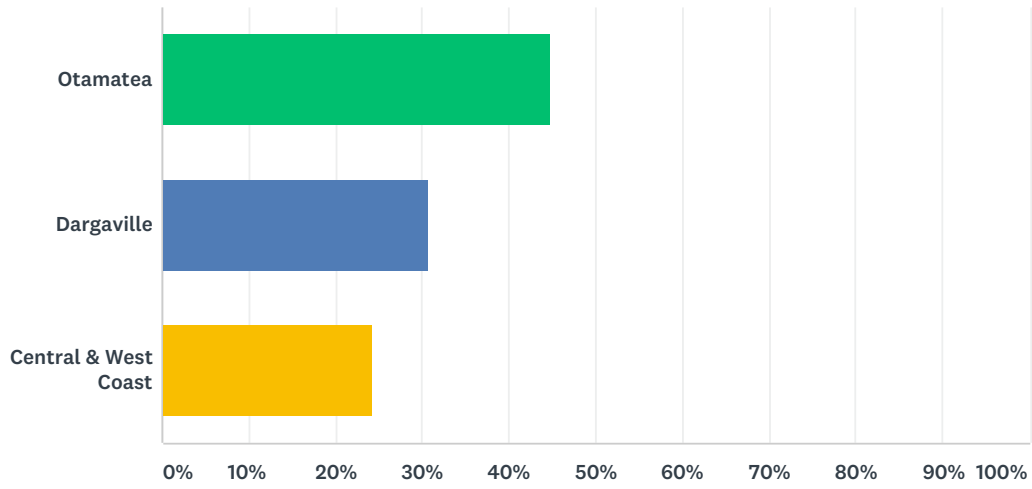
Answered: 78 Skipped: 1



ANSWER CHOICES	RESPONSES	
Within the Kaipara District	100.00%	78
Outside the Kaipara district	0.00%	0
TOTAL		78

Q2 Which ward do you currently associate most closely with?

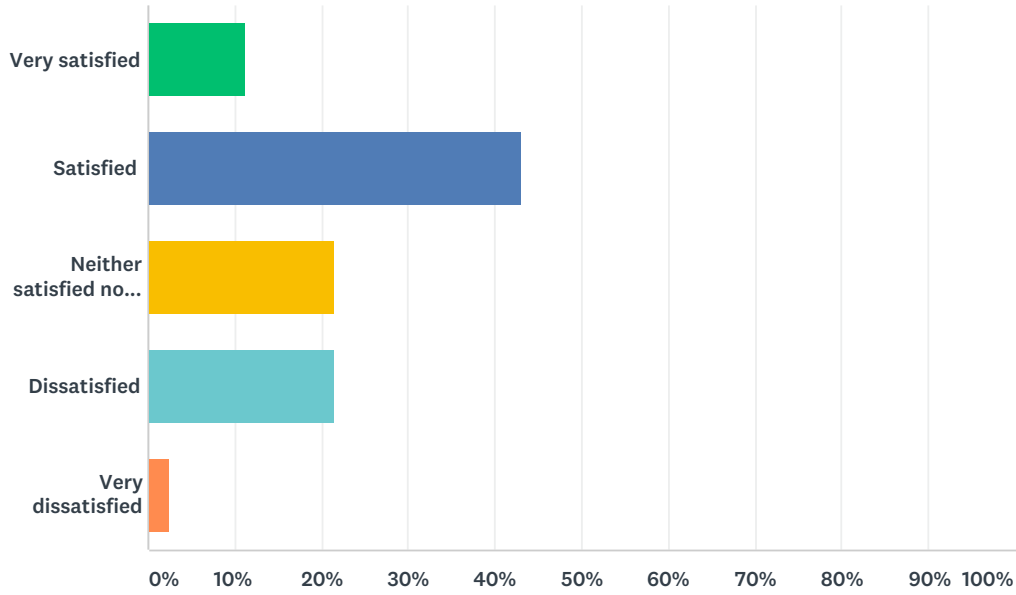
Answered: 78 Skipped: 1



ANSWER CHOICES	RESPONSES
Otamatea	44.87% 35
Dargaville	30.77% 24
Central & West Coast	24.36% 19
TOTAL	78

Q3 Are you satisfied with the names of the current wards?

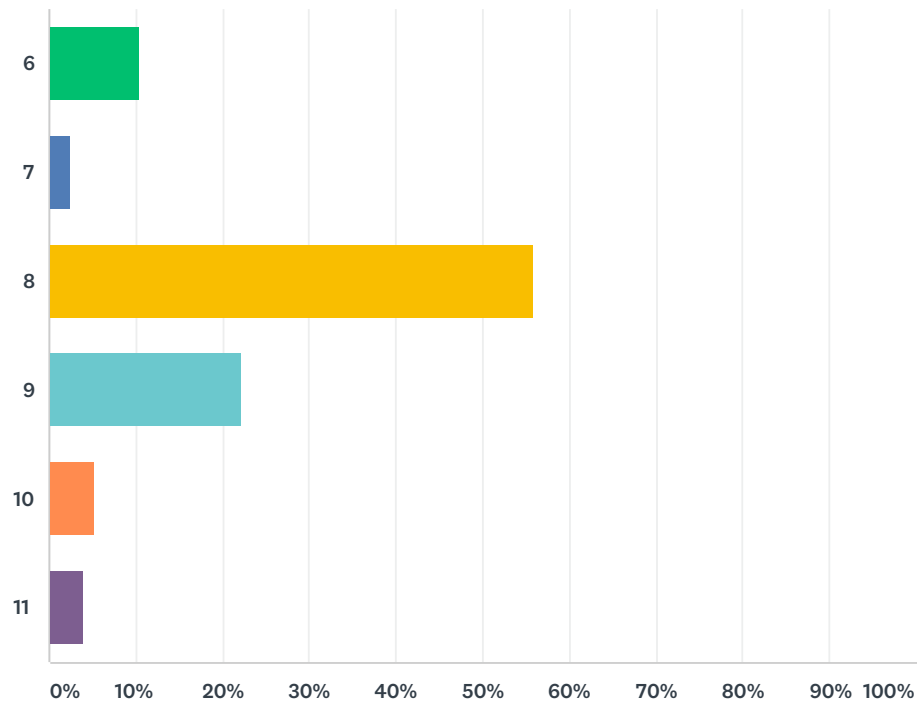
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very satisfied	11.39%	9
Satisfied	43.04%	34
Neither satisfied nor dissatisfied	21.52%	17
Dissatisfied	21.52%	17
Very dissatisfied	2.53%	2
TOTAL		79

Q4 How many councillors do you think is a good number for Kaipara District?

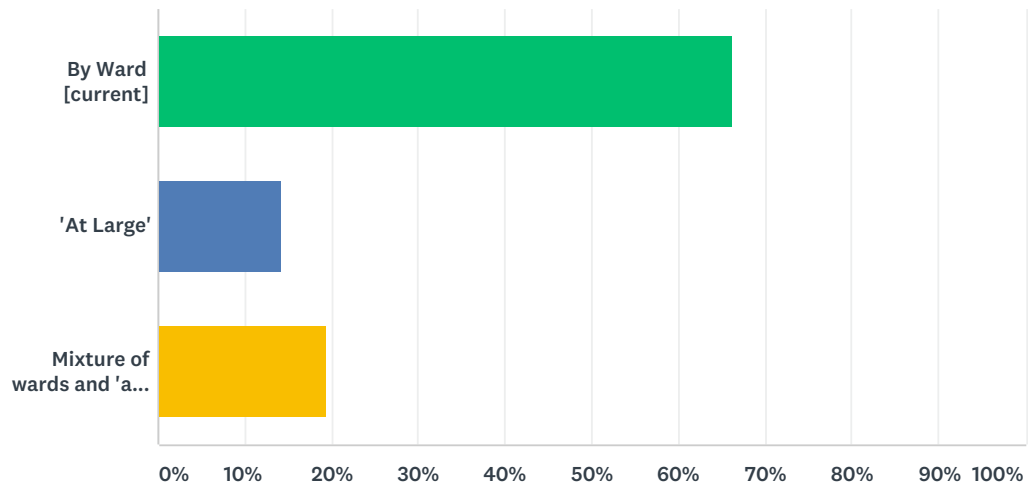
Answered: 77 Skipped: 2



ANSWER CHOICES	RESPONSES	
6	10.39%	8
7	2.60%	2
8	55.84%	43
9	22.08%	17
10	5.19%	4
11	3.90%	3
TOTAL		77

Q5 How do you think we should elect our councillors in the Kaipara District?

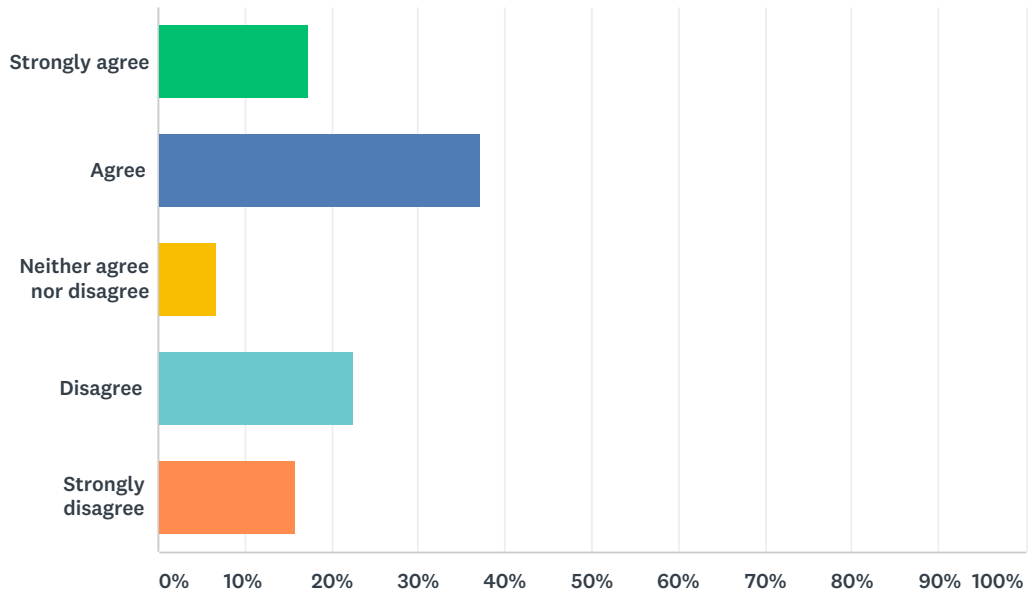
Answered: 77 Skipped: 2



ANSWER CHOICES	RESPONSES	
By Ward [current]	66.23%	51
'At Large'	14.29%	11
Mixture of wards and 'at large'	19.48%	15
TOTAL		77

Q6 Should new community boards be established?

Answered: 75 Skipped: 4



ANSWER CHOICES	RESPONSES	
Strongly agree	17.33%	13
Agree	37.33%	28
Neither agree nor disagree	6.67%	5
Disagree	22.67%	17
Strongly disagree	16.00%	12
Total Respondents: 75		

Q7 Are there any communities of interest that council should be considering?

Answered: 32 Skipped: 47

#	RESPONSES	DATE
1	Paparoa, Matakoho, Maungaturoto.	5/18/2018 5:10 PM
2	No	5/17/2018 8:13 PM
3	Just thinking if we moved away from ward councilors then there would be further consideration needed to community boards. ATM the councilors should be looking after their area, if at large then communities could miss out.	5/16/2018 3:16 PM
4	They should be considering all communities, not just mangawhai	5/16/2018 2:23 PM
5	Mana Whenua Environmental organisations Sustainable business Youth	5/16/2018 10:59 AM
6	There should be Mangawhai /Kaiwaka wards and one for the central area representing the Maugaturoto/Paparoa/Matakoho etc	5/16/2018 10:04 AM
7	Education	5/16/2018 9:38 AM
8	Maori	5/16/2018 9:22 AM
9	West Coast coastal communities	5/16/2018 9:21 AM
10	Economic development including businesses and cottage industries	5/16/2018 7:41 AM
11	Consider the SH1 future interface with Kaiwaka.	5/15/2018 12:35 PM
12	Talking to the people	5/15/2018 10:33 AM
13	Youth	5/15/2018 10:05 AM
14	Those with access needs.	5/15/2018 9:50 AM
15	Add Taipuha back to Otamatea ward	5/14/2018 9:39 PM
16	No	5/6/2018 10:13 PM
17	Im not 100% sure what boards you have cureently but i haven't seen anyone activly looking into our education, employment in youth in Kaipara these areas are really important for growth and sustainability in Kaipara	5/5/2018 6:46 AM
18	Tinopai Resource Management Unit is a RUnit set up by Waiatea and Waiohou Marae representing Marae, tangata whenua and Community to restore the harbour	5/4/2018 9:36 AM
19	NO	5/3/2018 11:51 AM
20	It would appear that Mangawhai has a structure that accesses Council more readily. We now have Council representatives who endeavour to help in Maungaturoto. At the moment we have a strong Residents' Assn. However, communication is dependent on both the above being active.	5/3/2018 10:29 AM
21	I don't know of any.	5/3/2018 9:28 AM
22	the younger and teenage communities	5/2/2018 10:16 PM
23	no	5/2/2018 8:14 PM
24	Maori	5/2/2018 3:51 PM
25	Maori	5/2/2018 3:39 PM
26	Iwi - hapu - marae	5/2/2018 2:31 PM
27	KAIWAKA	5/2/2018 2:18 PM
28	With community representation it would be well covered. I believe a community board should have only one representative from each small area. IE Paparoa, Maungataroto etc.	5/2/2018 2:05 PM

Representation Arrangements

SurveyMonkey

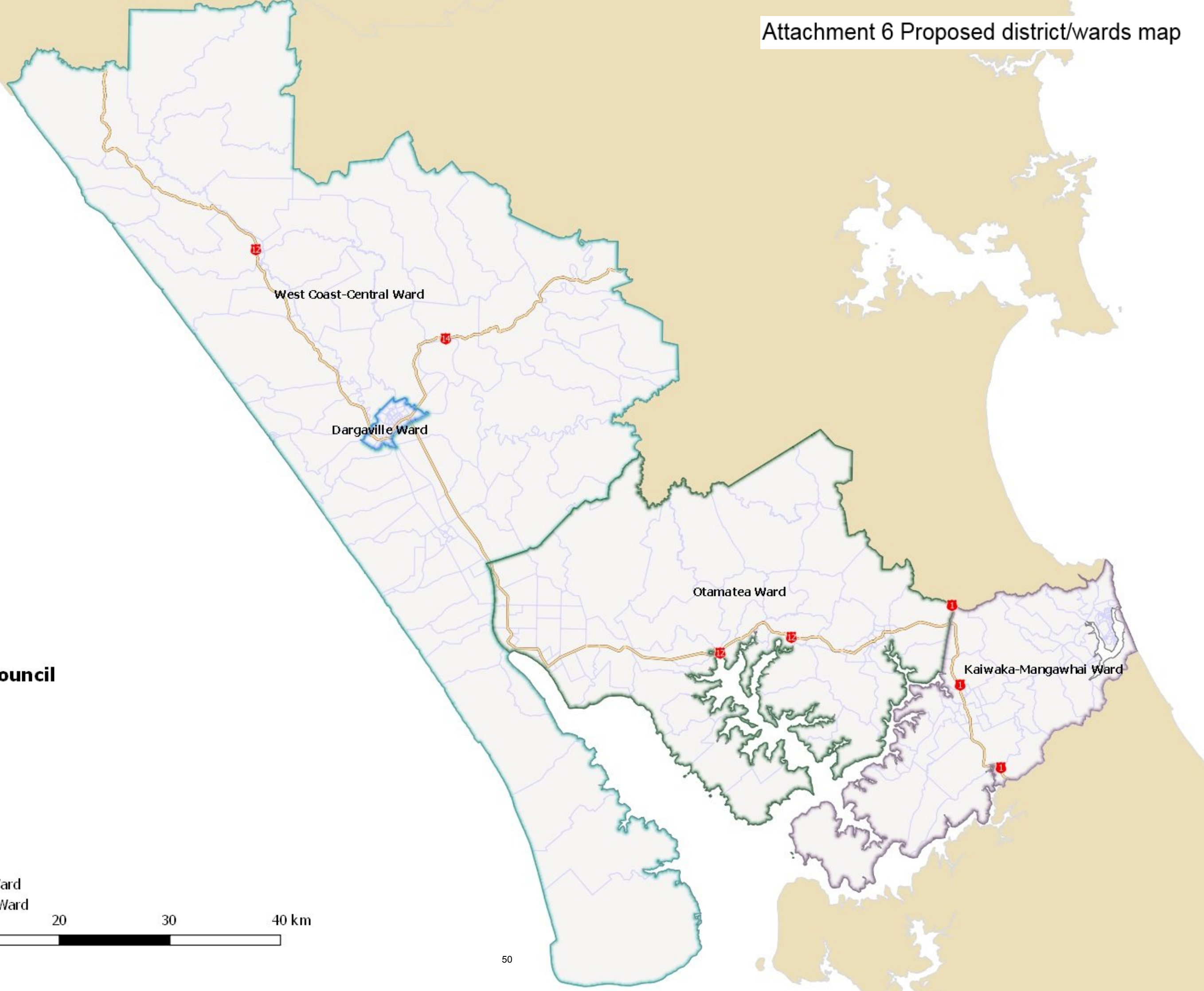
29	Tangata Whenua	5/2/2018 1:56 PM
30	as much as they can.	5/2/2018 1:30 PM
31	Fast growing Mangawhai area needs far more support for children of all ages	5/2/2018 12:42 PM
32	Dargaville, Mangawhai	5/2/2018 11:50 AM

Q8 Do you have any other comments to help inform Council's proposal?

Answered: 33 Skipped: 46

#	RESPONSES	DATE
1	No	5/16/2018 3:41 PM
2	can we change the electoral system? It confuses people.	5/16/2018 3:16 PM
3	I personally think that there should be 4 wards, with Central Ward and West Coast ward separated plus Dargaville and Otamatea. Part of Otamatea could be amalgamated into the Central Ward with each ward having 2 Councillors.	5/16/2018 2:25 PM
4	If you are going to stick with wards you need to ensure that there is a Mangawhai Ward	5/16/2018 10:05 AM
5	no further comments thanks	5/16/2018 9:23 AM
6	Do we consider the Maori population	5/16/2018 9:23 AM
7	Elected councillors must live in the Kampala area as their main place of residence.	5/16/2018 7:43 AM
8	I believe a blend of ward and at large would give residents the benefit of a greater skill and knowledge pool.	5/16/2018 6:31 AM
9	Continue Mayor at large, exclusive of councillors.	5/15/2018 12:37 PM
10	Each town needs there own voice	5/15/2018 10:35 AM
11	You need to provide incentive for people in the kaipara to neuter their animals. The lost roaming abandoned animals here is terrible.	5/15/2018 10:06 AM
12	Use an independent panel to hear and make recommendations to Council otherwise you will risk gerrymandering or the perception of it	5/9/2018 2:05 PM
13	No	5/6/2018 10:13 PM
14	Dargaville ward has a greater land mass and the least amount of councillors. I understand the reason is probably because of population but all land is either rated or owned by Council or Iwi so needs fair representation. I think we should have more councillors in Dargaville as a fair representation. Just because we have larger or more farms doesn't mean we need less representation. Can you please consider this.	5/5/2018 6:51 AM
15	My first association with KDC was through being voted onto the POUTO Community Board. Historically this council does not support community boards despite the public's perception. I have come to the conclusion over my many years of involvement as a district councillor that there is not a need for a community board IF THE COUNCIL ACTUALLY LISTENS TO ITS PEOPLE.	5/4/2018 2:44 PM
16	Kaipara Harbour is one of the largest harbours in the World and is dying, research last year found 1 scallop in the entire harbour - siltation has built up from 150years of mismanagement, intensive agriculture, forestry practices and subdivisions. Kaipara Harbour needs its own entire ward and an Integrated Catchment Plan including Iwi, KDC, Marae - excluding NRC	5/4/2018 9:43 AM
17	I like the Ward system. Numbers of ratepayers/population should dictate the number of councillors. i would prefer one councillor one ward or atleast no more than two councillors per ward. Would think that some changes in the Mangawhai area will be necessary. Furure proof as much as possible	5/4/2018 7:10 AM
18	Cant see any reason to change the existing. Council seems ti be moving in the right direction now	5/3/2018 3:19 PM
19	this is definitely not a time to add to confusion by making unnecessary changes	5/3/2018 11:52 AM
20	i don't think this survey was very well put together and is very confusing	5/3/2018 11:03 AM
21	No	5/3/2018 10:29 AM
22	Don't really know how to answer this question ?	5/3/2018 9:32 AM
23	No, thank you for this opportunity.	5/3/2018 9:29 AM

24	We urgently need a united council. Factions are disrupting progress. If we had fewer councillors elected by all voters (not by Wards) and say 3 small community boards under them it might work better.	5/3/2018 8:33 AM
25	To take into account population changes and obvious communities of interest, now is the time to establish a Mangawhai Ward (2 Crs) to go with an Otamatea ward, West coast Central Ward, and a Dargaville ward. The boundaries between Mangawhai, Otamatea and WC-Central can be finalised to ensure relatively even numbers in each ward. Each ward to have 2 Crs.	5/2/2018 10:43 PM
26	the counselor's should get out of the office and in the street and community and talk to people and busniness owners	5/2/2018 10:18 PM
27	no	5/2/2018 8:15 PM
28	As part of the review I believe there should be the inclusion of a Maori rep for each ward	5/2/2018 3:52 PM
29	No	5/2/2018 3:39 PM
30	Councilors within the Wards need to be made responsible for different activities within the ward. There is no need for anything else to be put in place to deal with these activities. They will only complicate the issues that we already face.	5/2/2018 2:30 PM
31	No	5/2/2018 1:56 PM
32	My family has been associated with the local Otamatea area since the 1870s. My great great grandfather was one of the Councillors on the first Otamatea County Council. I associate more with Otamatea than with the West Coast. I understand how the ward boundaries are established. I am a land surveyor and have some knowledge of meshblocks and how they are set etc. I understand that the growth in Mangawhai is pushing us out of Otamatea statistically. This does not change our association with our local area. Perhaps it is time to establish a separate ward for mangawhai outside of Otamatea? No strong feelings on this either way. At the end of the day the Local Body reform of 89 established Kaipara District to supersede Otamatea County.	5/2/2018 12:06 PM
33	Have 2 elected members representing three wards. The wards could be west, cental and east. And 1 mayor that is elected at large.	5/2/2018 6:51 AM



Kaipara District Council Wards

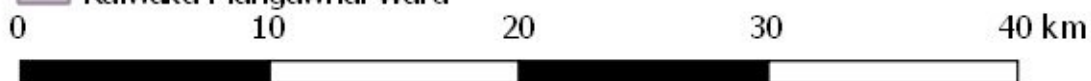


N

Legend

Option 1 Kaipara Wards

-  Dargaville Ward
-  Otamatea Ward
-  West Coast-Central Ward
-  Kaiwaka-Mangawhai Ward



REPRESENTATION REVIEW

EFFECTIVE REPRESENTATION FOR
KAIPARA DISTRICT COUNCIL



Kaipara te Orangahui • Two Oceans Two Harbours



SUMMARY

“The representation arrangements of a local authority are where effective democracy begins.”

Kaipara District Council's last formal representation review was conducted in 2012 where the significant change proposed was the addition of one councillor. The initial proposal in 2012 was based on nine councillors (plus the mayor), with councillors elected from the current three wards (two councillors from the Dargaville Ward, four councillors from the Otamatea Ward and three councillors from the West Coast/Central Ward). After feedback through consultation, the only change was to alter the existing ward boundary between West Coast/Central Ward and the Otamatea Ward eastwards (which affected approximately 580 people).

In the six years since the last review, Kaipara has performed strongly with our population and economy growing above the national average. This growth needs to be reflected in the review to ensure equal and fair representation for all those in the district. The Initial Proposal stage provides the detail and reasoning behind proposed changes and gives all residents and ratepayers the opportunity to have a say before a final decision is made. Any changes will apply to the next Kaipara District Council elections in 2019 and 2022.

Through the proposed changes, Council is seeking a forward-looking democratic structure that will support our continued drive for prosperity and equity, while maintaining and protecting our unique and treasured environment. The proposal of a new Kaiwaka-Mangawhai ward allows for equal representation across the district. While we've tried to look forward to future and proposed growth, there are restrictions as to what data we can use to inform this review. We are required to use population estimates as at 30 June 2017, which is based on the 2013 Census, however, we're able to review our wards and boundaries in three years time when we will use 2018 Census information, and will have an up to date grasp on the population movements across Kaipara and the country.

Strong democratic representation at a meaningful 'community of interest' level will empower communities to serve their own needs and aspirations while also contributing to decision making.

Please take the time to read this proposal – the Council is very interested to hear your thoughts on the proposed changes. Council staff are available to talk to interested community groups and stakeholders – call us on 0800 727 059 if you would like to arrange a meeting.

Following the publication of the Initial Proposal (Wednesday 1 August 2018), there is a one month submission period where you can have your say on the proposed changes. A submission form is included on page 11.



The proposed changes included in the Initial Proposal are:

1. Creation of a new Kaiwaka-Mangawhai Ward;
2. Expand Otamatea Ward northwest to Tokatoka Road and includes Ruawai;
3. Dargaville Ward is unchanged;
4. Reduce West Coast/Central Ward (Tokatoka Road southeast to Otamatea Ward);
5. Has two councillors per ward;
6. No community boards to be established.



Please make sure your submission reaches Kaipara District Council by 4.00pm on Friday 31 August 2018.

WHAT IS A REPRESENTATION REVIEW?

The representation review, which is required by law¹ at least once every six years, looks at:



the total number of councillors to be elected;



the number, boundaries and names of the wards where councillors will be elected from;



the number of councillors to be elected per ward; and



whether community boards are established.

Two decisions have already been made

Is Māori representation being considered as part of this process?

Māori representation via the establishment of dedicated Māori wards was one of the first steps taken prior to commencing the representation review. Council resolved in October 2017 to explore models of representation other than Māori wards, and at this time, work is continuing on this.

Does this review include the electoral system?

The choice of electoral system (First-Past-the-Post (FPP) or Single Transferable Voting (STV)) used for Council's elections was another step taken prior to commencing the representation review. Council resolved in May 2017 to retain the STV electoral system for the 2019 triennial election.

WHAT THINGS HAVE TO BE CONSIDERED?

Council has to carefully consider the following three factors when deciding on an Initial Proposal for public consultation:



Communities of interest;



Effective representation



Fair representation

¹ Local Electoral Act (LEA) 2001



Communities of interest

Council must ensure that the election of councillors provides effective representation of the various communities that make up the Kaipara District. Giving proper consideration to defining communities of interest is therefore a key part of the representation review process.

However, the term “community of interest” is not defined in legislation (the Local Electoral Act 2001 (LEA)). In reality, “communities of interest” can mean different things to different people and it can (and probably has) changed over time.

The Council considered a range of factors when developing this proposal including:

- a sense of “community identity” and affiliations between towns and settlements;
- similarities in demographic, socio-economic and/or ethnic characteristics;
- land use and local history of the area;
- similarities in activities carried out in the area; and
- shared facilities such as schools, marae, shops and recreational facilities.



Effective representation

Once communities of interest have been identified, the Council is required to consider the extent that these communities of interest are geographically distinct and warrant specific representation. We then consider how these communities can be grouped together into wards to achieve effective representation for the people who live there. The wards make up the District and the ward councillors and mayor, collectively are the elected members of the Kaipara District Council.

In deciding on effective representation, the Council has to consider questions in relation to accessibility, size and configuration of a ward including:

- would people have reasonable access to their councillors and vice versa?
- would councillors be able to easily attend public meetings in their ward and provide reasonable opportunities for the people who live there to have face-face meetings?
- would the number of councillors, coupled with their relative wards, enable councillor workload to be shared appropriately?



Fair representation

After the Council has identified proposed wards, the LEA requires that each councillor must represent approximately the same number of people, plus or minus 10%. The current status quo number of councillors and wards does not meet the plus or minus 10% rule, and is discussed further overleaf.

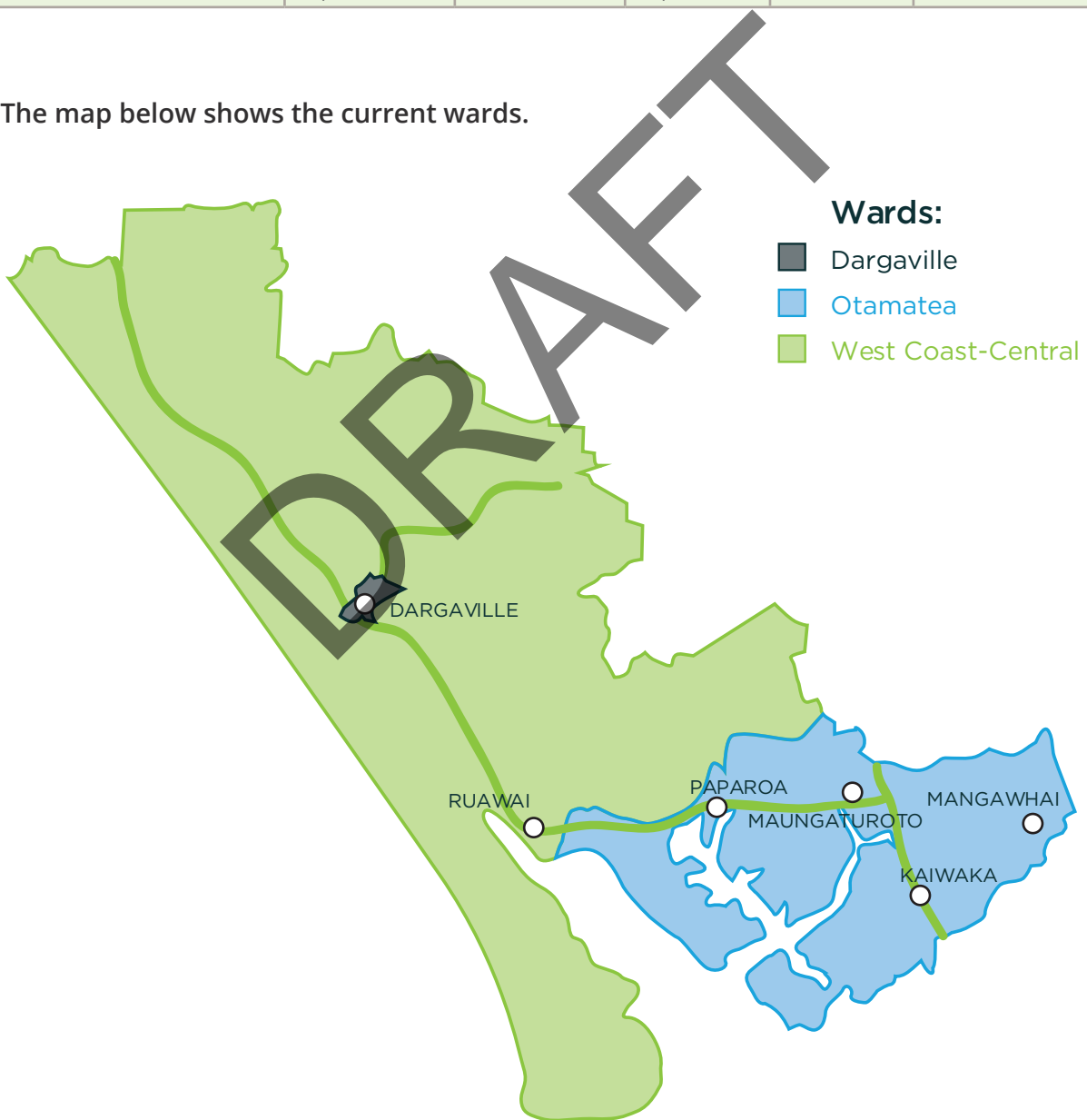
WHAT IS THE STATUS QUO?

The Kaipara District has one mayor who is elected 'at large'.

And eight councillors are elected from three wards, with no community boards.

Ward	Population	Councillors	Average	Fits Rule	% Variation
Dargaville	5,080	2	2,540	Yes	-9.8%
Otamatea	9,670	3	3,223	No	+14.45%
West Coast-Central	7,780	3	2,593	Yes	-7.92%

The map below shows the current wards.



WHAT IS BEING PROPOSED?

We are now consulting with our communities on an Initial Proposal that meets the legislative requirements.

This proposal is for Kaipara District Council to retain eight councillors represented from four wards, with no community boards. The mayor is elected at large and represents the whole district.

The proposed four wards are:

Ward	Communities of interest
Dargaville - <i>Unchanged</i>	The area comprising the township of Dargaville.
Otamatea - <i>Boundary change</i>	The area comprising the SH 12 townships from Tokatoka back to the Byrnderwyns, including Ruawai, Matakohe, Papanoa, Maungaturoto, Taipuha, Ararua, Pahi, Whakapirau and Tinopai.
West Coast-Central - <i>Boundary change</i>	The area comprising the area surrounding Dargaville, through to Waipoua Forest, including Kaihu, Aranga, Donnelly's Crossing, Mamaranui, Omamari, Bayly's Beach, Hoanga, Tangowahine, Tangiteroria, Te Kopuru, Pouto, Turiwiri and Aropohue.
Kaiwaka-Mangawhai - <i>New ward</i>	The area comprising the southeast section of Kaipara, including Kaiwaka, Mangawhai township and Mangawhai Heads and surrounding area, Oruawharo and the Oneriri Peninsula and Hakaru.

The population that each councillor will represent is as follows:

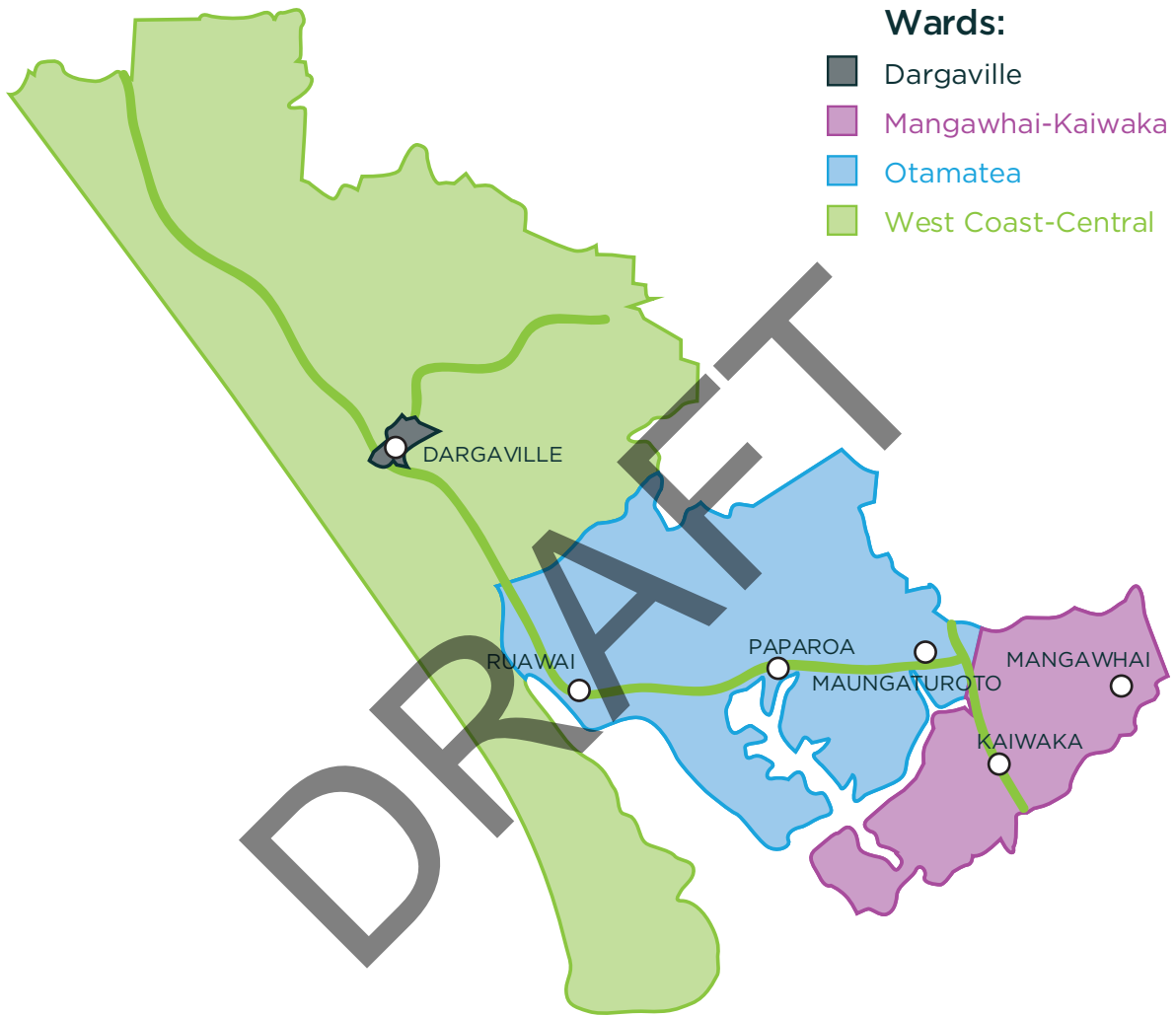
Ward	Population	Councillors	Average	Fits Rule	% Variation
Dargaville	5,080	2	2,540	Yes	-9.8%
Otamatea	6,160	2	3,080	Yes	+9.37%
West Coast-Central	5,470	2	2,735	Yes	-2.88%
Kaiwaka-Mangawhai	5,820	2	2,910	Yes	+3.34%
Total	22,530	8			

(based on a population estimate of 22,530 as at 30 June 2017²)

The Initial Proposal complies with the fair representation criteria (the +/- 10% rule) for all proposed wards. Legislation does not allow for 'potential growth'. However a further representation review can be investigated in three years' time when the latest 2018 Census data would be available.

²This number must be used as the latest population estimate available for the representation review.

The map below shows the proposed wards.

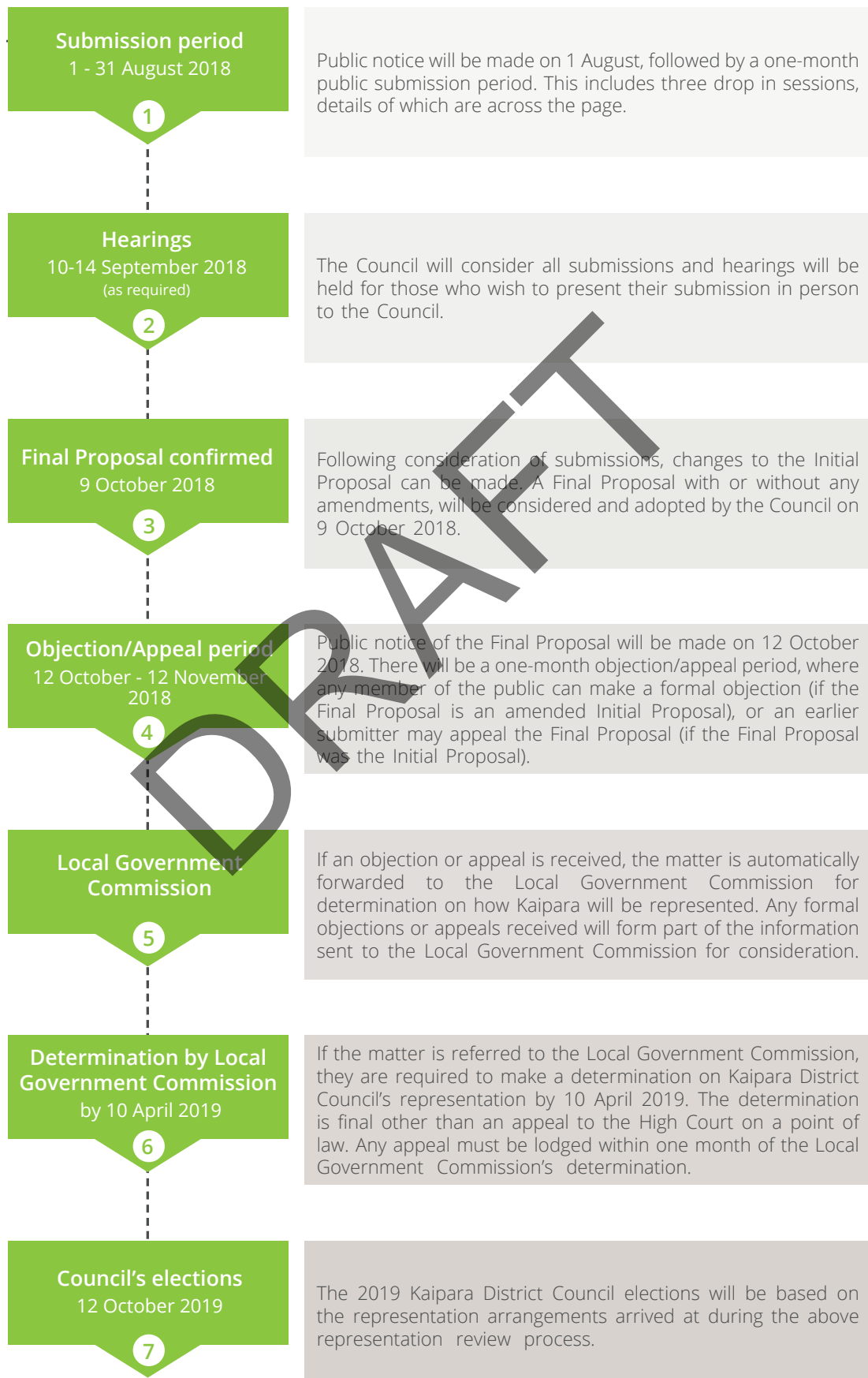


WANT TO FIND OUT MORE?

Pop in to one of our drop-in sessions:

Tuesday 07 August	To be confirmed Ruawai	6pm -7pm
Tuesday 14 August	To be confirmed Maungaturoto	6pm -7pm
Tuesday 21 August	To be confirmed Mangawhai	6pm -7pm

WHAT HAPPENS NEXT?



HOW DO I HAVE MY SAY?

You can make a submission online where you can also find the details of the Initial Proposal. Or simply fill out the form below.

Online: www.kaipara.govt.nz/RepReview

Email: haveyoursay@kaipara.govt.nz.

Mail: Chief Executive Officer
Kaipara District Council
Private Bag 1001
Dargaville 0310



We encourage online feedback as it helps keep costs down



Submissions close at 4pm on Friday 31 August 2018.

Important Notes

The questions in the feedback form are designed to be read in conjunction with the Representation Review 2018 – Initial Proposal document.

To assist in determining our final representation arrangements and the make-up of the wards, you can make a submission on:



the number of wards;



where the boundaries should be;



the names of those wards; and



the number of councillors overall and for each ward (remembering the population and ratios required by law);



whether or not community boards should be established.

GIVING YOUR FEEDBACK

Full Name: _____

Organisation: _____ *(if giving feedback on behalf of)*

Postal Address: _____

Email: _____ Phone: _____

My current ward is:

- DARGAVILLE OTAMATEA WEST COAST/CENTRAL

(tick one which applies)

I: SUPPORT OPPOSE *(tick one which applies)*

the Council's proposed representation review arrangements for the 2019 elections (Initial Proposal).
My reasoning for my above statement is...

Do you wish to speak to your submission?

- YES NO

The hearings are scheduled for the week of the 10-14 September 2018.



DRAFT



Communications and Engagement Plan Template

Table of Contents

1	Executive Summary	2
2	Project Team	2
3	Key Stakeholders	2
4	Key Messages	2
5	Communication platforms	3

draft



1 Executive Summary

We... the Representation Review team

need to hear the views of the... wider community and district

about... proposed representational change to election boundaries for the 2019 Triennial elections.

so that... Elected members

can... make an effective and informed decision on boundary changes for the 2019 local government election

by... September 2018 when a public notice and decision on electoral boundaries needs to take place

so as to meet legislative requirements.

2 Project Team

The project team consists of:

Project team	Name
Exec Team Member	Jason Marris
Project Manager	Dianne Miller
Governance Advisor	Lisa Hong
Communications	Ben Hope

3 Key Stakeholders

The audience is everyone that has an association with the project, in this instance, the entire District will have an above average interest in the changes that are proposed, and a single voice will be used to convey messages to the whole community at once.

4 Key Messages

- To meet legislation obligations, Council must change the existing boundaries to be compliant
- Communities should feel represented by these boundaries, and number of Councillors
- While not a key message, we will utilise this conversation to increase education around local government elections, roles, responsibilities and significance to the community.

5 Communication platforms

Platform	Used for	When
Back page	Back Page	July/August
Mayoral update	Informing all ratepayers of upcoming information	July/August
Press Releases	Generating stories in local media	July/August
Website	Dedicated page linked to Homepage.	July/August
Social Media	2 posts on Facebook (sponsored)	August
Face-to-face informal meeting– Mayor and councillors	Public information sessions	Three dates across August, and across the district (evenings)
Posters	Displayed in Council locations, and distributed to Community Notice Boards across the district	July/August

File number: 4102.17 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: **Road Vesting: Settlement Road, Hakaru, Kaiwaka**
Date of report: 17 July 2018
From: Henri Van Zyl, Roading Manager
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

Council was approached by Ken Urquhart (KMU Surveys Ltd), acting on behalf of R&K Bennet, regarding an application to vary RM170473. Mr Urquhart discovered that a portion of his client's land was occupied by the road formation of Settlement Road, Hakaru, Kaiwaka. The area of encroachment is 0.0300ha (300m² of land for road being Lot 5 Revised subdivision plan RM170473) (see **Attachment 3**). The owners are seeking an agreement from Council that they will be compensated. The amount they are seeking would be no more than \$1,500 + GST for the additional costs and no more than \$1,500 + GST for the land itself.

Upon seeking advice, Crown Properties Services Ltd (CPS) recommended the offer be accepted by Council. If Council does not accept the offer, the applicant could consider engaging CPS to acquire the required land under the Public Works Act (PWA). This will involve a survey plan, valuations, owners' legal fees, land purchase negotiations and legalisation (CPS) etcetera allowing approximately \$12,000 plus land compensation.

If Council was in agreement of the owners' vesting proposal, CPS would provide an assurance on behalf of Council to the owners by way of email approval rather than a formal land purchase agreement being entered into. This would minimise costs to owners and Council. The land would be vested as road on deposit of the owners' subdivision plan.

Recommendation

That Kaipara District Council:

- 1 *Receives the Roading Manager's report 'Road Vesting: Settlement Road, Hakaru, Kaiwaka' dated 17 July 2018 and its Attachments 1, 2 and 3; 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 *Agrees in principle to the vesting and purchase of a portion of private property, the area being 0.0300ha (300m²) of land for road being Lot 5 Revised subdivision plan RM170473 highlighted in yellow on aerial map (see Attachment 1 to the above-mentioned report) for road reserve (Settlement Road) in Hakaru, Kaiwaka; and*

4 *Delegates the Acting Chief Executive Officer to finalise the acquisition of the afore-mentioned land.*

Reason for the recommendation

To provide Council with all the facts and options to make an informed decision on the purchase of Lot 5 of Settlement Road, Hakaru, Kaiwaka (see **Attachment 2**).

Reason for the report

To consider an application to vest a portion of privately-owned land that has been occupied by the formation of Settlement Road.

Background

This report is to consider the vesting of a section of formed road. The road, Settlement Road, encroaches onto R&K Bennet's land (refer **Attachment 1**) and the acquisition of this land would enable formalisation of the occupancy.

Issues

Staff are not aware of any issues surrounding the acquisition of the land where a portion of Settlement Road encroaches onto R&K Bennet's land.

Factors to consider

Community views

The community will not be impacted as the recommended option will formalise what is currently onsite.

Policy implications

None.

Financial implications

If Council accepts the offer from R&K Bennet (as recommended by Council's advisors, CPS), the costs associated with the road vesting would be no more than \$1,500 + GST for the land itself and \$1,500 + GST for the additional costs.

If Council does not accept the offer, the applicant could consider engaging CPS to acquire the required land under the PWA. This will involve a survey plan, valuations, owners' legal fees, land purchase negotiations and legalisation and other costs allowing approximately \$12,000 plus land compensation.

Legal/delegation implications

There may be legal implications if Council does not follow the recommendation from CPS as Council already is in breach through occupation of Lot 5.

Options

Option A: Accept recommendation from CPS to vest and purchase Lot 5.

Option B: To follow the formal process through the Public Works Act.

Assessment of options

Option A: Accept the offer from Ken Urquhart acting on behalf of R&K Bennet. They are seeking an agreement from Council to be compensated by the amount of \$3,000 + GST including the land itself and additional costs.

Option B: If Council follows the actual process through PWA, it will involve a survey plan, valuations, owners legal fees, land purchase negotiations and legalisation and other costs allowing approximately \$12,000 plus land compensation.

Recommended option

The recommended option is **Option A**.

Next step

Advise the applicants of the outcome, and proceed with the process depending on the decision.

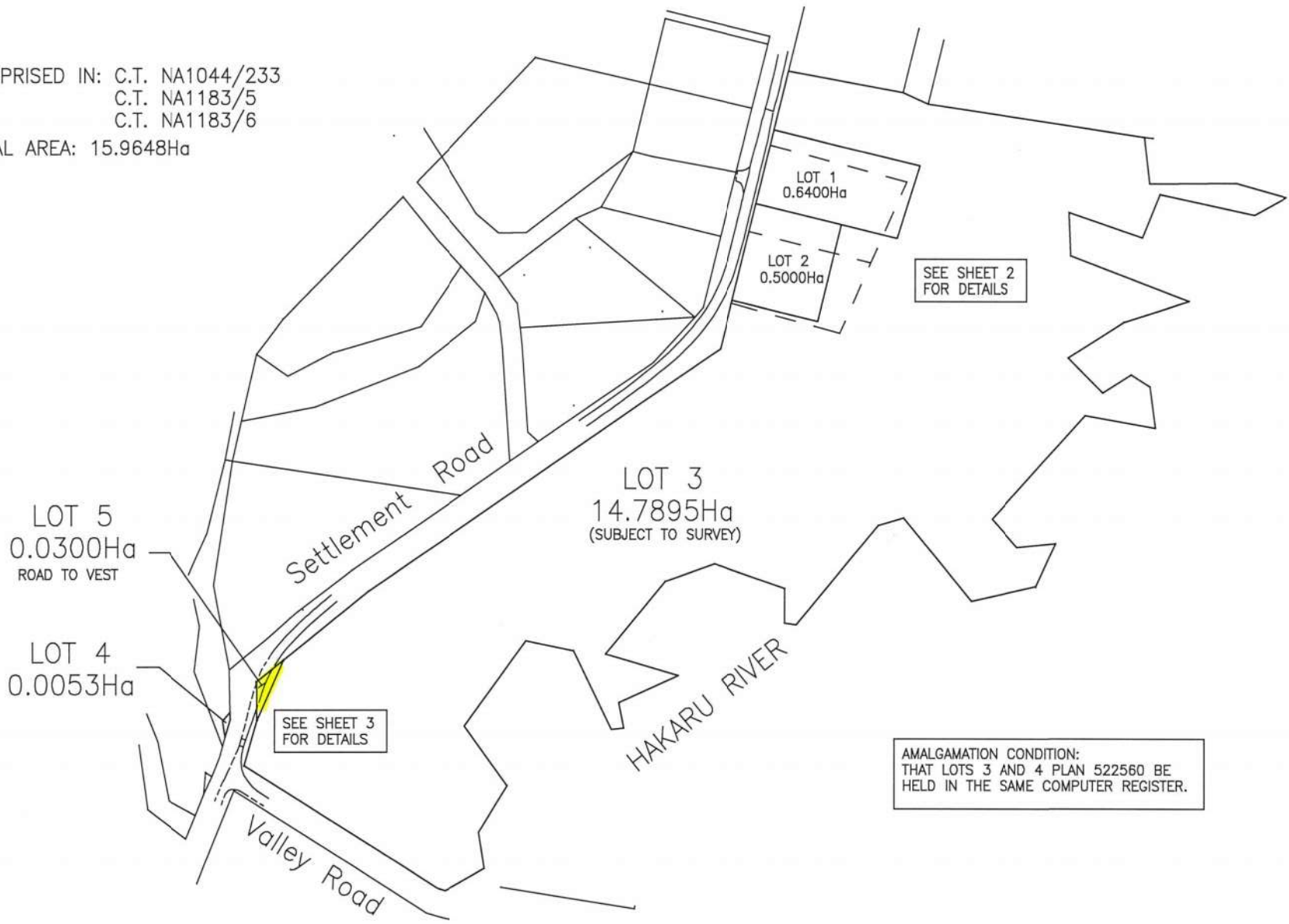
Attachments

- Attachment 1 – Aerial map showing the encroachment of Lot 5 highlighted in yellow.
- Attachment 2 – Schematic Plan showing Lot 5 highlighted in yellow
- Attachment 3 – Diagram of road encroachment Lot 5



AERIAL MAP OF LOT 5 HIGHLIGHTED IN YELLOW (0.0300HA)

COMPRISED IN: C.T. NA1044/233
 C.T. NA1183/5
 C.T. NA1183/6
 TOTAL AREA: 15.9648Ha



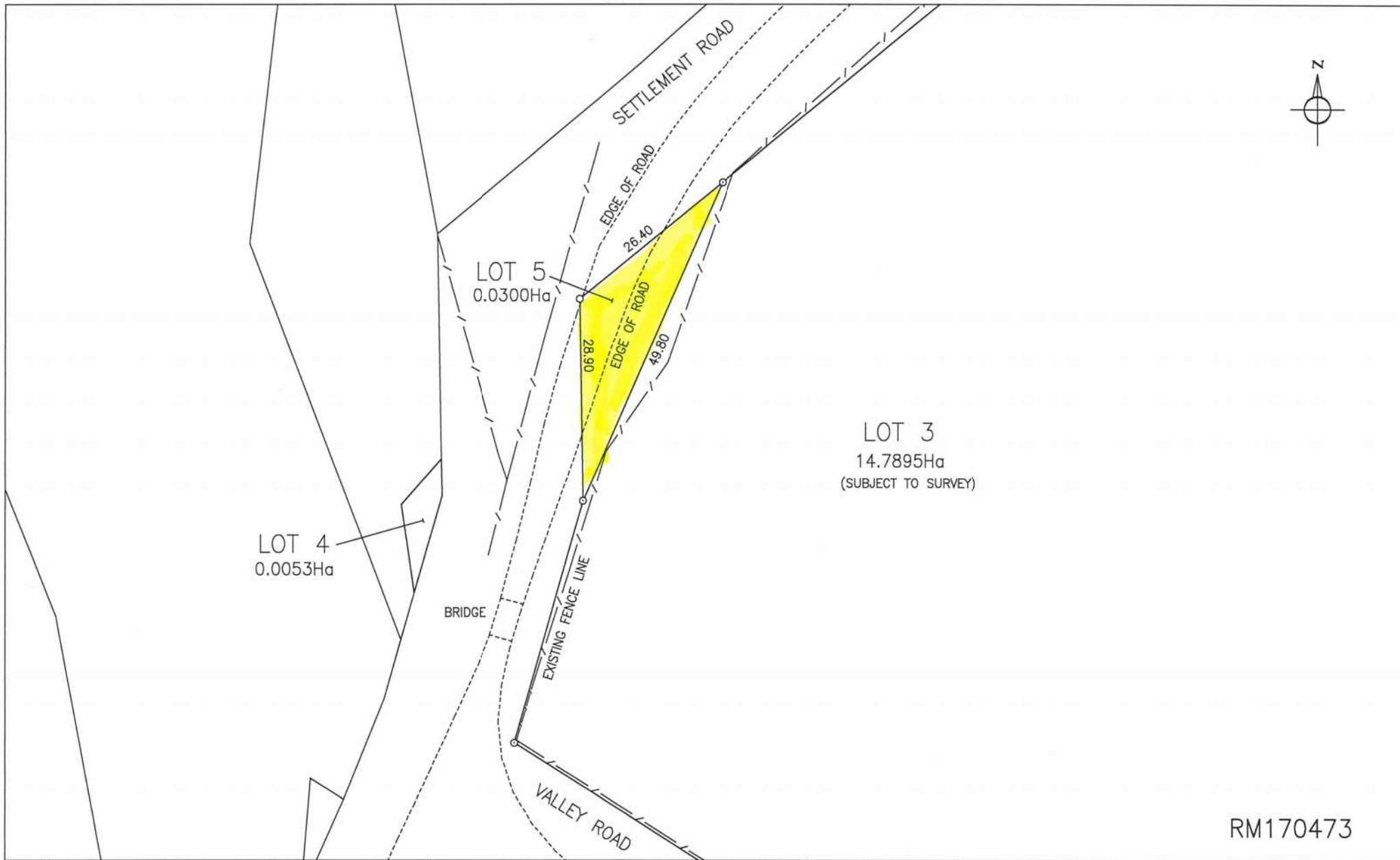
SEE SHEET 2
FOR DETAILS

SEE SHEET 3
FOR DETAILS

AMALGAMATION CONDITION:
THAT LOTS 3 AND 4 PLAN 522560 BE
HELD IN THE SAME COMPUTER REGISTER.

RM170473

					Client:		Sheet Title:		Date:	Notes:	
					R. & K. BENNETT SETTLEMENT ROAD - HAKARU		PROPOSED SUBDIVISION OF ALLOTS 174, 186 & PT SECS 128 Psh of KAIWAKA		17/04/2018	(a) Boundaries are unfenced unless shown otherwise.	
									Scale (A3): 1:3000		
RevNo	Revision note				Date	Signature	Checked	Project Number:		Edition	Sheet
Drawn by:	Checked by:				Approved by:	File Name:		BENNETT AMENDED SCHEME 002		1	1 OF 3
KMU	KMU				KMU						



RM170473

Client:			R. & K. BENNETT SETTLEMENT ROAD - HAKARU			Sheet Title:			DIAGRAM OF ROAD ENCROACHMENT			Date:		04/2018		Notes:		(a) Boundaries are unfenced unless shown otherwise.							
Drawn by:			KMU			Checked by:			KMU			Approved by:			KMU			File Name:							
RevNo		Revision note				Date		Signature		Checked		Scale (A3):			1:500			Project Number:		BENNETT-ROAD-ENCROACHMENT		Edition	1	Sheet	3 OF 3

File number: 5105.09 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: **Dargaville Arts Association Office Hub, Dargaville**
Date of report: 09 July 2018
From: Darlene Lang, Community Relationships Manager
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

The Dargaville Arts Association Incorporated (DAAI) would like to set up a shared office hub that is a collaborative business and event space for the growing community of entrepreneurs, start-ups and already established business professionals and not-for-profit groups in Dargaville.

A report was first presented to Elected Members at the November 2017 Council meeting to do a variation to their Licence to Occupy (LTO) to allow them to hire out office space. The item was left on the table until a review by the Community Grants Committee was completed. This occurred and the report was re-tabled and declined as the Committee felt it was inconsistent as most of the LTOs have a clause in them that does not allow subletting.

Though Elected Members declined the report, staff were asked to continue to work with DAAI to find a solution. Legal advice was sought from Council's Lawyers, Brookfields, and they have advised that while the subletting clauses constrain the DAAI, it does not prevent Council from approving this. Approving this would allow DAAI to generate some revenue to support its activities, and aligns with the Performance Measures in the Particulars Schedule, which includes the following: "the degree and frequency of use, including shared use, of the Improvements and the Land by other community organisations and members of the public."

Council's Lawyers feel that a short term licence (see **Attachment 1** that has been produced by Council's Lawyers) sets out the basic terms of the arrangement in each case and references the terms of the current LTO and would meet Council's requirements.

The LTO between Council and DAAI terms and conditions continue and do not need to be updated due to their short term licence to use being covered under the performance measures as stated in Council's Lawyers' legal opinion. This short term licence to use will be between DAAI and the hirer.

Recommendation

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Dargaville Arts Association Office Hub, Dargaville' dated 09 July 2018; 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 *Delegates to the Dargaville Arts Association Incorporated the power to approve short term rental licences for office space in the Municipal Building, Dargaville for the purpose of fundraising which can be reinvested into the Arts Centre enabling growth; and*
- 4 *Notes that any short term rental licenses that are granted under this delegation will meet the same terms and conditions of the current Licence to Occupy that the Dargaville Arts Association has with Council.*

Reason for the recommendation

To allow the DAAI a mechanism to approve short term rental licences for office space in the Municipal Building, Dargaville. This will provide the DAAI an income which will be reinvested into the Arts Centre to further continued growth.

Reason for the report

To provide Council sufficient information to make a decision on whether to delegate to the DAAI the ability to allow short term licences that will assist them to fundraise through renting office space to organisations. This will allow DAAI an income which can be reinvested into the Arts Centre enabling growth. This report sets out all matters that this proposal raises.

The DAAI's proposal is to turn the upstairs of the Municipal Chambers into a shared office space and arts workshops and the bottom to continue as an Art Gallery.

Background

The DAAI would like to set up a shared office hub that is a collaborative business and event space for the growing community of entrepreneurs, start-ups and already established business professionals and not-for-profit groups in Dargaville. This concept offers all the facilities of an office fit-out, a creative environment and a thriving community of like minds. This concept also has the advantage of direct access to expert business advice, tools and professional support networks all under one roof.



This is a photograph of the concept in place in Whangarei.

A report was first presented to Elected Members at the November 2017 Council meeting to do a variation to their LTO to allow them to hire out office space. The item was left on the table until a review by the Community Grants Committee was completed. This occurred and the report was re-tabled and declined as the Committee felt it was inconsistent as most of the LTOs have a clause in them that states:

“Assignment or Subletting

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 below.

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.”

Short Term Licence

The short term licence arrangements will be on a month to month basis as DAAI will want flexibility and if Council becomes dissatisfied with what is happening something can be done quickly.

The short term licence form referencing the terms of DAAI licence would be prepared and signed up to by each user. The hire arrangements and costs could be set out in a schedule and completed manually if necessary. The document will be characterised as a licence to use so as to make provision for non-exclusive shared use and also changes to use arrangements from time to time. Council then has the right to intervene and terminate in any instance, for example an activity which is not suitable for a Council facility.

By consenting to what is proposed and providing DAAI with a form of short term licence it can use, in a form which is acceptable to Council (including such terms as Council’s right to intervene and a requirement that the terms of the Council licence shall not be breached), Council can achieve what it needs to.

The DAAI LTO provides in clause 4.2 for Council to be paid a turnover rent from commercial activities exceeding \$200,000 per annum after the first year of the term. This also provides Council with options should this arise.

Issues

The Municipal Building is a Category II listed building with Heritage New Zealand. Under the Kaipara District Plan the building is listed in the Heritage Schedule, and the site is designated for local government purposes, with an underlying zone of Commercial.

This is a civic building and the proposed use is compatible with activities that occur in civic buildings under the District Plan.

This proposal makes use of under-utilised space in a building that has been upgraded by Council and DAAI.

The proposed use is compatible with existing uses that include the community-run ANZAC Cinema as well as Council’s Library Archives room (downstairs) and a Council file room (upstairs). The DAAI is aware of the other uses and is satisfied that there will be no problems.

Factors to consider

Community views

The DAAI has now been housed in the Municipal Building for two years and there has been no negative feedback from the community.

Policy implications

There are no policy implications.

Financial implications

There are no financial implications to Council.

Legal/delegation implications

Legal advice was sought from Council's Lawyers who have advised that while the subletting clauses constrain the DAAI (clause is a prohibition on the Arts Association assigning, sublicensing or parting with possession) that does not prevent Council from allowing these things to occur. Arguments in favour of consent include the need of the DAAI to generate some revenue to support its activities, and as noted that the Performance Measures in the Particulars Schedule of their LTO include the following: "the degree and frequency of use, including shared use, of the Improvements and the Land by other community organisations and members of the public."

Options

Option A: Approve the DAAI to use a short term licence to use office space to allow them to hire out the space upstairs to organisations to enable them to fundraise to grow the Arts Centre.

Option B: Status quo.

Assessment of options

Option A is the recommended option. This will allow Council an option to allow DAAI to hire out office space to organisations which will provide them with a fundraising stream to be able to put it back into the Arts Centre so they continue to grow. The office shared use space is also a great opportunity for our community to attract people to work here. More and more people have the option to work where they live rather than where they work.

Option B is not recommended as this would hinder DAAI and would restrict their growth.

Assessment of significance

This is not considered to be "significant" and does not trigger Council's Engagement and Significance Policy.

Recommended option

The recommended option is **Option A**, to approve the use of a short term licence to use office space to allow them to hire out the space upstairs to organisations to enable them to fundraise to grow the Arts Centre.

Next step

The Community Relationships Manager to work with DAAI to implement the short term licence to use office space.

Attachments

- [Short Term Licence To Use Office Space Template](#)
- [Terms and Conditions of Short Term Licence to Use](#)

DARGAVILLE ARTS ASSOCIATION INCORPORATED
("Organisation")

[
("Hirer")]

SHORT TERM LICENCE TO USE OFFICE SPACE
(Kaipara District Council Municipal Building, 37 Hokianga Road, Dargaville
("Municipal Building"))

SHORT TERM LICENCE TO USE OFFICE SPACE IN MUNICIPAL BUILDING

PARTIES

1. **DARGAVILLE ARTS ASSOCIATION INCORPORATED** ("Organisation")
2. **NAME:** _____ ("Hirer")

ADDRESS / CONTACT DETAILS:

Address and Contact Person

Facsimile

Email

1. **Licence to Use:** The Organisation grants to the Hirer and the Hirer (by way of sublicense) accepts the right to use that part of the Kaipara District Council Municipal Building in accordance with the particulars as set out below:

Particulars:

- Frequency of Use:** [State if full time and if not full time set out the frequency, identify days, times as necessary]
- Hirer Qualification and Use:** Non-profit/small business organisation office use
- Office Space/Desk:** [Describe space/desk, include sketch if necessary]
- Outgoings:** [Insert any payments in addition to rent such as electricity/data/telephone]
- Public Liability Policy Amount:** [\$1 million]
- Rent:** [\$ _____] plus GST [set out amount per week/month and when payable]
- Term:** Month to month (terminable on 20 working days notice) commencing on [_____].

2. The Hirer covenants with the Organisation to observe and perform the attached Terms and Conditions.

DATED the _____ day of _____ 20____

SIGNED on behalf of the Organisation:

SIGNED on behalf of the Hirer:

TERMS AND CONDITIONS
(Short Term Licence to Use Office Space in Municipal Building)

1. Pay Rent and Outgoings	The Hirer will pay to the Organisation the Rent and Outgoings (if any) in accordance with the Particulars in the manner required by the Organisation.
2. Office Space/Desk Space	The Organisation shall be entitled to allocate, organise, reorganise and relocate office/desk space within the Municipal Building from time to time and the Hirer will cooperate in such processes and will comply with directions given by or on behalf of the Organisation.
3. Modified Exclusivity	The Hirer, as required by the Organisation from time to time in any month, will share office space/desk space with other Hirers and the Organisation, including on account of the frequency of use as set out in the Particulars.
4. Termination - For Breach	The Organisation shall be entitled, by the giving of not less than 10 working days' notice to the Hirer, to terminate this licence in the event Rent or Outgoings are in arrears for more than 5 working days and upon the giving of reasonable notice in the event of any other breach of this licence or the Head Licence for which the Hirer is responsible. The rights of the Hirer under this licence shall cease in the event the Hirer either ceases to qualify or undertake the use as set out in the Particulars and such cessation shall constitute a breach of this licence.
- By notice	Either party shall be entitled to terminate this licence by giving notice to the other party as set out in the Particulars.
5. No Assignment	The Hirer shall not assign or sublet its rights under this licence.
6. Compliance with Council Licence	The Hirer will (but excepting liability for payment of the Annual Licence Fee) observe and perform, and will not breach, the terms and conditions of the Organisation's licence to occupy part of the Municipal Building granted by the Kaipara District Council and dated 30 June 2016 ("Head Licence"). A copy of the Head Licence shall be made available to the Hirer upon request.
7. Council's Rights	The Organisation and the Hirer agree that in consideration for the Council consenting to this and similar licences being issued by the Organisation the following provisions shall apply for the benefit of the Council and shall be enforceable by the Council at any time: (a) The Organisation shall supply a copy of this licence to the Council upon request made by the Council. (b) The Council shall be entitled to terminate this licence, by the giving of not less than 10 working days' notice to the Hirer, in the event of any breach or non-compliance on the part of the Hirer or any employee, agent, contractor or customer of the Hirer with any provision of this licence or the Head Licence. (c) The Council, in addition to its rights under the Head Licence, shall be entitled at any time, acting in its discretion, to direct the manner of use of the Municipal Building, and in an emergency to require evacuation of the Municipal Building and suspend the operation of this licence. (d) The Council shall have the right to require the Hirer to take out public liability insurance in terms of clause 9. (e) The Council shall be entitled to the benefit of the indemnity as set out in clause 10. (f) The Council, following consultation with the Organisation and acting in its discretion, shall be entitled to terminate this licence by giving 20 working days written notice to the Hirer.
8. Mediation/Arbitration	Any dispute or difference under this licence may be resolved by mediation but shall not be resolved by arbitration.
9. Public liability Insurance	The Hirer shall take out and keep in force during the term or any extension of the term of this licence a policy of public liability insurance. Such policy shall be for not less than the amount set out in the Particulars or such larger amount as the Organisation requires in respect of any one single accident or event against liability for loss damage or injury arising directly or indirectly out of the use of the Municipal Building by the Hirer. The Hirer will supply a certificate of currency to the Organisation upon request.
10. Indemnity	The Hirer will indemnify the Organisation against all claims made by any person in respect of any injury loss or damage including fire caused or suffered as a result of or arising out of any acts or omissions of the Hirer the Hirer's employees, agents, contractors or customers or otherwise caused directly or indirectly arising out of the use of the Municipal Building.
11. Notices	Notices under this licence given by either party to the other shall be given in terms of the notices provision set out in the Head Licence. For such purpose the Hirer's address and contact details are set out in the Particulars and the Organisation's address and contact details are as follows: Address: 43 Hokianga Road, Dargaville 0310 Email: info@dargavillearts.co.nz
12. Definitions	In this Licence the following definitions shall apply: "Head Licence" means the Licence to Occupy Land and Improvements between the Kaipara District Council and the Organisation dated 30 June 2016. "Kaipara District Council" means the Kaipara District Council and its successors. "Municipal Building" means the Kaipara District Council Municipal Building, 37 Hokianga Road, Dargaville. "Working Day" is as defined in the Property Law Act 2007.

File number: 4701.03 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: **Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy**
Date of report: 16 July 2018
From: Darlene Lang, Community Relationships Manager
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

In June 2017, Council agreed that a Management Committee be created that made recommendations regarding the Kauri Coast Community Pool (KCCP) to the Kauri Coast Community Pool Trust (the Trust), however they did not have the leverage to make the changes as this is the responsibility of the Trust.

This has highlighted the lack of formal agreements, in the form of a Contract for Service (CfS) and Licence to Occupy (LTO) between Council and the Trust.

The KCCP is a great asset to our district and is something Council should continue to support. Working in partnership with the Trust will achieve positive outcomes for the community. Formal arrangements need to be put in place to ensure this is a transparent partnership.

To move forward the Trust will have to enter into a CfS and LTO that specifies terms and conditions that they have to meet to continue to receive any future grants.

Recommendation

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy'; dated 16 July 2018; 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 *Delegates the Acting Chief Executive to negotiate a three year Contract for Service with the Kauri Coast Community Pool Trust; and*
- 4 *Delegates the Acting Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust; and*
- 5 *Approves a \$299,000 per annum grant for three financial years starting in the 2018/2019 financial year to the Kauri Coast Community Pool Trust, which consists of \$257,000 for operating costs and \$42,000 for repairs, maintenance and renewals; with payment conditional on the Contract for Service and Licence to Occupy being successfully completed; and*

- 6 Approves that the annual grant to the Kauri Coast Community Pool Trust be increased by \$22,000 per annum from the 2019/2020 financial year to ensure water charges lie where they are incurred and transparency is increased.

Reason for the recommendation

Working in partnership with the Trust will achieve positive outcomes for the community. Formal arrangements need to be put in place to ensure this is a transparent partnership and accountability is maintained for the provision of ratepayer funding.

Reason for the report

To report back to Council as per the resolution below from the June 2017 Council meeting and to make recommendations as to Council's involvement in the KCCP.

"Kauri Coast Community Pool – Licence to Occupy and maintenance grant

Parks and Community Manager 4701.03

Moved Wade/Wethey

That Kaipara District Council:

- 1 *Receives the Parks and Community Manager's report 'Kauri Coast Community Pool - Licence to Occupy and maintenance grant' dated 08 June 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 *Agrees to develop Terms of Reference for a joint Council/Trust Kauri Coast Community Pool Management Committee to investigate reducing operating costs, reviewing fee structure, seeking external funding for programmes, improving the range of programmes, improving dedicated times for the elderly and promoting the pool to achieve increased attendance; and*
- 4 *Delegates the Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust on the standard terms and conditions; and*
- 5 *Increases the grant to the Kauri Coast Community Pool Trust by \$42,000 to cover renewals in the Annual Plan 2017/2018; and*
- 6 *Re-assesses its involvement in the Kauri Coast Community Pool after the 2017/2018 swimming season.*

Carried"

Background

The Kauri Coast Community Pool Trust (the Trust) was formed in 2009 with the aim of working in partnership with Council to develop a replacement community pool. The Kauri Coast Community Pool (KCCP) opened in January 2010 and the final construction cost was \$6,400,000, with the Trust sourcing \$4,250,000, Northland Regional Council (NRC) contributing \$800,000 with the remaining funding of \$1,350,000 provided by Kaipara District Council (KDC).

It is a well-designed, modern facility with a solar-heated 50 metre outdoor pool (the only one servicing the Northland region), hydrotherapy pool and learn to swim pool. It is a district-wide asset, which is open from Labour Weekend to Easter Weekend each year operated by Community Leisure Management (CLM).

The Trust owns the KCCP but does not have a CfS agreement or LTO with Council. Despite this Council pays an annual grant to the Trust of \$257,000. This covers operating costs only.

Terms of Reference

From July 2017, Council staff worked closely with the Trust to set up a Management Committee. The Management Committee consists of representatives from Swimming Northland, Council, the Trust, the business community, Sport Northland, Health, CLM, Education and Older People.

A Terms of Reference was developed (**Attachment 1**) and the Key Performance Measures (KPIs) of the Management Committee were:

- Making recommendations to the Trust around minimising and reducing costs where it can, reviewing fees, seeking external funding, improving the range of programmes, improving dedicated times for the elderly and promoting the KCCP;
- Developing KPIs for inclusion in a CfS between Council/Trust;
- Developing and monitoring KPIs for the KCCP operational contract to ensure it is delivered in an effective and efficient manner;
- Regularly seek feedback from the community regarding the KCCP and programmes.

The Management Committee had no formal authority over the Trust. All recommendations were put forward for the Trust to decide on and action as it saw fit.

Management Committee recommendations

The Management Committee made the following suggestions and recommendations to the Trust:

- 1 The Management Committee questioned the pricing structures to assist with the reduction of operating costs. These recommendations were put to the Trust for consideration. The recommendations have not been implemented.
- 2 The Management Committee reviewed the fee structure and recommended a new fee structure. The recommendations were to offer schools a reduced cost for off-peak times. The swimming clubs were to be offered free entry for training and only pay for lane hireage. There were also two free days; one being the open day which attracted 300 people and the other was the Silver Fern Farms Whanau Day which had 500 people attend. Free entry was discussed, however CLM gets paid a set amount and then any additional revenue on top of that. If the Trust was to implement free entry the CLM contract would have to be renegotiated. The recommendations have been partly implemented.
- 3 The Management Committee recommended implementing a range of programmes however this was met with resistance due to staffing levels, and the recommendations have not been implemented.
- 4 The Management Committee used their own networks to promote the KCCP, and also made improvement recommendations to CLM regarding their website, Facebook and newspaper articles. The recommendations have been partially implemented.

- 5 A recommendation was made to install a device that would count pool attendees through the gate. The recommendation has been partially implemented.

Areas of improvement have been identified, however the Management Committee has no mandate to make changes. This is the responsibility of the Trust.

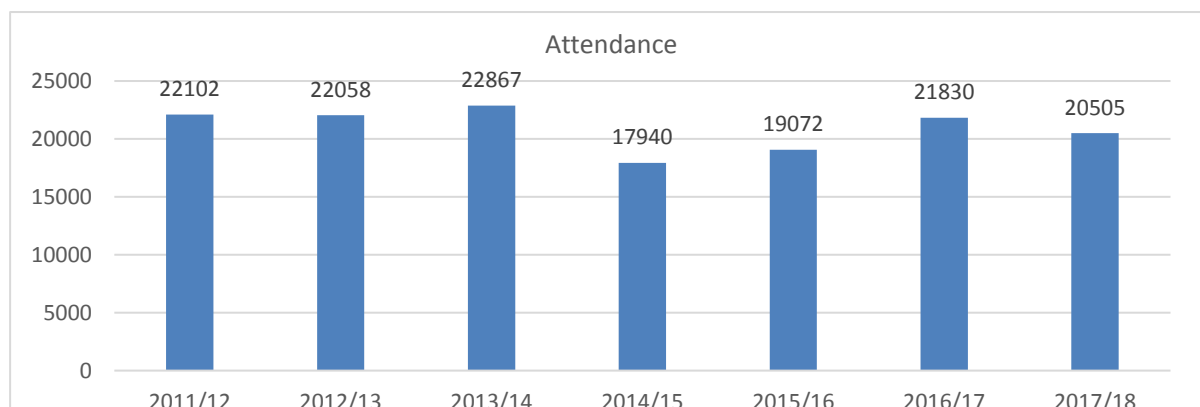
Other Management Committee activity

The Management Committee applied for funding through Pub Charities for pool toys to try and increase attendance. This application was unsuccessful.

The Management Committee, through feedback from the community, are currently investigating options to enclose the hydrotherapy pool. The design has been completed, quotes are being sought and then a funding application will be put in to various agencies. Sponsorship is also being investigated.

KCCP attendance

Getting accurate figures to measure increased attendance is difficult. CLM has reported that attendance has declined by 1,325 in the 2017/18 financial year.



Licence to Occupy

The Trust owns the KCCP but does not have an LTO. Despite the KCCP being completed in 2010, there is no formal tenancy arrangement between Council and the Trust.

Council's Community Assistance Policy sets out how Council supports and assists the community to develop and provide their own facilities and services by granting a licence to community organisations to occupy Council land. Council has for a number of years tried to negotiate an LTO with the Trust; however the Trust has not agreed to sign one.

Increased grant for renewals

The additional approved \$42,000 grant is available from the 2017/2018 financial year. Council is processing this for payment as accountability paperwork has been received from the Trust.

Issues

KCCP Management

The Management Committee is made up of skilled people who wanted to make a difference to the KCCP. Though areas of improvement were identified, the Management Committee had no formal authority over the KCCP and all recommendations had to be put to the Trust for approval and action.

As the Trust did not meet regularly and did not agree with some of the Management Committee

recommendations, implementing change has not occurred at pace.

Lack of formal arrangements

Formal arrangements were in place, including KPIs, but these lapsed in 2014. Currently, the Trust does not have a CfS agreement or an LTO with Council. Approving a CfS between the Trust and Council tidies up any outstanding accountability issues.

This report recommends that the Trust enter into a CfS and LTO that specifies terms and conditions that it has to meet to continue to receive the grant.

Water arrangements

The KCCP uses approximately \$22,000 worth of water annually paid for by Council, which comes from the Dargaville water users' catchment. This effectively means that only Dargaville water users are paying for the water costs of the KCCP, a district/regional asset, and the cost is not included in the KCCP's annual accounts. This report recommends that the KCCP grant be increased to include the \$22,000 water charges from the 2019/2020 financial year. The water costs will then appear in their annual report and financial structure, increasing transparency. It will also mean that the cost of the water will be borne by the general ratepayer, which is appropriate for a district/regional asset. There is no net financial impact on Council's financial position. However, it will mean a slight increase in cost to the general ratepayer, and less of a cost to the Dargaville water users.

Factors to consider

Community views

Extensive consultation occurred over the proposal to develop the KCCP in 2005 and 2006. At the time, the community supported ownership of the KCCP resting with another body other than Council.

Some will be of a view that the pool is something that Council should be managing and investing in and would support an increase to the maintenance grant being approved. On the other hand others will be critical of the level of Council expenditure currently incurred supporting a facility that is under-utilised by large sections of the community in other parts of district.

Policy implications

Council has no policies relating to the provision of swimming pools however the Community Assistance Policy is in place to help community groups.

Financial implications

Council is currently spending \$257,000 each year for the operating costs of the KCCP. This is in the form of a grant which funds the CLM contract. This grant does not cover maintenance needs or water use.

\$42,000 has been set aside for the 2017/2018 financial year and is in the process of being paid. Going forward this could form part of the CfS which would set out what this covers and the accountability required.

The approved budget in the Long Term Plan 2018/2028 includes an annual grant of \$299,000. This is made up of \$257,000 to cover operating costs only, and \$42,000 for repairs and maintenance.

Assessment of significance

This matter does not trigger Council's Significance and Engagement Policy.

Options

Council has the following options:

Option A: Approve the recommendations.

Option B: Not approve the recommendations.

Option C: Approve some of the recommendations or a modified version.

Assessment of options

Option A: The KCCP is a great asset to our district and is something Council should continue to support. However, this can only proceed with formal agreements. To move forward the Trust will have to enter into a CfS and LTO that specifies terms and conditions that they have to meet to continue to receive any future grants.

Working in partnership with the Trust will achieve positive outcomes for the community. Formal arrangements need to be put in place to ensure this is a transparent partnership. Community groups need to be held accountable when receiving grants.

Option B: Not approving the recommendation will mean the Trust may not receive further funding which could affect the operation of the KCCP.

Option C: Approving a modified version of the recommendation may achieve the same outcomes as Option A or Option B.

Assessment of significance

This matter does not trigger Council's Significance and Engagement Policy.

Recommended option

The recommended option is **Option A**.

Next step

Acting Chief Executive to meet with the Kauri Coast Community Pool Trust to draw up a CfS and LTO. If this is successful, funding will be released.

Attachments

- Attachment 1 - [Management Committee Terms of Reference](#)
- Attachment 2 – [2013 Contract For Service](#)

Kauri Coast Community Pool Management Committee Terms of Reference

Reports to:	Kaipara District Council/Kauri Coast Community Pool Trustees
Chair:	To be shared and confirmed at each meeting
Membership:	Carlrine Gillespie, Debbie Evans, Vern Stevens, Roxanne Kelly, John McLean, Darlene Lang, Scott Linklater, Lance Warmington
Meeting frequency:	Monthly
Quorum:	4

Purpose

To increase the use of the pool while ensuring the pool is being operated in the most effective and efficient manner.

Responsibilities

Making recommendations to the Trust around:

- minimising and reducing costs where it can;
- reviewing fees;
- seeking external funding;
- improving the range of programmes;
- improving dedicated times for the elderly and;
- promoting the pool.

Developing Key Performance Measures (KPI's) for inclusion in a Contract for Service between Council/Trust

Develop and monitor KPI's for the swimming pool operational contract to ensure it is delivered in an effective and efficient manner

Regularly seek feedback from the community regarding the pool and programmes

Delegations

There are no formal delegations to the Kauri Coast Community Pool Management Committee

Membership

Membership will be made up of:

- Swimming Northland
- Kaipara District Council
- Trust Representative
- Sport Northland
- Health
- CLM

- Older People
- Education

Contacts with media and outside agencies

The Committee will authorise a spokesman for the Committee in all matters where the Committee has authority or a particular interest.

Conduct of Affairs

Decisions of the Committee will be made by majority vote

Remuneration

Each member shall meet his or her own expenses arising from attendance at meetings.

Funding and budgets

Nil

Review

These Terms of Reference will be reviewed annually

Dated

2013

Between

Kauri Coast Community Pool Trust

And

Kaipara District Council

**CONTRACT FOR SERVICE
FOR
DARGAVILLE COMMUNITY SWIMMING POOL SERVICES**

**P. A. G Law Ltd
Lawyers
Dargaville**

**CONTRACT FOR SERVICE
OF DARGAVILLE COMMUNITY POOL**

THIS AGREEMENT is made on

October 2013

Between **KAURI COAST COMMUNITY POOL TRUST** ("the Trust")

And **KAIPARA DISTRICT COUNCIL** ("the Council")

BACKGROUND:

- A. The Trust is a registered Charitable Trust under the Charitable Trusts Act 1957. The beneficiaries of the Trust are the residents of the Kaipara District in particular and the communities of Northland more generally.
- B. Council is the local authority for the Kaipara District.
- C. The Trust is the owner of the Kauri Coast Community Pool ("the Pool Facility") located at Selwyn Park Dargaville ("the Land").
- D. Council is administrator of the land by virtue of the land being vested in Council under the Reserves Act 1977.
- E. Council has agreed to purchase the provision of a community swimming pool service from the Trust.
- F. The parties have agreed that the service is to be delivered by the Trust who may elect to use a delegated service provider to assist with delivery of the service pursuant to the terms of this Agreement.
- G. The parties will enter into a separate Licence to Occupy for that part of the land upon which the Pool Facility is situated. Such Licence to Occupy will be subject to the terms of this Agreement.

NGP
HC
S *C*

IT IS AGREED:**1 APPOINTMENT AND TERM**

The Council hereby employs the Trust to provide a community swimming pool services on the terms and conditions set out in this Agreement and the Trust accepts such appointment. This contract appointment shall commence on 01 July 2013 and shall continue until 30 June 2014 or earlier if otherwise terminated in accordance with this Agreement.

2 OBLIGATIONS OF THE TRUST

2.1 Services: The Trust shall carry out the Services in accordance with the provisions of this Agreement.

2.2 Skill and Diligence: The Trust shall provide the Services with all due care, skill and diligence and to a standard that is consistent with that expected from a reasonably competent provider of community swimming pool services.

2.3 Reports: The Trust shall prepare such reports, and provide the Council with such information, in relation to the Services as it may reasonably require and as detailed in this Agreement.

2.4 Time for Performance: the Trust shall give priority to the Council's requirements.

3 PLANNING:

3.1 The Trust will provide to Council at the end of each financial year to the end and intent that an Annual Plan is submitted to Council by or as near to 30 September 2013 as reasonably practicable. The Annual Plan is to provide to the Council certain information and more specifically as set out herein, namely:

- (i) Financial report
- (ii) Operational report
- (iii) Marketing report
- (iv) Asset Management report
- (v) Performance analysis report

3.2 The Financial report will provide to Council:

- (i) A full set of audited financial accounts for the previous financial year;
- (ii) A projected budget for the 2013/2014 financial year;
- (iii) A comparative analysis of financial performance of actual expenditure versus budgeted expenditure.

3.3 The Operational report will provide to Council:

- (i) A schedule of opening hours, usage statistics by the public, usage statistics for swim meets, carnivals and swim camps, public use and including usage statistics of the

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hydrotherapy pool. Type of admissions i.e. child/adult/senior, casual, concession, group, family season pass. Any added value where entry may have been free or at a reduced charge for a certain group, event or activity;

- (ii) A schedule of costs associated with the Pool Facility, including chemical, and power consumption, maintenance and repairs.
- (iii) An analysis of the Pool Facility usage and operational costs comparatively with the atmospheric conditions subsisting at the time.
- (iii) Any proposed significant changes to opening hours that would or could impact on public usage of the Pool Facility.

3.4 The Marketing Report will provide to Council:

- (i) Sponsorship obtained for the previous financial year and any future sponsorship proposals;
- (ii) Event marketing, if any;
- (iii) Proposals for the 2013/2014 year for the development of marketing the Pool Facility to the residents of the Dargaville community specifically, the Kaipara District generally, any proposals to market the facility to the Northland region. Such proposals can include the marketing of the Pool Facility to any swimming groups and sports groups that may use the facility for training purposes.

3.5 The Asset Management report will provide to Council:

- (i) Cost analysis for repairs and maintenance to the Pool Facility for the previous financial year and the ensuing financial year.
- (ii) Planning for the ensuing three-year period to maintain the Pool Facility to the highest possible standard, fair wear and tear excepted.
- (iii) The variation from recommended operating regimes of plant and equipment.

3.6 The Performance Analysis report will provide to Council:

- (i) Measured Key Performance Indicators for safety, water quality and customer satisfaction.

4. REPORTING:

- 4.1 In addition to the annual reporting requirements as outlined above in clause 1.1, the Trust will provide to Council a summary of usage statistics and operational costs and including repairs and maintenance together with any other information that the Trust may deem expedient to provide Council on a seasonal basis, that is every six months at the commencement and conclusion of each season.
- 4.2 As part of the annual reporting process, the parties agree to review the performance criteria and service standards of the Pool Facilities and agree to undertake steps to remedy any issues that

may affect the efficient operation of the Pool Facilities that may have arisen in the previous twelve month period.

- 4.3 In the event that there is a persistent failure by either party to meet its obligations pursuant to this clause, the parties undertake and agree to meet in good faith to discuss the relevant issues and attempt to resolve the matter. In the event of non-resolution either party reserves the right to claim that there is a dispute and in such a case, the provisions of clause 11 herein will apply.

5 INSURANCE:

- 5.1 The Trust will be responsible for maintaining a full replacement insurance policy for the Pool Facilities.
- 5.2 The Trust will be responsible for maintaining public liability insurance with a minimum cover of \$1,000,000.00 for each and every claim.
- 5.3 If requested by the Council the Trust will provide to Council a copy of the Certificate of Insurance Currency for the Pool Facilities.

6 FUNDING OF SERVICE:

- 6.1 The Council has agreed to pay a price of \$242,160.00 per annum for the services to be provided by the Trust.
- 6.2 The Trust will use its best endeavours to obtain funding from other sources, such as community grants organisations.
- 6.3 In the event that the Trust does not apply the funds referred to in clause 6.1 for the services to be provided by the Trust pursuant to this Agreement, Council reserves the right to terminate this Agreement by providing to the Trust fourteen (14) days written notice of such termination. Should Council invoke its right to terminate this Agreement pursuant to this clause, Council reserves the right to demand payment from the Trust for any part of the contract price not then utilised in the operation of the pool facilities as at the date of termination.

7 OPERATIONAL MANAGEMENT:

- 7.1 The parties acknowledge that the Trust may delegate the operational management of the Pool Facilities to an independent third party.
- 7.2 The Trust will ensure that any management of the Pool Facility by such third party will encompass the service delivery, asset management and operational expectations of Council and further that any management contract for the Pool Facility ensures compliance with ACC Pool Safe Standards and more generally ensures the benefit to the community of a cost effective Pool Facility.

S. Ng
J. P.

- 7.3 The Council reserves the right to review any management contract and provide input to same if it deems it necessary to ensure that the objectives of the Council's financial input via the OPEX grant are being met within the terms of any such agreement.
- 7.4 The Trust agrees and acknowledges that any third party management agreement will not delegate to such third party the levying of entry charges for the Pool Facility without prior consultation with the Trust and Council. The Trust further agrees and acknowledges that any such third party management contract will not derogate from the ethos that the Pool Facility is a community based facility and is in part funded by the community.
- 7.5 All plant and equipment shall be operated to the manufacturers' or suppliers' specifications unless approval in writing from the said manufacturer or supplier is provided to vary the operation of such plant and/or equipment. Any changes to the operation of the manufacturers' or suppliers' specifications will be reported to Council together with details of the expected benefits and/or costs associated therewith in the Annual Plan as set out in clause 1 herein.
- 7.6 The parties further acknowledge, in the event of the Trust winding up the Trust Deed provides that the assets of the Trust, after payment of due debts and liabilities, are transferred to a like-minded organisation. The parties agree that in such an event that the Trust will inform Council of its intentions to wind up, to the end and intent that Council can enter into its own agreement with the successor of the Trust.

8 PURPOSE:

- 8.1 The parties acknowledge that each of them have obligations in law and equity, generally, to the residents of the Kaipara District. One of the purposes of this Agreement is to acknowledge that the relationship is based on the premise that each party holds such obligations to the beneficiaries of the Trust and the residents of the Kaipara District respectively.
- 8.2 The parties acknowledge that the terms of this Agreement do not give rise to a partnership as defined in the Partnership Act 1908, but notwithstanding same the parties acknowledge that there is agreement to work collaboratively together for the mutual benefit of the beneficiaries of the Trust and the residents of the Kaipara District.

9 TERM:

- 9.1 THE term of this Agreement is for one (1) year commencing on 01 July 2013 and ending on 30 June 2014.

10 RENEWAL OF CONTRACT:

- 10.1 THIS Contract for Service is for an initial term of one (1) year commencing on 01 July 2013.
- 10.2 The parties may enter into a renewal of this Contract for Service or a new contract by mutual agreement. Nothing in this contract binds the parties to enter into a new Agreement.

11 VARIATION:

- 11.1 The parties agree that in October of each year, or as near as possible after the submission to the Council by the Trust of the report envisaged by clause 1.1 herein, the parties will meet to discuss the contents thereof and make any changes to this Agreement that may from time to time be deemed to be in the best interests of the purposes of the Trust and the Council for the development and management of the Pool Facilities.
- 11.2 The parties may from time to time vary the terms of this Agreement, provided always that any such variation are recorded in writing and appended to this Contract for Service.

12 CONTRACT FOR SERVICE NOT ASSIGNABLE:

- 12.1 THE Trust is not permitted to assign or agree to assign its rights under this Contract for Service except in the case when the Trust makes request in writing to Council for an assignment of its rights under this Contract for Service or in the event that the Trust winds up and the assets owned by the Trust are transferred to another organisation whose purposes are similar to that of the Trust and including not-for-profit charitable purposes, then Council shall not unreasonably withhold consent to any such assignment.

13 DISPUTE RESOLUTION AND ARBITRATION:**13.1 Process**

If a dispute arises between the parties hereto concerning this Land Use Agreement, neither party may start proceedings relating to the dispute without first complying with the provisions of this clause.

13.2 Notice of Dispute

A party claiming that a dispute has arisen concerning this Land Use Agreement must give written notice to the other party specifying the matter in dispute

13.3 Persons to be Nominated

After a party has given a notice under clause 11.2, each party must nominate in writing one person who shall have authority to settle the dispute. The nominated persons must make reasonable attempts in good faith to resolve the dispute within seven (7) Working Days of their nomination.

13.4 Mediation

If the dispute is not resolved under clause 11.3, then any party may at any time within the next seven (7) Working Days invite the chairperson of the New Zealand Chapter of Lawyers Engaged in Alternative Dispute Resolution to appoint a mediator to enable the parties to mediate and settle the dispute. All discussions in the mediation will be without prejudice and will not be referred to in any later proceedings. The parties will bear their own costs in the mediation and will share equally the mediator's costs.

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13.5 Arbitration

If the dispute is not resolved under clause 11.4 within a further fourteen (14) Working Days after the appointment of a mediator, any party may then require the dispute to be referred to arbitration. If this sub-clause is invoked:

- (i) Arbitration Act: the dispute will be referred to arbitration by a sole arbitrator in accordance with the Arbitration Act 1996. If the parties cannot agree on the identity of the arbitrator within ten (10) Working Days from the date on which the dispute is referred to arbitration, then the arbitrator will be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc, upon the application of any party;
- (ii) Arbitration in New Zealand: the arbitration will take place in New Zealand; and
- (iii) Award Final: the award in the arbitration will be final and binding on the parties.
- (iv) Costs: the parties will bear their own costs in the arbitration and will share equally the arbitrator's costs.

14. NOTICES:

14.1 All notices must be served in writing by either party upon the other party in one of the following means.

- (i) by personal delivery; or
- (ii) by posting by ordinary mail; or
- (iii) by facsimile, or by e-mail.

14.2 In respect of the means of service specified in clause 18.1, a notice is deemed to have been served:

- (i) in the **case** of personal delivery, when received by the party;
- (ii) in the **case** of posting by ordinary mail, on the second working day following the date of posting to the last known address for service of the party being served;
- (iii) in the case of facsimile transmission, when sent to the facsimile number notified in writing by the party being served;
- (iv) in the case of email, when acknowledged by the party by return email or otherwise in writing, except that return emails generated automatically shall not constitute an acknowledgement;

14.3 Any period of notice required to be given under this Agreement shall be computed by excluding the day of service.

15 DEFINITIONS:

15.1 "**Authority**" means includes every governmental, local, territorial and statutory authority having jurisdiction or authority over the Land or its use and including Council;

15.2 "**Licensed Area**" means that part of Certificate of Title NA134A/38 and more particularly being that area of land being the subject matter of the Licence to Occupy.

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15.3 "Licence to Occupy" means the Licence to Occupy the land upon which the Pool Facility is situated and bearing even date herewith.

15.4 "Pool Facilities" means the Dargaville Community Pools and associated car parking facilities together with any extension of the facilities that may be agreed between Council and the Trust.

15.5 "Working Day" means any day of the week but excluding any Saturday, Sunday, Public Holiday and a day in the period commencing on the 24th of December in any year and ending on the 5th day of January in the following year and including both days. A Working Day is deemed to commence at 9.00a.m and end at 5.00p.m.

15.6 "Services" means the services to be performed by the Trust as described in Schedule 1.

Dated at Dargaville this 21st day of October

2013



The Common Seal of the

KAURI COAST COMMUNITY POOL TRUST

was affixed in the presence of:

Trustee

Trustee

SIGNED for an on behalf of the

KAIPARA DISTRICT COUNCIL

under delegated authority

Chief Executive

COMMISSIONER.

Appendix 1 – Services to be Delivered

The service to be delivered shall include:

Operation of the Dargaville Community Swimming Pool from 26 October 2013 until 27 April 2014

1. The operating hours shall be as follows:

Monday/Wednesday/Friday	6am – 7pm
Tuesday/Thursday	10am – 7pm
Weekends	12pm – 7pm
Hydro/Learn to swim pools	10am – 7pm
50 metre Public Lane times	Tuesday 1.30pm through to Wednesday 1.30pm, or as required by bookings.

2. Admission Prices shall be as follows:

Adult	\$5.50
Child	\$3.00
Shower	\$3.00
Spectator	\$3.00
Adult Concession (10 swims)	\$50.00
Child Concession (10 swims)	\$27.00
Adult Kauri Pass	\$185.00
Child Kauri Pass	\$105.00
Family Kauri Pass	\$335.00
Adult Month Pass	\$65.00
Child Month Pass	\$40.00

3. The Trust will aim to have some 23,000 visits to the facility in the 2013/14 season. It is acknowledged that this represents an increase on the actual levels achieved in 2012/13.
4. The Pool Facility is to comply with the NZRA Aquatic Facility Guidelines 2010, and any reviewed or updated version.
5. The Pool Facility is to maintain or obtain PoolSafe, a New Zealand Recreation Association and Water Safety New Zealand programme incorporating a range of initiatives aimed at reducing the number of water related injuries in and around New Zealand pools.
6. The Pool Facility is to maintain Pool Water Quality Standard NZS 5826:2010, and any reviewed or updated NZS.

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File number: 1801.0 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: **Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy**
Date of report: 10 July 2018
From: Jason Marris, General Manager Governance, Strategy and Democracy
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

This report asks Council to review the Elected Member Allowances and Recovery of Expenses Policy (the Policy) once the new Remuneration Authority (RA) determination for the 2018/2019 Financial Year is received.

Recommendations

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report "Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy" dated 10 July 2018; 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 Notice of Motion presented by Councillor Geange to the April 2018 Council meeting (circulated as Attachment 1 to the aforementioned report) was to be reported back to this July 2018 Council meeting; and*
- 4 *Notes that the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year will be received in August 2018; and*
- 5 *Agrees that the Elected Member Allowances and Recovery of Expenses Policy is reviewed against the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year.*

Reason for the recommendations

It is sensible to wait until the new Kaipara District Council RA determination is received before making decisions on the Elected Member Allowances and Recovery of Expenses Policy.

Reason for the report

To report back on a Notice of Motion, and agree a process to ensure Council has an up-to-date and relevant Elected Member Allowances and Recovery of Expenses Policy.

Discussion

At the 26 April 2018 Council meeting, a notice of motion was presented from Councillor Geange regarding reviewing the Elected Member Allowances and Recovery of Expenses Policy. This is available at **Attachment 1**.

Council sought more information and resolved as below. Staff were due to report back to this July 2018 Council meeting.

That Notice of Motion 1: Elected Members Allowance and Recovery of Expenses Policy 2017/2018 from Councillor Geange lie on the table pending the receipt from Council staff of a report assessing all impacts on Council of implementing the Motion as put, including any retrospective liabilities that may be incurred.

However, the RA has advised that the new determination affecting Kaipara District Council will be available in August 2018. It is important that the Elected Member Allowances and Recovery of Expenses Policy takes the determination into account. It is therefore recommended that Council agrees to review the Policy once the determination has been received. Councillor Geange has advised that she is comfortable with this approach.

Process for review of the policy

It is intended that Council holds a public briefing to discuss the Policy. The Policy will then be redrafted and presented to a following Council meeting for adoption. Any changes made will be backdated to 01 July 2018, which is when the determination is effective from. If Council agrees any changes that do not align with the determination, the Policy will need to be provided to the RA for subsequent approval.

Issues

It is important that the Elected Member Allowances and Recovery of Expenses Policy takes the determination provided by the RA into account. This process will do that.

Factors to consider

Community views

This is a Council decision and consultation with the community is not required.

Policy implications

There are no policy implications with this report. The recommended process will update the Elected Member Allowances and Recovery of Expenses Policy.

Financial implications

There are no financial implications with this report.

Legal/delegation implications

There are no legal/delegation implications.

Options

Council has two options:

Option 1: Agree to review the Elected Member Allowances and Recovery of Expenses Policy.

Option 2: Not agree to review the Elected Member Allowances and Recovery of Expenses Policy.

Assessment of options

Option 1. This is the recommended option. The current Policy is out of date and due for review. With the impending release of the new determination, this presents an opportunity to review the Policy.

Option 2. If the Policy is not reviewed, the current situation will continue.

Recommended option

Option 1 is the recommended approach.

Assessment of significance

This is not a significant decision according to Council's Significant and Engagement Policy.

Next steps

If this recommendation is accepted, staff will co-ordinate a public briefing to discuss the Policy with Council.

Attachments

- Notice of Motion: Elected Members Allowance and Recovery of Expenses Policy 2017/2018 from Councillor Geange

Notice of Motion For the Council meeting 26 April 2018

1. That the Kaipara District Council adopts the 'Elected Members Allowance and Recovery of Expenses Policy 2017/18', as attached, with immediate effect. This replaces the current 'Elected Members Allowance and Recovery of Expenses Policy'.

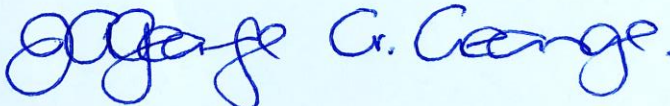
Reason for the notice of motion:

The Local Government Members Determination 2017 made changes to allowances to acknowledge disadvantages to elected members due to geographic isolation, distance and restricted access to services. The Remuneration Authority recognises these issues. Kaipara District Council has been paying elected members the current vehicle mileage allowance since the determination and the policy should be updated to reflect all changes.

Attached to this Motion is a copy of

- a) Elected Members Allowance and Recovery of Expenses Policy 2017/18
- b) Elected Members Allowance and recovery of expenses policy " dated 17 November 2016(as approved by the Remuneration Authority on 7 February 2017)
- c) The Local Government Members Determination 2017

Signed
16 April 2018

 Cr. George.

File number: 2111.16.02 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: **ICT Data and Information Compliance Policy Adoption**
Date of report: 13 July 2018
From: Ian Fernandes, IT Manager
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

The Data and Information Compliance Policy (**Attachment 1**) is established to ensure that management of Council information, whether electronic or physical, is undertaken in a manner that protects its value now and into the future as well as meets all legal and industry standard requirements.

Recommendation

That Kaipara District Council:

- 1 *Receives the IT Manager's report 'ICT Data and Information Compliance Policy Adoption' dated 13 July 2018 and its Attachment 1 (the Policy of June 2018); 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 Audit, Risk and Finance Committee's recommendation for Council to adopt the Data and Information Compliance Policy as amended at its 13 June 2018 meeting; and*
- 4 *Adopts the ICT Data and Information Compliance Policy June 2018.*

Reason for the recommendation

To review and adopt the updated Data and Information Compliance Policy.

Reason for the report

To enable Council to receive details of Council's ICT Data and Information Compliance Policy.

Background

The rationale for the ICT Data and Information Compliance Policy is that Council constantly collects and generates information and data for various purposes, such as public information, protected information, restricted or sensitive information and this may be in the form of letters, reports, emails and other electronic formats. The Kaipara District Council is committed to maintaining proper facilities and resources in order to protect the records of Council and its associated bodies in accordance with provisions of the Local Government Act 2002 (LGA part XV11 1974).

With the advent of technology and the numerous ways that personal data is now accessible, collected, processed and maintained for use within public or private organisations, it is imperative that the harvested data whether hard copy or electronic, is protected and stored securely.

Digital Transformation is now disrupting the way organisations work with information. Data is available for collection unbeknown to individuals e.g. via their social media, IoT (Internet of Things) devices at malls or on highways, mobile wireless frequencies etcetera. With newer technology that has been and will continue to be introduced at Council such as a brand-new website, the Customer Service Centre and the adoption of cloud platforms, it is crucial that the necessary steps are undertaken to comply with International security standards and thereby secure the data that is harvested.

In line with the details above, it is recommended that we establish a new ICT Data and Information Compliance Policy pursuant to the framework provided by the Department of Internal Affairs, to enable Council to understand its data and information processes and successfully manage and control it.

The resolution passed at the Audit, Risk and Finance Committee on 13 June 2018 was:

- *Reference to the Customer Privacy Policy to be added (under sections 2.2, 2.4 and as appropriate);*
- *More detail on the background and need for the Data and Information Compliance Policy to be included in the report to Council;*
- *“IS Policies” to be clarified as a “standing operating procedure” when appropriate; and*
- *Bullet points to be changed to letters.*

In addition, minor modifications to the Policy have been highlighted.

Factors to consider

Community views

The community expects Council to follow ICT (Information and Communication Technology) policies that are based on current industry standards.

Financial implications

There are no financial implications as a result of this report.

Legal/delegation implications

This report is for Council to adopt and does not trigger legal or delegation implications.

Options

The options available to Council are:

Option A: Adopt the Policy.

Option B: Ask for additional information or further clarification.

Assessment of options

These options are not necessarily mutually exclusive, however Option A is more immediate and provides clarity.

Assessment of significance


Adopting the ICT Data and Information Compliance Policy is a routine business practice and is not significant in terms of Council's Significance and Engagement Policy.

Recommended option

The recommended option is **Option A**, adopt the Policy.

Attachments

- Attachment 1: ICT Data and Information Compliance Policy June 2018 draft.

	Title of Policy	ICT Data and Information Compliance		
	Sponsor	General Manager Risk, IT and Finance	Adopted/Authorised by	
	Author	Ian Fernandes, IT Manager	Date adopted/authorised	
	Type of Policy	IT	Last review date	Nov 2016
	File reference	2111.16.02	Next review date	June 2019

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced	November 2014		From Auckland City
1.0	June 2015	Bill Chou / Duncan McAulay	Periodic review, minor editing
2.0	May 2018	I Fernandes	Periodic review, minor editing
3.0	June 2018	I Fernandes	Minor editing (AR&F Committee)

1 Purpose

The purpose of this Policy is to ensure Kaipara District Council (Council) meets all legal and industry standard requirements pertaining to information and data that is either generated or held within our operation.

This Policy applies to:

- a) Structured and unstructured data provided to Council;
- b) Structured and unstructured data generated by Council operations including that of Council Controlled Organisations (CCOs) and Contractors where applicable and required by relevant legislation;
- c) Information in any format including physical hardcopy; and
- d) Information generated by and retained within any third-party system which is accessed through Council ICT (Information and Communications Technology).

Council recognises that information in all forms is an asset and critical to its business operations, as such long term access and consistent management is required.

The purpose of this Policy is to ensure that management of our information, whether electronic or physical, is undertaken in a manner that protects its value now and into the future as well as meeting the requirements of relevant legislation and Council's Customer Privacy Policy.

2 Principles

Information and data held within Council is categorised as follows:

Public Information and Data	Available to the public, no access control or identification is required.
General Administrative Information and Data	Available and generated for general administration and used primarily for internal operations. Includes formal Council applications for regulatory functions.
Protected Information and Data	To be used only by individuals who require it directly to perform job functions. Not for wider dissemination or access without approval.
Restricted Information and Data	Containing sensitive personal or confidential information.

Regardless of the category and storage location of data or information it is owned by Council rather than any individual, business unit or function.

This includes any data generated on behalf of Council or by staff and employees during the use of cloud-based applications, web-based applications and software as a service.

All practical steps will be taken to ensure security and management steps are taken to reflect the categories of information, however due to the complex nature and proliferation of information repositories this is not always possible.

To ensure we value and protect our information the following key principles apply:

- a) All data and information sources will have an identified business owner;
- b) All data and information will be accessed, generated and managed within approved IT services as per all IT Standard Operating Procedures;
- c) Wherever possible data and information will be simple to create and use and actively reflect the situation for which it was created;
- d) Data and information will be readily available for legitimate business use and well protected from unauthorised use;
- e) The cost of data collection use and sharing must be optimised;
- f) Processes that create, modify or update information and data across Council will be standardised and consolidated wherever possible; and
- g) Data and information will be captured and stored **as per the Public Records Act 2005**.

It is the responsibility of all Council Staff, Elected Members and Contractors to only access information that is delivered to them through access controls or that which is directly required to perform the functions of their roles.

It is also the responsibility of all Council Staff to minimise the duplication of data where possible or storage of additional duplicated data sets.

Council holds data and information in a number of formats and has in place appropriate controls and protection of this information.

2.1 Physical information

- a) All physical information generated by or entrusted to Council is to be managed in a way that prevents the unauthorised access to, alteration of or destruction;
- b) Physical records that are required to be maintained in a formal series will be managed and maintained by the IT Department;
- c) Access to physical information will be **provided as required by the Local Government Official Information and Meeting Act 1987 (LGOIMA) and in accordance with the Access Authority procedure**;

- d) All reasonable steps will be taken to minimise damage to physical records as the result of moisture, dust or any other potential source of damage.

Where there is doubt as to the retention policies to be applied to a physical record, Staff are responsible for first seeking advice from the Records Officer to clarify disposal procedures or protocols.

2.2 Electronic and digital information

- a) All electronic and digital information generated by or entrusted to Council is to be managed in a way that prevents the unauthorised access to, alteration of or destruction;
- b) Wherever possible data must be simple to enter and must accurately reflect the situation for which it is being entered;
- c) Data and electronic transactions will be recorded in an auditable and traceable manner;
- d) Access to data and electronic information will be granted as per the IT Access Standard Operating procedure;
- e) Processes for data capture, validation and processing should be documented and documents kept current;
- f) Data and information must not be duplicated unless duplication is absolutely necessary and has the approval of the IT Manager;
- g) Data that is obtained/duplicated or manipulated for a single purpose must not be retained for any other use other than keeping a record of its use and wherever possible use of the data in the future will be disabled;
- h) Information and data that contain identifiable personal information will be managed in alignment with The Public Records Act 2005 as well as Council's Customer Privacy Policy;
- i) All formal Council records will be captured into and managed within approved information stores with preference given to enterprise systems and file stores;
- j) Records and information held on personal Drives must be moved to **Council's recordkeeping** repositories as soon as practically possible.

Staff are responsible for checking all information and/or data attached to, or held within an email, to verify accuracy of the information and/or the recipients of the email are correct, before sending the email.

2.3 Third parties to information and data management

Council recognises the need to obtain from and supply to third parties. There is also recognition of some of the additional steps and protections that need to be in place for this:

- a) Supply of third party information into Council will be accompanied by a formal agreement wherever practically possible;

- b) Information and data that contains personal information will not be used, recorded, data matched or used for any other purpose other than for which it is provided;
- c) Information and data that contains personal information will be managed in alignment with The Public Records Act 2005 as well as Council's Customer Privacy Policy;
- d) Access to supplied information and data will be protected and restricted as appropriate;
- e) Release of information and data to a third party of Council will only be made for the following reasons:
 - (i) Normal release of information for Regulatory and Customer Service requests and allowable for these requests;
 - (ii) Information and data requested under LGOIMA and managed for release by the Executive Team in consultation with Legal Counsel where deemed prudent; and
 - (iii) Information and data that is supported by a formal supply agreement.

All other requests for information supply to a third party, particularly information requested in bulk or raw format, must first be approved by the IT Manager and Records Officer.

2.4 Privacy principles

Council is committed to ensuring the privacy of staff and customers is protected. Any personal information provided to Council will only be kept for as long as necessary or required by legislation.

Council is committed to adhere to the 12 information privacy principles as outlined in The Privacy Act 1993 which deals with the collection, holding, use and disclosure of personal information and the assigning of personal identifiers.

The Act applies to Council in its role as an agency. In compliance with this Act, Council holds certain information about ratepayers and residents of the Kaipara district. This information is required for lawful purposes used in the functioning of Council. This information is sourced in accordance with principle 2 of The Act.

The General Manager People and Capability has the role of Privacy Officer at Council and any concerns regarding the use of private information will be raised directly with the Privacy Officer.

Staff are responsible for understanding and acting within these principles. Inappropriate access is a disciplinary matter and will be dealt with in line with Council's Code of Conduct Policy.

2.5 Recordkeeping principles

Council is committed to excellence in recordkeeping and meeting the requirements of The Public Records Act 2005 which provides a framework to ensure records in any format are of sufficient quality to support the purpose of their creation.

All Council records must be:

- a) Complete: contain the structural and contextual information/**metadata** necessary to document Council activities **overtime** and that of its Contractors and Council Controlled Organisations;

- b) Authentic: records can be proved to be what they are presented to be by maintaining reliable evidence of creation, modification, sender, receiver and access;
- c) Reliable: records must be trusted as an accurate representation of the business activities and transactions carried out;
- d) Secure: all records regardless of format or repository are maintained in a manner that prevents unauthorised access, loss or alteration;
- e) Assessable: records will be easy to locate and retrieve without the loss of content, context or structure and made available to appropriate audiences.

3 Roles and responsibilities

To support the good management of data and information within Council the following roles and responsibilities are in place.

Role	Responsibility
All staff	<ul style="list-style-type: none"> • Compliance with all policies relating to ICT and its use; • Actively manage information and metadata in a manner that ensures it meets the purpose of this Policy; • To immediately report any concerns regarding Council information.
Contractors	<ul style="list-style-type: none"> • Compliance with all policies relating to ICT and its use; • To ensure all Council workings are captured into Council's Suppository system; • To ensure that all records (regardless of format) are managed in compliance with this Policy; • Provide protection to information in all formats; • To immediately report any concerns regarding Council information.
Team Leaders / Department Heads	<ul style="list-style-type: none"> • Ensure all staff have an understanding of this Policy and the information and data management within their business units; • Induction for new staff or into new roles covers aspects of information and data management; • To actively discuss the management of information and data with Information Services; • To ensure that any information generated by or held by external Contractors is returned to Council as part of the contract termination process; • To immediately report any concerns regarding Council information.

Information Services	<ul style="list-style-type: none"> • To provide structures, backup systems, facilities, resources and support required for the successful and ongoing management of data and information within Council; • To ensure compliance with relevant legislation and Archives New Zealand Standards are met; • To provide ongoing discussion with business owners and suppliers of information to ensure the integrity and authenticity of the data is maintained and can be tracked overtime; • Maintenance and review of Information Management policies; • Training and guidance for all Council staff and contractors in the management of information and data.
Governance	<ul style="list-style-type: none"> • To provide the Privacy Officer information and data related items and fulfil the role of Privacy Officer; • To provide and support governance frameworks surrounding the use and dissemination of information and data; • To ensure that requests for information and data are supported through the LGOIMA process as required.
Leadership Team and Chief Executive	<ul style="list-style-type: none"> • To provide sound leadership in understanding the needs of information and data across Council and its use.

4 Relevant Legislation

The Chief Executive of Kaipara District Council has the ultimate responsibility for ensuring compliance with the legislative requirements underpinning information and data management including:

- a) Public Records Act 2005;
- b) Privacy Act 1993;
- c) Local Government Official Information and Meetings Act 1987.
- d) Electronic Transaction Act 2002.
- e) Local Government Act 2002.

File number: 4107.879
Report to: Council
Meeting date: Thursday 26 July 2018
Subject: Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract
Date of report: 17 July 2018
From: Donnick Mugutso, Acting General Manager Infrastructure
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Approved for agenda

Summary

Due to the frequency and relative severity of storms last year, Quail Way in Mangawhai has experienced localised flooding on numerous occasions. There is currently no reticulated stormwater conveyance system in the local catchment area with soakage to ground currently being utilised. In August 2017, Council approved a budget of \$500,000 for the provision of stormwater reticulation in Quail Way, Mangawhai, bringing the 2017/2018 budget to \$550,000 of which \$57,225 has been allocated to professional services fees. The remaining budget is currently \$492,775.

A detailed investigation and design was undertaken, and the physical works contract tendered. The preferred Tenderer is Abergeldie Harker Limited for a tendered price of \$1,196,790.72 + GST resulting in a budget shortfall of \$704,000.

Recommendation

That Kaipara District Council:

- 1 *Receives the Acting General Manager Infrastructure's report 'Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract' dated 17 July 2018; 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 *Brings forward \$500,000 from Year 2, and \$204,000 from Year 3 of the Mangawhai Stormwater Capital Works Budgets approved in the Long Term Plan 2018/2028 to fund the \$704,000 shortfall for Contract 879 Quail Way Stormwater Improvement; and*
- 4 *Approves the award of Contract 879 Quail Way Stormwater Improvement to Abergeldie Harker Limited for the contract price of \$1,196,790.72 + GST.*

Reason for the recommendation

To upgrade the service provided to Quail Way residents and resolve flooding issues.

Reason for the report

The purpose of this report is to inform Council of the increase in the estimated costs to provide stormwater reticulation in Quail Way, Mangawhai, and to gain approval to bring forward budgets to fund the \$704,000 budget shortfall for Contract 879.

Background

Due to the frequency and relative severity of storms, Quail Way in Mangawhai has experienced localised flooding on numerous occasions. There is currently no reticulated stormwater conveyance system in the local catchment area with soakage to ground currently being utilised.

At its August 2017 meeting, two options were presented for Council's consideration:

- i. Option 1 included stormwater reticulation up to 450mm in diameter (estimated at \$500,000). Stormwater would still pond when the reticulation system was overloaded during storm events. However, the surface ponding would be able to drain away after the storm had passed; and
- ii. Option 2 included stormwater reticulation up to 1.5m in diameter to cater for the 1:100 year storm (estimated at \$1.5 million).

The following risk was noted:

There is also the risk that de-watering of the excavations during construction may be required which would add to the construction costs. This could be minimised to an extent by undertaking construction during the drier summer months however, as we have no record of the groundwater depths this is an unknown.

Due to the significant variance in the cost estimates, Option 1 was recommended and Council approved a budget of \$500,000 for the provision of stormwater reticulation in Quail Way, Mangawhai.

Issues

Further testing during design has revealed that the groundwater remains sufficiently high that dewatering during construction is likely to be required, even during the drier periods. These additional costs were estimated to be in the order of \$300,000 and a number of options were therefore required to be priced during the tender to provide more certainty. The preferred contractor's tendered prices are:

Option	Option description	Construction cost	Provisional items	Total cost excluding GST
1	*1 in 100 Return (gravity)	\$1,025,765.761	\$171,024.96	\$1,196,790.72
2	*1 in 10 Return (gravity)	\$955,900.44	\$171,024.96	\$1,126,925.40
3	*450mm dia pipeline (gravity)	\$808,522.24	\$171,024.96	\$979,547.20

*Prices from Preferred Tenderer

Note: Options 2 and 3 do not meet KDC Engineering Specifications

An alternative option of providing a stormwater pump station has been investigated but is not considered to be a cheaper option and would provide more challenging operational requirements:

4	**Pump Station Option (gravity/pressure)	\$1,651,094.00	\$235,059.00	\$1,886,153.00
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** High order cost estimate

The tendered prices include dewatering, and it is evident that the least-cost option is significantly above the available budget of \$550,000. It is also evident that the cost difference between Options 1 and 3 is less than 20% (\$217,000) as both options would incur similar dewatering costs with the only real savings being the price difference of the materials.

Considering the above, it is recommended that Option 1 is now the preferred option.

Tender evaluation

Three tenders were received and have been evaluated in accordance with the Conditions of Tendering stated in the tender documents (due to the complexity of the works the tender evaluation method was Price Quality Method Simple). The Preferred Tenderer is Abergeldie Harker Limited with a tendered price of \$1,196,790.72 + GST for Option 1.

The Preferred Tenderer was also asked to price Option 3 (Option 1 as presented to Council at its 2017 meeting), and provided a price of \$979,547.20 + GST.

Factors to consider

Community views

There have been ongoing service requests from residents of Quail Way regarding flooding.

Policy implications

Procurement has been undertaken in accordance with Council's Procurement Policy.

Financial implications

In order to improve the stormwater drainage and reduce the flooding issues in Quail Way, capital works costs would be \$1,196,790.72 which is approximately \$704,000 above the current budget of \$550,000.

- 1 There is \$100,000 allocated in the Long Term Plan 2018/2028 to Mangawhai stormwater for the 2018/2019 fiscal year, and a further \$500,000 allocated to Mangawhai in each of the financial years 2019/2020, 2020/2021. Bringing some of these funds forward to fund the \$704,000 shortfall would result in a (brought forward) increase of the Mangawhai stormwater targeted rate by approximately \$13.80 for a typical property with a \$320,000 land value in 2019/2020, and \$4.00 in 2020/2021 over the approved rates in the LTP 2018/2028 budgets. By 2021/2022 the rates would align with the approved LTP budgets.
- 2 Bringing forward the budgets as proposed would also result in an increase in Council's external debt in Years 1 and 2 of the LTP.

Legal/delegation implications

Specific Council approval is required.

Options:

The following options are available for consideration:

Option A: Status Quo and decline all tenders.

Option B: Council approves bringing forward \$500,000 from Year 2 and \$204,000 from Year 3 of the Mangawhai Stormwater Capital Works Budgets approved in the Long Term Plan 2018/2028

(total \$704,000), and approves the award of Contract 879 to the preferred contractor for the contract price of \$1,196,790.72 + GST.

Assessment of options

Option A would not alleviate the flooding issue and would unlikely be well received by the affected residents of Quail Way. The power supply to the street may be temporarily cut off during periods of significant ponding. Northpower may be required to install an overhead electricity network in Quail Way and may seek to recover costs from Council.

Option B would enable construction of a reticulated stormwater system for Quail Way to resolve the flooding issues. This option would result in an earlier than planned increase in the Mangawhai stormwater targeted rate, and an increase in Council's external debt in Years 1 and 2 of the LTP.

Assessment of significance

Not significant in relation to the Significance and Engagement Policy as:

- It does not involve more than \$3,000,000 or more budgeted expenditure;
- It does not involve \$300,000 or more unbudgeted expenditure;
- The decision will not impact by increasing individual rate levies by 10%;
- There is no transfer of ownership or control of a strategic asset to or from Council; and
- The level of service will remain the same.

The decision primarily affects the Mangawhai community (stormwater is predominantly funded by way of a targeted rate). The affected residents of Quail Way have no real alternatives to resolving the flooding issue other than for Council to provide a solution.

On balance there is no significant decision under Council's Significance and Engagement Policy, and consultation will not be required.

Recommended option

The recommended option is **Option B**.

Next step

If Option B is approved then award Contract 879 Quail Way Stormwater Improvement to Abergeldie Harker Limited for the contract price of \$1,196,790.72 + GST.

File number: 3201.05 **Approved for agenda**

Report to: Council

Meeting date: **Thursday 26 July 2018**

Subject: **Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy**

Date of report: 09 July 2018

From: Natalie Robinson / Policy Analyst

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

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

Summary

The Gambling Act 2003 and the Racing Act 2003 regulate gambling activity in New Zealand. This is done mostly at the national level, through the Department of Internal Affairs (DIA) and the New Zealand Racing Board (NZRB). However, the Acts allow local authorities to play a small role. Kaipara District Council is required to have a Class 4 Gambling Venues Policy (s101 Gambling Act 2003) and a New Zealand Racing Board Policy (s65D Racing Act 2003).

Council last reviewed and amended these Policies in 2015, which saw the subsequent adoption in June 2015 of the:

- Class 4 Gambling Venues Policy (**Attachment 1**); and
- Totalisator Agency Board (TAB) Venue Policy (**Attachment 2**).

The Class 4 Gambling Venues Policy regulates venues with non-casino electronic gaming machines, commonly known as pokies.

The TAB Venue Policy covers premises that are owned or leased by the NZRB, commonly known as 'stand-alone venues'. There are no stand-alone TABs in the Kaipara, as all TABs are within licensed premises or clubs, which are regulated by the DIA.

These Policies are required to be reviewed every three years. Council staff have now reviewed these policies, and their findings are presented in the attached Gambling Policies Review Report (**Attachment 3**). The review report is intended to meet the statutory requirement that a review of these Policies has regard to the social impacts of gambling within the district. This report is intended to inform Council's decision on whether to 'roll-over' or amend one or both of the Policies.

Council staff have identified the following options to respond to the review findings:

- Retain both Policies with no changes;
- Consult with the public on amending one or both Policies. This would require formal consultation using the special consultative procedure.

If Council determines that one or both Policies remain fit-for-purpose, and can be 'rolled-over', a review can be made on the papers. If one or both Policies requires amendment, then it is required to use the special consultative procedure under section 83 of the Local Government Act 2002.

If Council chooses to amend one or both policies, staff will develop a draft statement of proposal, and policy amendments, and seek the Council's approval to consult with the public using the special consultative procedure.

Recommendation

That Kaipara District Council:

- 1 *Receives the Policy Analyst's report 'Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy' dated 09 July 2018; 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 staff have now completed a review of the Class 4 Gambling Venues Policy as required by the Gambling Act 2003 and a review of the TAB Venue Policy as required by the Racing Act 2003; and*
- 4 *Directs the Chief Executive to investigate and draft amendments to the Class 4 Gambling Venues Policy to be reported back to Council at the September 2018 Council meeting; and*
- 5 *Retains the existing TAB Venue Policy with no changes; and*
- 6 *Delegates to a Hearing Panel of up to three Councillors [...]. [...] and [...] the authority and responsibility to:*
 - *oversee the drafting of the Class 4 Gambling Venues Policy amendments and the Statement of Proposal;*
 - *hear submissions on the draft Class 4 Gambling Venues Policy; and*
 - *make recommendations to Council on the draft Class 4 Gambling Venues Policy.*

Reason for the recommendation

To seek decisions on how to respond to the findings of the review of Kaipara District Council's gambling venues policies.

Reason for the report

To complete the statutory requirement to review the two Policies every three years, and to seek a decision from Council on how to respond to the findings of the Gambling Policies Review Report.

Background

Table 1 of the Review Report provides an overview of Council's existing policies, and this is summarised below:

	TAB Venue Policy	Class 4 Gambling Venues Policy
Whether new venues may establish	Caps venue numbers at two .	No new venues can be established (<i>sinking lid</i>).

	TAB Venue Policy	Class 4 Gambling Venues Policy
Where new venues may establish	Proximity rule (i.e. can move, provided specific circumstances and conditions are met).	Relocations and mergers are allowed, provided specific circumstances and conditions are met.
How many machines a venue can have	TABs with gaming machines would be required to comply with the Class 4 Gambling Venues Policy.	Total number of machines restricted to the number that was licensed on 18 September 2003; or the statutory limit where Clubs merge (i.e. 30 machines, or the sum of the machines previously operated by each individual club).

Council staff have now conducted a review of the two Policies, using quantitative and qualitative approaches, including; literature-based research, assessing quantitative data, and seeking feedback from key stakeholders, including industry representatives, community groups and public health organisations.

The review report indicates that the report and any subsequent recommendations or policy amendments are constrained, as gambling behaviour is influenced by a number of factors outside Council's control. This includes the emergence of online gambling, and forms of gambling that are regulated by central government (i.e. Lotto, casino gambling).

Issues

The purpose of the review is to evaluate the effectiveness of Council's gambling policies in achieving their objectives, that is, to meet the purpose of the respective Acts that govern their creation. Particular regard has been had to the social impacts of gambling, as required by legislation. The review report has made a number of findings, including:

- The Kaipara district spent nearly \$3 million on non-casino gaming machines in the year ending December 2017;
- The Kaipara district received over \$800,000 of funding towards community organisations between January 2016 and December 2017, from non-club gaming machine proceeds;
- The Clubs in the Kaipara district that host pokies (four out of a total of seven venues) also receive funding from gaming machine proceeds;
- The gaming machine expenditure, measured through gaming machine spend per head, has been slowly increasing from \$173.39 to \$177.52 over the last three years; and
- An estimated 0.3% of New Zealand adults are classed as problem gamblers.

Factors to consider

Community views

The review report was sent to a number of stakeholders, including all venues and societies that operate Class 4 gambling machines, public health and industry organisations and Mana Whenua groups in the Kaipara.

Council received **eight** responses in early July 2018, from the Lion Foundation, Pub Charity Limited, Northland District Health Board (NDHB), New Zealand Community Trust, Gaming Machine Association, Problem Gambling Foundation, Ministry of Health, and the DIA. Council staff note that the last review of these Policies in June 2015 only attracted **three** submissions.

The feedback received ranged from support of the approach taken by Council (Ministry of Health; NDHB) to requests for Council to consider a cap rather than a sinking lid policy and to expand the relocation provisions, to a general disagreement with the review report and Council's current Policy position. A consideration of the feedback received, and Council responses are incorporated into the Review Report.

Policy implications

If Council chooses to amend one or both of the Policies, the special consultative procedure of the Local Government Act 2002 is required to be used.

Financial implications

If the options to 'roll-over' the existing policies are chosen, there will be no costs associated. If the Council chooses to amend one or both Policies, there will be:

- Process costs i.e. legal review, public notification;
- Staff costs i.e. drafting Policy amendments and Statement of Proposal, consultation with key stakeholders, running submission process, reports for Deliberations and Council agenda; and
- Elected member time i.e. Hearing and Deliberation time.

Legal/delegation implications

Under the legislation, councils must have a Class 4 Gambling Venues Policy and a TAB Venue Policy. These policies determine the circumstances in which a council will give consent for a new venue.

Options

In response to the review, Council can determine whether to:

- Retain the existing policies, with the next scheduled review in 2021; or
- Investigate amending one or both of the existing policies.

Council would need to use the special consultative procedure to consult with the public on any changes to the policies. This report provides options for Council to consider in relation to each of these decisions.

1) Options in relation to the Class 4 Gambling Venues Policy

Option A1: Agree to retain the existing Class 4 Gambling Venues Policy with no changes, Council would continue to apply a sinking lid to Class 4 venues and gaming machines.

Option A2: Council officers to investigate and draft amendments to the Class 4 Gambling Venues Policy, to be reported back to Council at the September 2018 Council meeting. Council would then adopt the draft Policy and Statement of Proposal, and there would be a period of public consultation using the LGA 2002 s83 special consultative procedure.

Assessment of options

Option A1: The Policy would continue to apply for a maximum of three years, until the next statutory review (July 2021). This option does not preclude Council from considering amendments to the Policy at any time before the next scheduled review.

Advantages	<ul style="list-style-type: none"> • The current Policy is controlling the number of venues and gaming machines accessible to the community; • Public health organisations support the sinking lid policy; • Allows Council to reassess its approach at any time.
Disadvantages	<ul style="list-style-type: none"> • Does not respond to feedback from industry groups, who prefer a cap; • Does not respond to feedback from industry groups, who wish to see the relocation provisions expanded; • Does not respond to feedback that is seeking more restrictive provisions around mergers and relocations; • Does not respond to feedback from the DIA that suggests amendments to the requirements for applicants seeking a Class 4 licence.

Option A2: Under this Option, staff, in collaboration with Elected Members through the Hearing Panel, would identify proposed changes to the Class 4 Gambling Venues Policy. Potential areas for investigation include:

- Replacing the current sinking lid policy with a cap (based on current numbers, or tied to population);
- Expanding relocation provisions to allow relocations in a wider range of circumstance;
- Considering whether the potential relocations and mergers should be limited in areas of higher deprivation;
- Amendment of wording which may be unsuitable in the current Policy, as raised by the DIA; and
- Using an amended Policy to promote harm minimisation measures.

Advantages	<ul style="list-style-type: none"> • Opportunity to reduce the concentration of gambling machines in high deprivation areas; • Opportunity to allow venues to relocate in a wider variety of circumstances (i.e. to move into new, modern premises); • Opportunity to correct wording which may be unsuitable in the current Policy; • Can more effectively promote harm minimisation policies; • Opportunity to consider whether the current Policy should be made more restrictive (i.e. a 'true' sinking lid policy); • Allow Council to consider the implications of the Building (Earthquake-Prone Buildings) Amendment Act 2016 and the Building (Specified Systems, Change the Use and Earthquake-Prone Buildings) Regulations 2005 on relocations.
Disadvantages	<ul style="list-style-type: none"> • Negative perception that Council is trying to move gambling impacts into more affluent communities; • A cap does not address the concerns of public health organisations who support a sinking lid.

Assessment of Options for Class 4 Gambling Venues Policy

Staff consider that the current Policy has been effective, as there has been a slight decrease in venues and gaming machine numbers since the Policy was last reviewed. However, there has been an increase in gambling expenditure. Staff consider that there may be merit in amending the Policy to expand the relocation provisions as requested by a number of stakeholders.

Option A2 would allow an investigation to determine the suitability of the requests raised by stakeholders, and allow Council to determine its position based on all available data. It would also allow an opportunity to amend the Policy to remove wording which the DIA has signalled is not necessary, and to provide a clear objective.

Recommended Option for Class 4 Gambling Venues Policy

Staff recommend **Option A2**, to direct the Chief Executive to amend a draft Class 4 Gambling Venues Policy and Statement of Proposal.

It is proposed that a Hearing Panel of Council consisting of up to three Elected Members is established and delegated the following responsibilities:

- To oversee the drafting of the Class 4 Gambling Venues Policy amendments and the Statement of Proposal;
- To hear submissions on the draft Class 4 Gambling Venues Policy;
- To make recommendations to Council on the draft Class 4 Gambling Venues Policy.

It will remain the role of Council to adopt the draft Class 4 Gambling Venues Policy and Statement of Proposal prior to commencing a period of consultation, and to adopt the final Policy following a Hearing and Deliberations, based on the recommendations of the Hearing Panel.

2) Options in relation to the TAB Venue Policy

Option B1: Agree to retain the TAB Venue Policy, with no changes, Council would continue to cap the number of TAB venues at two.

Option B2: Direct the Chief Executive to investigate and draft amendments to the TAB Venue Policy, to be reported back to Council at the September 2018 Council meeting.

Assessment of options

Option B1: Under this option, Council would retain the current Policy for another three years. Council may choose to bring this review forward at any time.

Advantages	<ul style="list-style-type: none"> • Regardless of the current Policy, the existence and location of TAB venues is more likely a result of market drivers and decisions by the NZRB to invest in gambling technology such as online gambling and self-service facilities.
Disadvantages	<ul style="list-style-type: none"> • Lost opportunity to reduce the numbers further i.e. to one.

Option B2: Under this Option, staff would investigate how the TAB Venue Policy could be improved to manage the social impacts of gambling.

Advantages	<ul style="list-style-type: none"> Improvements may be identified in relation to under what conditions new venues may be established in the Kaipara (i.e. could focus on growth areas in the District Plan).
Disadvantages	<ul style="list-style-type: none"> The benefits of amending the Policy do not justify intervention; The costs of research, drafting and the submission and Deliberation process are disproportionate to the potential advantages.

Recommended Option for TAB Venue Policy

The recommended option is **Option B1**, to retain the existing TAB Venue Policy, with no changes. This is the most cost-effective option, and recognises that the Policy, while required, is not necessarily needed in the Kaipara. A key reason for this is the increasing trend for online and self-service TAB gambling, which KDC does not have any regulatory control over, and the lack of stand-alone TAB venues in the district, meaning the Policy has no current application in the district.

Recommended options


The recommended option is **Option A2** with regards to the Class 4 Venues Gambling Policy, and **Option B1** for the TAB Venue Policy.

Next step

If Council chooses to retain both Policies with no changes, staff will continue to monitor Policy effectiveness in preparation for the next review in July 2021. If Council chooses to amend one or both policies, staff will undertake the additional research required (as resources allow). Staff will then develop a draft Statement of Proposal and amendments to one or both the Policies, and seek Council's approval to consult with the public.

Attachments

- **Attachment 1:** Kaipara District Council Class 4 Gambling Venues Policy
- **Attachment 2:** Kaipara District Council Totalisator Agency Board (TAB) Venue Policy
- **Attachment 3:** Kaipara District Council Gambling Policies Review (July 2018)

 <p>KAIPARA DISTRICT Te Tai Raukawa</p>	Title of Policy	Class 4 Gambling Venues Policy		
	Sponsor	General Manager Community (Acting)	Adopted by	Council
	Written By	Paula Hansen	Date Adopted	23 June 2015
	Ist commenced Date	2004	Last Review Date	June 2014
	Type of Policy	Legislative	Next Review Date	March 2018
	File Reference	3201.04.01		

Document Control			
Version	Date	Author(s)	Comments
1.0	June 2015	Paula Hansen	Periodic review, minor editing
2.0	09/07/15	Mark Schreurs Paula Hansen	Making the final draft into a final version following adoption.

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1 Background

The Gambling Act 2003 (GA 2003) passed into law on 18 September 2003. Under s101 of that Act, the Kaipara District Council is required to implement a policy relating to the number and location of Class 4 (gaming machine gambling) venues. The establishment of new Class 4 gambling venues¹ requires local authority consent, as do proposals to increase machine numbers in any Class 4 venue. The special consultation procedure under s83 of the Local Government Act 2002 (LGA 2002) was followed as required by the GA 2003 when developing this Policy.

2 The Purpose of the Gambling Act 2003

The purpose of the GA 2003 is to:

- control the growth of gambling;
- prevent and minimise the harm caused by gambling, including problem gambling;
- authorise some gambling and prohibit the rest;
- facilitate responsible gambling;
- ensure the integrity and fairness of games;

¹ Those without a licence on 17 October 2001

- limit opportunities for crime or dishonesty associated with gambling;
- ensure that money from gambling benefits the community; and
- facilitate community involvement in decisions about the provision of gambling.

3 **Classes of Gambling**

The GA 2003 provides central government with broad powers to make regulations that will keep up with technological changes and new forms of gambling as they emerge. It classifies gambling based on the amount of money and the risks of problem gambling and criminal activity associated with an activity.

Classes of gambling range from Class 1, representing low-stake, low-risk gambling that does not require a licence, to Class 4, which represents high turnover, high-risk licensed gambling. Class 4 gambling is characterised by the utilisation of gaming machines and is the only class of licence other than casino gambling to permit the use of gaming machines.

4 **The Role of Local Authorities**

Under GA 2003, local authorities are required to develop and implement policies relating to gaming machine venues, and may specify the maximum number of gaming machines that may be operated in a Class 4 venue. Consent is required from the local authority to:

- continue to operate gaming machines at a Class 4 venue licensed after 17 October 2001 and before the commencement of GA 2003;
- increase the number of gaming machines at a Class 4 venue;
- establish new gaming machine venues after the commencement of GA 2003; and
- in the case of a Club, when applying for Ministerial discretion, to increase the number of gaming machines over the statutory limit, whether or not in relation to a proposed merger.

5 **Kaipara District Class 4 Gambling Venues Policy**

5.1 **Objectives of the Policy insofar as promoted by the Gambling Act 2003**

Council believes that there are a sufficient number of gaming machines and Class 4 gambling venues to serve the demand in the Kaipara District, therefore a restrictive Policy in the form of a 'sinking lid' approach is considered appropriate.

The 'sinking lid' approach gives Council the opportunity to exercise greater control over the impact of gambling within the District.

5.2 **Establishment of Class 4 venues**

No new Class 4 venues may be established in the District except as provided for in clause 5.4 of this Policy.

Class 4 gambling activities will only be permitted to be undertaken in premises holding 'On Licences' and 'Club Licences' granted under the Sale and Supply of Alcohol Act 2012 (SSAA) or premises which are Totalisator Agency Board (TAB) venues.

5.3 Restrictions on the maximum number of machines that may be operated at an existing Class 4 venue

The total number of machines within all venues will be restricted to the number at each venue licensed on 18 September 2003. These numbers will not increase and will potentially lead to a decrease in the number of venues and machines operating within the District.

5.4 Relocation of existing Class 4 venues permitted under specific circumstances

Council may permit existing Class 4 venues to re-establish at a new site where:

- a) Due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - Expiry of lease;
 - Acquisition of property under the Public Works Act; and
 - Site redevelopment.
- b) In the case of a club only, as defined in the GA 2003, Council will permit the relocation to a new site of a club, or where two or more existing clubs combine and a relocation is involved.

Any permission to establish any new Class 4 venue under this clause will be subject to the following conditions:

- With the exception of any club combining as permitted in clause 5.4b, the intended holder of the Class 4 venue licence must remain the same at the new location as it was in the previous location. [The existing Class 4 venue licence is to be transferred to the new location without a change in the licence holder(s).]
- The vacated site will not be able to be used as a Class 4 venue.
- The number of gaming machines permitted to operate at the new venue will not exceed the number permitted to be operated at the existing site OR in the case of clubs, where two or more non-commercial clubs that merge may consolidate the number of gambling machines operated at the merged non-commercial club venue to the lesser of :
 - a) 30 gambling machines: or
 - b) the sum of the number of gambling machines previously operated by each non-commercial club individually.

5.5 Where Class 4 Gambling Venues may be established on relocation

- a) Any Class 4 gambling venue (which is not a club) may be established in the District where it is a permitted activity under the Kaipara District Plan or where a resource consent to undertake the activity has been granted by Council, however no such venue shall be located within 100 metres of any kindergarten, early childhood centre, school, place of worship and other community facility.

- b) Any Class 4 gambling venue which is a club may be established in the District where it is a permitted activity under the Kaipara District Plan or where a resource consent to undertake the activity has been granted by Council, however no such venue shall be located within 100 metres of any kindergarten, early childhood centre, school, place of worship and other community facility, for example a hall.

5.6 Kaipara District Council Application Requirements

Applications for Council's consent must be made on the approved form and must provide:

- name and contact details for the application;
- street address of premises proposed for the Class 4 licence;
- the names of management staff;
- evidence of Police approval for owners and managers of the venue;
- a 12 month Business Plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
- a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- details of liquor licence(s) applying to the premises; and
- details of zoning of premises.


6 Application Fees

Where an application meets all of the criteria within the Class 4 Gambling Venues Policy, a non-refundable fee, as specified in Council's most recent Fees and Charges, must accompany the application.

This fee will be reviewed by the Council from time to time in the Long Term Plan and Annual Plan, and shall include consideration of:

- the cost of processing the application, including any consultation and Hearings involved;
- the cost of triennially reviewing the Class 4 Gambling Venues Policy including a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District; and
- the cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions.

Attachment 2: Kaipara District Council Totalisator Agency Board (TAB) Venue Policy

	Title of Policy	Totalisator Agency Board (TAB) Venue Policy		
	Sponsor	General Manager Community (Acting)	Adopted by	Council
	Written By	Paula Hansen	Date Adopted	23 June 2015
	1st Commenced Date	2011	Last Review Date	2014
	Type of Policy	Legislative	Review Date	November 2016
	File Reference	3201.03		

Document Control			
Version	Date	Author(s)	Comments
1.0	June 2015	Paula Hansen	Periodic review, minor editing
2.0	July 2015	Mark Schreurs Paula Hansen	Making the final draft into a final version following adoption.

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1 Background

The Racing Act 2003 (RA 2003) passed into law on 01 August 2003. Under s65D of that Act, the Kaipara District Council is required to implement a Policy on Totalisator Agency Board (TAB) venues. The establishment of new stand-alone Totalisator Agency Board (TAB) venues requires local authority consent. The establishment and review of a Totalisator Agency Board (TAB) Venue Policy needs to follow the special consultative procedure under the Local Government Act 2002 (LGA 2002) prior to being finalised. This includes consultation with the community and key stakeholders.

2 The Purpose of the Racing Act is to:

- provide effective governance and arrangements for the racing industry;
- facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
- promote the long term viability of New Zealand racing.

3 Scope of the Policy

This Policy covers stand-alone TAB venues which are owned or leased by the New Zealand Racing Board. Council's consent is not required under the legislation to establish a TAB facility in a bar, hotel or club. If a TAB venue wishes to also host gaming machines, a separate application must be made under Council's Class 4 Gambling Venues Policy and the TAB venue must also meet the additional criteria set out in that Policy.

4 Classes of Gambling

The GA 2003 provides central government with broad powers to make regulations that will keep up with technological changes and new forms of gambling as they emerge. It classifies gambling based on the amount of money and the risks of problem gambling and criminal activity associated with an activity.

5 The Role of Local Authorities

Under the RA 2003, local authorities are required to develop and implement policies relating to stand-alone TAB venues. Consent is required from the local authority to:

- Establish new TAB venues (other than TAB agencies where the main business carried on in the premises is not racing betting or sports betting).

6 Kaipara District Totalisator Agency Board (TAB) Venue Policy

6.1 Objectives of the Policy insofar as promoted by the Racing Act 2003

While the Kaipara District has no stand-alone TAB venues Council believes that there are a sufficient number of TAB venues associated with other activities to serve the demand in the District.

A restrictive Policy is in line with the community's priorities of health, safety and the promotion of well-being.

Limiting the number of TAB venues that can be established gives Council the opportunity to exercise control over the impact of gambling within the District.

6.2 Establishment of TAB venues permitted

Council will permit the establishment of stand-alone TAB venues in accordance with Clause 6.4, with the total number of TAB venues not exceeding two (2) venues in the Kaipara District at any one time.

6.3 Relocation of existing TAB venues permitted under specific circumstances

Council may permit existing TAB venues to re-establish at a new site where:

- a) Due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - Expiration of lease;
 - Acquisition of property under the Public Works Act; and
 - Site redevelopment.
- b) Any permission to establish any new TAB venue under this clause will be subject to the following conditions:
 - The owner or lessee of the premises located at the new site must remain the same as the owner/lessee on the existing site; and
 - The vacated site will not be able to be used as a TAB venue.

6.4 Where TAB venues may be established or established on relocation

Any TAB venue may be established in the District where it is a permitted activity under the Kaipara District Plan or where a Resource Consent to undertake the activity has been granted by Council, however no such venue shall be located within 100 metres of any kindergarten, early childhood centre, school, place of worship, and other community facility.

6.5 Kaipara District Council Application Requirements

Applications for Council consent must be made on the approved form and must provide:

- name and contact details for the application;
- street address of premises proposed for the TAB venue;
- the names of management staff;
- evidence of Police approval for owners and managers of the venue;
- a 12 month Business Plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
- a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue; and
- details of zoning of premises.

6.6 Application Fees

Where an application meets all of the criteria within the Totalisator Agency Board (TAB) Venue Policy, a non-refundable fee, as stipulated in Council's most recent Fees and Charges, must accompany the application.

This fee will be reviewed by the Council from time to time in the Long Term Plan and Annual Plan, and shall include consideration of:

- the cost of processing the application, including any consultation and Hearings involved;
- the cost of triennially reviewing; and
- a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.

FINAL

Kaipara District Council

Gambling Policies Review

Class 4 Gambling Venues Policy and

Totalisator Agency Board (TAB) Venue Policy

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1 Introduction

1.1 Purpose

The Gambling Act 2003 and the Racing Act 2003 were passed into law in 2003. The Acts require every territorial authority to adopt a Class 4 Gambling Venues Policy (s101 Gambling Act 2003) and a New Zealand Racing Board Policy (s65D Racing Act 2003).

These policies are required to be reviewed every three years (s102 Gambling Act 2003; s65E Racing Act 2003), and if the decision is made to amend them, they are required to use the special consultative procedure in s83 of the Local Government Act 2002.

Kaipara District Council (KDC) last reviewed and amended these policies in 2015, which saw the subsequent amendment in June 2015 of the:

- Class 4 Gambling Venues Policy; and
- Totalisator Agency Board (TAB) Venue Policy.

Council, when reviewing the policies, must have regard to the **social impacts of gambling** within the district. This report assesses the social impacts of Class 4 gambling and TAB venue gambling. There are various social impacts seen in our community from gambling, which includes:

- The Kaipara district spent nearly \$3 million on gaming machines in the year ending December 2017 (Department of Internal Affairs, 2018). Nearly half these profits leave the district, by way of central government taxes and corporate society administration costs;
- The Kaipara district received over \$750,000 funding towards community organisations between January 2016 and December 2017 (Problem Gambling Foundation, 2018);
- Gambling can provide entertainment opportunities, allowing for social interaction with others and a release from stress and day-to-day living for people;
- The gaming machine expenditure, measured through gaming machine loss per head, has been slowly increasing, from \$167.59 to \$176.10 per head over the last three years (Department of Internal Affairs, 2018); and
- An estimated 1-3% of New Zealand adults are problem gamblers, and every person with a gambling problem is estimated to affect another 5-10 people (Allen & Clarke, 2015).

This report does not assess social impacts of other types of gambling (i.e. casinos, lotteries or internet gambling). These fall within the scope of regulation of the Department of Internal Affairs (DIA).

This report will present the findings of the three-year statutory review, and is intended to inform Council's decision on whether to retain these policies in their current form, or consult with the public on possible amendments to one or both of the policies. This report is intended to be received by Council in preparation for a decision to be made at the Ordinary Council meeting in July 2018.

1.2 Definitions

- **Class 4 gambling/gaming:** All gambling using gaming machines (pokies) outside of casinos.
- **Class 4 venue:** A place used to conduct Class 4 gambling, not including a casino, which contains gaming machines.
- **Corporate society:** Non-profit organisations that own and operate gaming machines and distribute part of their profit to community groups in the form of authorised purpose grants. They are also commonly called 'pokie trusts'.
- **Expenditure, proceeds, Gaming Machine Proceeds (GMP):** Interchangeable terms that mean the gross amount wagered by gamblers, less the amount paid out or credited as prizes or dividends. In other words 'expenditure' is the amount lost or spent by players, as well as the gross profit of the gambling operator.
- **Gaming machines:** Electronic gaming machines that operate outside of a casino location (i.e. a club, bar, pub or hotel). They may also be called 'non-casino gaming machines' or more commonly 'pokies'.
- **TAB Venues:** Premises that are owned or leased by the New Zealand Racing Board (NZRB) and where the main businesses carried out at the premises is providing race betting or sports betting services under the Racing Act 2003.

1.3 Gambling regulation in New Zealand

The Gambling Act 2003 and the Racing Act 2003 regulate gambling activity in New Zealand. This is mostly done at the national level, through the DIA and the New Zealand Racing Board (NZRB). However, the Acts do allow for local authorities to play a small role. The Acts allow communities, through territorial authorities, to place permissive or tighter controls on Class 4 and TAB related gambling.

According to s101(3) of the Gambling Act 2003, a territorial authority's Gambling Venue Policy:

- Must specify whether or not Class 4 venues may be established in the territorial authority district, and if so, where they may be located; and*
- May specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 venue; and*
- May include a relocation policy.*

In determining the contents of its policy, s101(4) of the Gambling Act allows territorial authorities to have regard to relevant matters, including:

- a) *The characteristics of the district and parts of the district;*
- b) *The location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;*
- c) *The number of gaming machines that should be permitted to operate at any venue or class of venue;*
- d) *The cumulative effects of additional opportunities for gambling in the district;*
- e) *How close any venue should be permitted to be to any other venue;*
- f) *What the primary activity of any venue should be.*

Class 4 venue policies that were reviewed after 2013 were required to consider a relocation policy, and the 2015 KDC Policy allows for relocation in specific circumstances (and subject to proximity exclusions).

Section 65D(3) of the Racing Act 2003 states a territorial authority's TAB venue policy must specify whether or not new TAB venues may be established in the territorial authority's district and, if so, where they may be located. Similarly to s101(3) of the Gambling Act, s65D(4) of the Racing Act allows territorial authorities to consider relevant matters, including:

- a) *The characteristics of the district and parts of the district;*
- b) *The location of kindergartens, early childhood centres, schools, places of worship and other community facilities;*
- c) *The cumulative effects of additional opportunities for gambling in the District*

1.4 Class 4 gambling venues

Class 4 gambling venues are generally run by clubs (including chartered, sports clubs and Returned Service Associations) and corporate societies. There are differences in how they operate, and what they are required to do with the proceeds generated from gaming machines.

- **Corporate societies** (i.e. the Lion Foundation; Pub Charity Limited) pay venues a fee to host gaming machines, and are issued licenses by the DIA. They must be non-profit, and explicitly established to raise funds for community purposes.
- **Clubs** provide pokies for their members and guests only, and use the profits to provide services for the club and its membership.

As at 20 May 2018, there are currently **seven** Class 4 venues operating in the Kaipara, with **60** machines between them (DIA, 2018). These venues are:

- One Returned Service Association (RSA) venue;
- Two sports and social club venues; and
- Four corporate society venues (i.e. pubs)

The ratio of gambling machines to the adult population in the Kaipara district is approximately **1: 276**, which is slightly above the New Zealand figure of **1: 271** (DIA, 2018). There are 1,156 venues across New Zealand, operating 15,632 gaming machines (Problem Gambling Foundation, 2018).

1.5 TAB venues

In 1951, the Totalisator Agency Board (TAB) was established as the only betting operator in New Zealand (NZRB, 2018). In 2003, the NZRB was established under the Racing Act 2003 to administer all racing and sports wagering in New Zealand. The TAB provides sports betting for domestic and international sports events, and is only permitted to allow bets on sports approved by Sports NZ. The NZRB uses the proceeds to support its business operations, and the remainder is distributed to sports codes.

The TAB offers a number of different types of venues (TAB, 2018):

- **TAB Store:** This is an official TAB location. They may be located within another business but they will be in a totally separate area from the host business;
- **Pub TAB:** These outlets are always located within another business, and form part of the services operated by the host. They have all the facilities of a TAB, while offering customers the benefits of being in licensed establishment;
- **TAB outlet:** These offer TAB facilities similar to those found in a pub, but in another business, i.e. working men's clubs or video stores;
- **Pub with TAB self-service terminal:** The terminals offer most of the TAB products, and the business (i.e. the pub) usually does not have any other TAB facilities available;
- **TAB online:** The TAB also offers patrons with the option to have an online gambling account to place bets.

The Racing Act 2003 requires Council to have a TAB venue policy, however this only applies to stand-alone TAB venues (Racing Act, 2003). Self-service TAB machines (i.e. in pubs or bars) and franchised outlets (pub TABs, TAB outlets) therefore fall outside the scope of the Policy, and Council's control.

As of May 2018, Kaipara has **no stand-alone TAB venues**, however the current policy provides for a maximum of **two** to establish in the district. There are two self-service venues, and one manned terminal in the Kaipara District (New Zealand Racing Board, 2018). These are located in pubs and clubs in the Kaipara. There are 602

outlets located across the country (NZRB, 2018).

1.6 Council’s current gambling venues policies

In June 2015, Council adopted the:

- Class 4 Gambling Venues Policy; and the
- Totalisator Agency Board (TAB) Venue Policy

Table 1 provides an overview of the existing policies. Both policies seek to control the growth of gambling in the Kaipara, and minimise the harm caused by gambling.

Table 1: Current KDC policy approach

TAB Venue Policy		
Approach		Description
Whether new venues may establish	Cap	<ul style="list-style-type: none"> • The maximum number of venues is two.
Where new venues may establish	Proximity rule	<ul style="list-style-type: none"> • TAB venues can move within the district, provided specific circumstances and conditions are met; • A TAB venue can be established (including relocation) but it must be a permitted activity in the District Plan, or have obtained a resource consent; • A TAB venue cannot be established (including relocation) within 100 metres of a kindergarten, early childhood centre, school, place of worship or other community facility.
How many machines a venue can have	TABs with gaming machines are regulated under the Class 4 Gambling Venues Policy.	
Class 4 Gambling Venues Policy		
Approach		Description
Whether new venues may establish	Sinking lid	<ul style="list-style-type: none"> • No new Class 4 venues can be established in the district; • This will lead to a decrease in the number of venues and machines.

<p>Where new venues may establish</p>	<p>Relocations and mergers</p>	<ul style="list-style-type: none"> • Class 4 venues can move within the district, provided specific circumstances and conditions are met; • Class 4 venues that are clubs are allowed to merge; • A Class 4 venue relocation must be a permitted activity in the District Plan, or have obtained a resource consent; • A Class 4 venue cannot be relocated within 100 metres of any kindergarten, early childhood centre, school, place of worship or other community facility.
<p>How many machines a venue can have</p>	<p>Sinking lid</p>	<ul style="list-style-type: none"> • Venues total number of pokies is restricted to the number that was licensed on 18 September 2003; • Where clubs merge, the total number of machines they can operate is the lesser of 30 gaming machines, or the sum of the machines previously operated by each club individually; • This will potentially lead to a decrease in the number of venues and machines within the district.

1.7 Reviewing the policies

The respective legislation requires both policies to be reviewed every three years. This report presents the findings of this review, undertaken by staff, drawing on a number of sources. This included:

- Conducting literature-based research;
- Assessing quantitative data from a number of sources, including the DIA, the Ministry of Health, and the NZRB; and
- Seeking insight from key stakeholders (industry representatives and public health organisations).

2 Context

The legislation requires Council to have regard to the social impacts of gambling when developing and reviewing its gambling venue policies. This section provides some context for the review of these policies, with a focus on gaming machines in Class 4 venues, and TAB venues. Kaipara data has been used where available.

2.1 National expenditure on gambling

Figure 1 shows New Zealand's annual expenditure on the four most significant forms of gambling for the period 2009/2010 to 2016/2017.

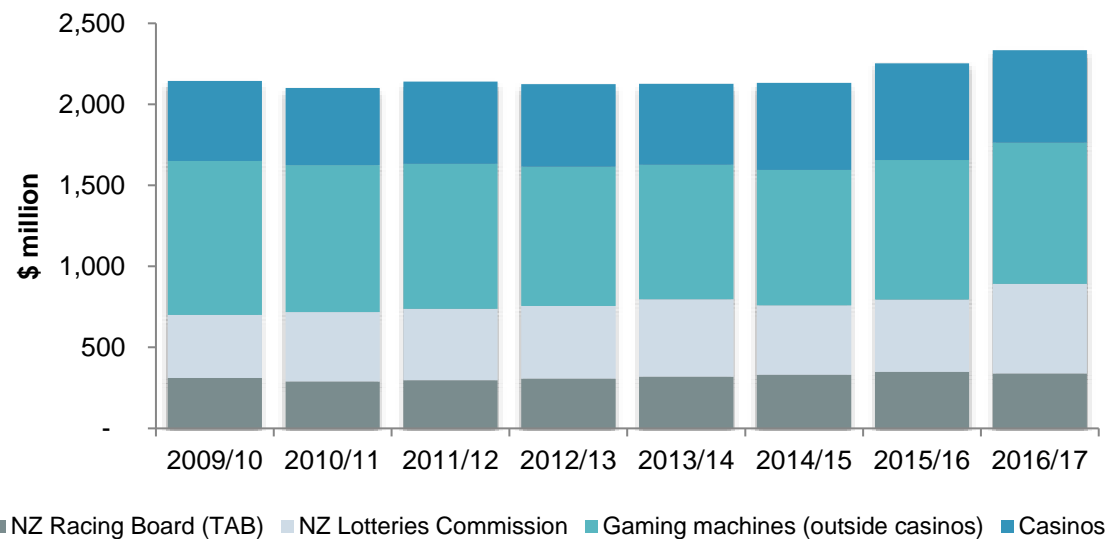


Figure 1: Total inflation adjusted gambling expenditure 2009 – 2017 (DIA, 2018)

Figure 2 compares New Zealand's annual expenditure across the four main forms of gambling for the period 2009/2010 to 2016/2017. It shows that across all years, the most money was spent on gaming machines, and the least at TAB venues. Figure 2 also shows a downward trend in gaming machine expenditure, until a gradual increase in 2014.

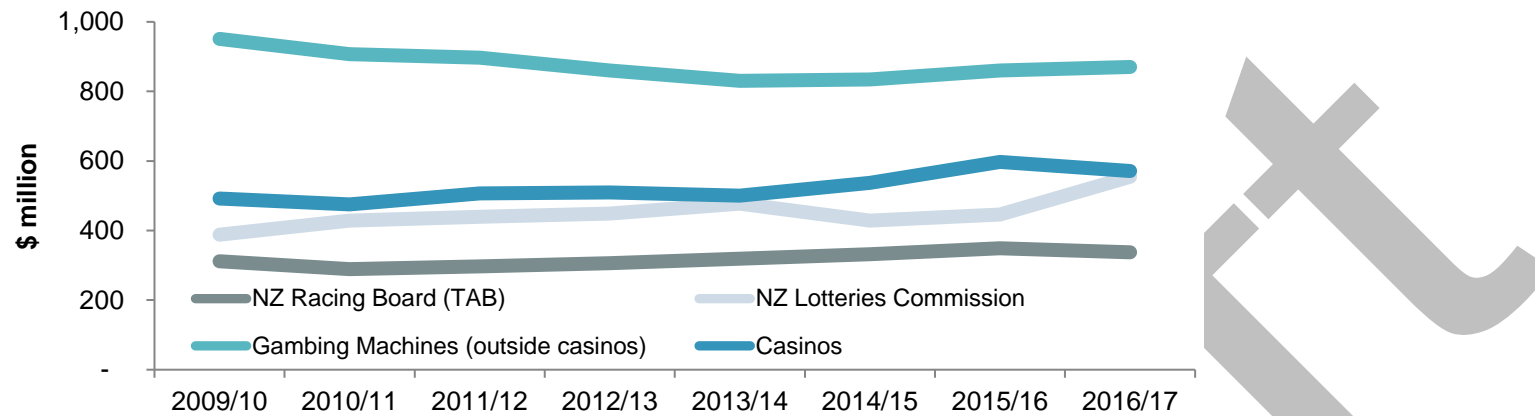


Figure 2: Inflation adjusted gambling expenditure by type (2009 - 2017) (DIA, 2018)

TAB, gaming machine and casinos have seen an increase in spend since 2013/2014, whereas money spent on lottery products marginally declined between 2013/2014 and 2014/2015, before rising again in 2015/2016.

2.2 Expenditure on gambling at Class 4 venues

Gaming machines must return a certain percentage back to the player over time. This is known as theoretical return to player (RTP) and is measured against turnover. There is an upper limit here of 92%, although some games are set to return slightly lower. This is highly variable in the short term, but represents an average across the life of the gaming machine. On average, for every dollar gambled, the patron can expect to win back \$0.92 if the RTP is set to 92% (Problem Gambling Foundation, 2018).

Figure 3 shows the contribution by different Class 4 venue types, using national averages formulated by venue type and number of machines at each venue, extrapolated using Kaipara venue and machine numbers (DIA, 2018). As Figure 3 shows, the vast majority of gaming machine proceeds in the Kaipara are generated in non-club spaces i.e. pubs and taverns.

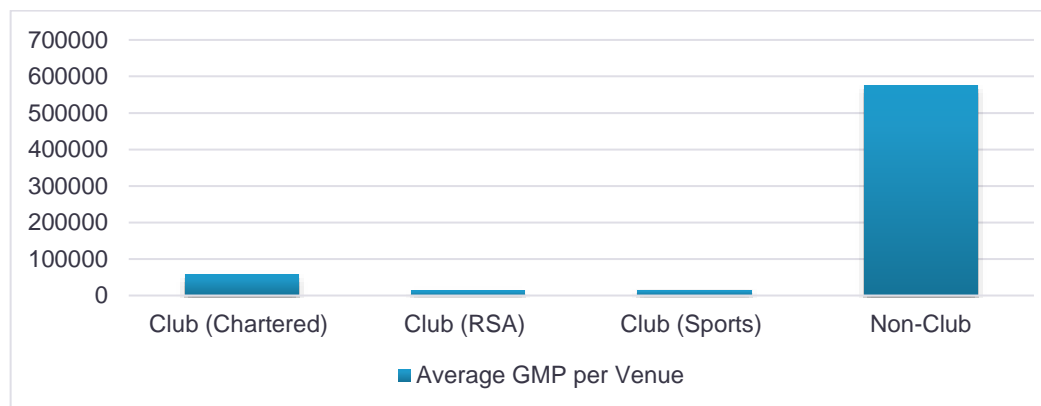


Figure 3: Average GMP per venue (quarter ending 31 December 2017) (DIA, 2018)

Table 2 below presents the total amount of GMP from Class 4 gaming machines in the Kaipara district, in comparison to all of New Zealand, for the years 2014 to 2017, and the percentage of the New Zealand total the Kaipara district's spend contributes.

Table 2: GMP in Kaipara vs New Zealand 2014 – 2017 (DIA, 2018)

Year	Kaipara	New Zealand	Kaipara % of New Zealand total
2014	\$2,499,495.80	\$808,023,775.45	0.31%
2015	\$2,626,073.20	\$653,113,672.78	0.40%
2016	\$2,845,875.70	\$857,013,483.58	0.33%
2017	\$2,975,498	\$882,718,941.42	0.34%

Table 3 shows a number of indicators, and how they have changed since 2015, when the last Class 4 Gambling Venues Policy was adopted. This includes:

- Decreases in venues and gaming machines in the Kaipara;
- Increases in total Gaming Machine Proceeds (GMP) generated in the Kaipara;
- Percentage changes in GMP from the previous year, showing small year-on-year increases;
- An average spend per machine, showing more is spent on each machine as the machines decrease; and
- An average spend per head showing an increase over the life of the Policy of \$8.51 per adults in the Kaipara.

The data provided by the Problem Gambling Foundation (2018) shows that the Kaipara has the 55th highest loss per head of population out of 67 territorial authorities.

Table 3: Gambling indicators in the Kaipara 2015 – 2017 (DIA, 2018)

	Venues	Gaming machines	Gaming machine proceeds		\$ spend per machine	\$ loss per head
			Total	% change from previous year		
Year ending 31 December 2017	7	60	\$2,975,498.00	↑ 4.5%	\$49,591	\$176.70
Year ending 31 December 2016	8	65	\$2,845,875.70	↑ 8.4%	\$43,782	\$175.35
Year ending 31 December 2015	9	67	\$2,626,073.20	↑ 5.1%	\$39,195	\$167.59

2.3 Expenditure on gambling at TAB venues

In relation to racing’s contribution to the New Zealand economy, in 2017 the NZRB:

- Made an underlying operating profit of \$148.0 million, up \$3.3 million (2.3%) from 2016 (NZRB, 2018)
- Distributed \$137.6 million to the three racing codes (thoroughbred racing, harness racing and greyhound racing) (NZRB, 2018);
- Distributed \$9.3 million to 34 national sporting organisations (an increase of 16.1% on the previous year) (NZRB, 2018); and
- Distributed \$3.2 million in gaming grants to community sporting organisations (up 6.2% on the previous year) (NZRB, 2018)

2.4 Deprivation and Class 4 venues and gaming machines

The geographical location and density of Class 4 venues and gaming machines is important to this report, because research shows that being a problem gambler is significantly associated with living closer to gambling venues. In terms of density, the more gaming venues within a close driving distance of a person’s neighbourhood, the greater the likelihood that the person will gamble at a gaming venue (Young, Markham & Doran, 2012). Table 4 shows that the Kaipara’s gaming venues are all located in areas of high deprivation (7 – 10) (NZDepIndex, 2013). The deprivation scores of areas are also considered when assessing the Kaipara district’s risk profile.

Table 4: Deprivation index scores of venues in Kaipara

Venue	Deprivation index score	Number of machines
Mangawhai Club	7	9
Mangawhai Tavern	7	8
Three Furlongs Hotel	9	9
Ruawai Bowling Club	10	3
Northern Wairoa Returned Services Association	9	5
Dargaville Central Hotel	9	9
Northern Wairoa Hotel	9	18

2.5 Problem gambling

A problem gambler is defined in the Gambling Act 2003 as ‘a person whose gambling causes harm, or may cause harm’. The Act then further defines harm as:

- a) *Harm or distress of any kind arising from or caused or exacerbated by, a person’s gambling; and*
- b) *includes personal, social or economic harm suffered –*
 - a. *by the person; or*
 - b. *the person’s spouse, civil union partner, de facto partner, family whanau, or wider community; or*
 - c. *in the workplace; or*
 - d. *by society at large.*

There are various national surveys that report around 80% of the population engage in some form of gambling activity (Ministry of Health, 2012, 2014, 2015). This figure has remained largely unchanged since 2005 (Ministry of Health, 2012). However, for the minority that do develop a problem, the impacts can be far-reaching, and can impact health, finances, employment, relationships, violence, substance abuse and suicide.

The prevalence of moderate-risk gambling and problem gambling has also remained relatively stable over the last decade, with researching showing the combined percentage appears to be about 1 – 3% of the adult population (Allen & Clarke, 2015). In 2014, 0.3% of the adult population were identified as problem gamblers (about 7,000 – 17,000 people), 1.5% were moderate risk gamblers (about 49,500 people), 5.0% were low-risk gamblers (about 165,000 people) and 70% were non-problem gamblers (Browne, Bellringer, Greer, Kolandai-Matchett, Rawat, Langham & Abbott, 2017).

When these figures are extrapolated to Kaipara's population, it translates to:

- 50 people could be problem gamblers;
- 253 people could be moderate risk gamblers;
- 842 people could be low-risk gamblers; and
- 11,788 could be non-problem gamblers.

Problem gambling is often associated with gaming machines. In 2012, nearly 70% of problem gambler clients in New Zealand cited gaming machines as their primary mode of gambling (Allen & Clarke, 2015). The harm may result from just one gambling session, or may be the result of regular gambling sessions over a period of time, and involving substantial amounts of money. The 'problem gambler' is difficult to identify for a number of reasons, including:

- The amount of money gambled, won or lost is not relative to the amount of time spent at gaming machine venues;
- Venue operators and staff cannot determine the frequency that gamblers attend other venues to play other gaming machines;
- Class 4 gamblers do not generally exhibit any anti-social or revealing behaviours at the venue;
- The impact and consequences of gambling addictions are felt within the home and family environment; and
- Gambling addictions are not obvious when a problem gambler is in a single-person situation.

The New Zealand 2012 National Gambling Study (2014) found that Pasifika communities, followed by Maori, are more likely than other ethnicities to be engaged in high risk gambling (Abbott, Bellringer, Garrett & Mundy-McPherson, 2014). These communities often bear extra, culturally specific costs as a result of problem gambling, for instance an erosion of whanau values, negligence of caregiving responsibilities, and the loss of cultural capital (Ministry of Health, 2009).

2.5.1 Problem gambling intervention services

To address the potential 'harms' of gambling, there is a range of problem gambling service providers across New Zealand, some of which specifically target ethnic groups most at risk from harm (Maori, Pacific Island and Asian). The development and implementation of problem gambling intervention services in New Zealand are funded by the Problem Gambling Levy, which is collected from gambling proceeds by the Inland Revenue Department. The Ministry of Health is charged with funding and co-ordinating the intervention services, which are then delivered by a range of service providers by contractual agreement.

Figure 4 shows the total number of clients for intervention services from 2007 to 2015 for gaming machines and TAB betting. This figure includes the gamblers themselves, and family members/affected others. It shows that there was a significant peak in clients for gaming machines in 2009/2010, before the number started decreasing (with a small rise in 2013/2014), and that the total number of clients for TAB betting has been slowly increasing, but at a much smaller overall volume than clients seeking help for gaming machine problem gambling.

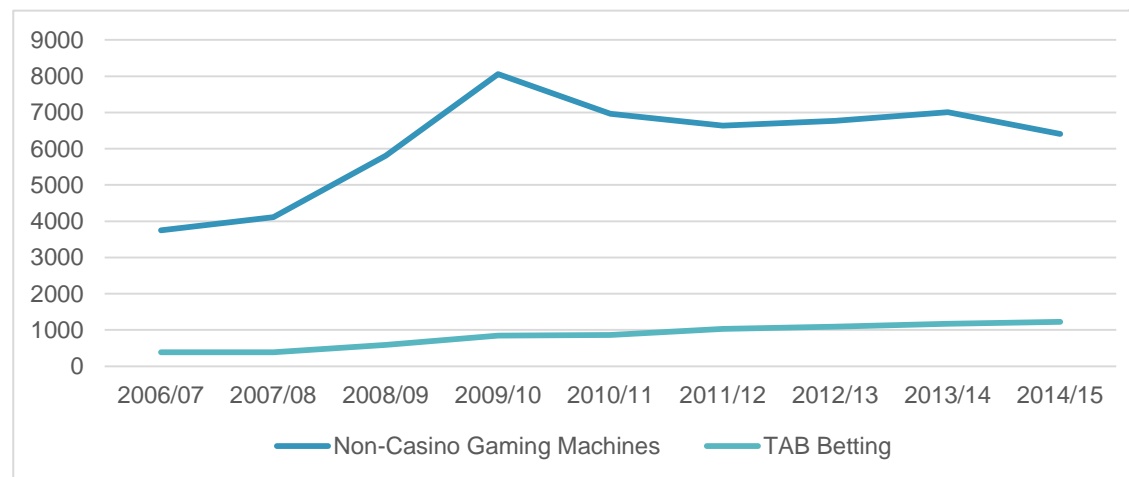


Figure 4: Total number of client for intervention services, 2006 – 2015 (Ministry of Health, 2016)

2.6 Impacts of gambling

There are many positive and negative impacts as a result of gambling. The most pronounced negative effects are financial losses, crime, family violence and addiction to alcohol and tobacco (DIA, 2018). The Ministry of Health considers that in New Zealand, gaming machines are strongly associated with a high risk of developing gambling-related harm (Ministry of Health, 2016).

TYPE	IMPACTS
Health	<ul style="list-style-type: none"> 94% of problem gamblers report having smoked 100 or more cigarettes in a given year, compared to 67% for non-problem gamblers (Ministry of Health, 2015); 59.6% of problem gamblers are hazardous drinkers (compared to 41.4% for non-problem gamblers (Abbott et al., 2014); 28% of problem gamblers report going without fresh fruit and vegetables, compared to 6% of general adults (Abbott & Volberg, 1991);

TYPE	IMPACTS
	<ul style="list-style-type: none"> • 41.5% of problem gamblers reported using cannabis compared to 12.3% of non-problem gamblers (Abbott et al., 2014); • 1 in 5 problem gamblers are affected by increased risks of mental disorder (i.e. depression), anxiety attacks and stress (Levy, 2015); • 1 in 33 adults reported an argument about gambling in their household during the past 12 months (Ministry of Health, 2012); • 1 in 36 adults reported their family or household had gone without something they needed or that bills were not paid because of gambling (Ministry of Health, 2012).
Financial	<ul style="list-style-type: none"> • Problem gambling can lead to higher debts, fewer resources to spend on accommodation, food, clothing and education (Levy, 2015); • Family and household finances in Maori communities are often interconnected, exacerbating risks that the whole household can be affected (Levy, 2015); • Problem gamblers are more likely to experience higher levels of deprivation, with close to three-quarters reporting they were forced to purchase cheaper food during the past 12 months, compared to a quarter of adults generally (Ministry of Health, 2015); • Gaming machines can have a positive social impact, in that it often provides base funding for clubs that own Class 4 gaming machines; • The money generated can also improve facilities and services through funding.
Interpersonal relationships	<ul style="list-style-type: none"> • Relationships and access to social networks are negatively impacted by problem gambling. It may lead to housing evictions, child neglect and health problems (Levy, 2015); • It is estimated that one person's gambling typically affects 5 – 10 people (Allen & Clarke, 2015); • 1 in 12 participants in the New Zealand 2012 National Gambling Study were of the view that they had been affected personally by another person's gambling (Abbott et al., 2014).
Family violence	<ul style="list-style-type: none"> • In a recent New Zealand study (AUT, 2017), 370 gamblers and 84 affected others accessing national problem gambling treatment services took part in a survey on gambling and family/whanau violence and abuse (454 total participants). The main findings were that: <ul style="list-style-type: none"> ○ The most common abuse was verbal (37% 'screamed or cursed at' another person) ○ Physical abuse was less common: <ul style="list-style-type: none"> ▪ 7% caused physical harm ▪ 9% threatened physical harm; • More affected others reported committing and being victims of violence and abuse than gamblers.

TYPE	IMPACTS
Entertainment	<ul style="list-style-type: none"> Entertainment can be a positive impact of gambling, provided it is communal and safe (i.e. housie); Gaming machines do not provide the same social well-being gains; Gaming machines in clubs are often considered less harmful than in private bar/tavern venues, as staff and other club members are more likely to identify and address problem behaviours early.
Employment	<ul style="list-style-type: none"> 57% of problem gamblers report having been out of work for more than one month, compared to 20% of non-problem gamblers (Abbott & Volberg, 1991); 32% of problem gamblers report receiving income from the benefit, compared to 13% of general adults (Abbott & Volberg, 1991); Problem gambling can affect working performance. Absenteeism and theft of resources to support gambling activities are other manifestations of gambling-related problems; The Australian Productivity Commission (1999; 2010) notes that the retail sector is adversely affected by gambling venues; Other surveys establish a positive correlation between gambling and regional economic benefits, including increased consumption of goods, but also of alcohol and tobacco; The NZRB directly employs around 835 staff (NZRB, 2018) A 2010 report by the NZRB stated the racing industry employs more than 16,930 FTE positions (NZRB, 2010).

2.7 Distributing the proceeds from gaming machines

An important distinction between profits obtained from Class 4 venues and other forms of gambling is that a portion of the net proceeds must be used for 'authorised purposes'. Under the Gambling Act 2003, authorised purposes means:

- Charitable purposes;
- Non-commercial purposes beneficial to the whole or a section of the community; and
- Promoting, controlling and conducting race meetings under the Racing Act 2003, including the payment of stakes.

Societies that operate gaming machines fall into two main categories:

- Clubs** that operate gaming machines in their own premises (chartered clubs, sports clubs or Returned Service Associations). The proceeds from clubs are often spent by the clubs for their own authorised purposes (i.e. the operating costs for the club). Therefore, the funds are returned to the community where they came from.

- **Corporate societies** that operate gaming machines in commercial venues (typically pubs, hotels or restaurants).

About a quarter of the proceeds are spent on fixed costs (i.e. Government duties, levies and licensing fees) and another portion of the proceeds are used by societies to meet their ‘actual, reasonable and necessary’ operating costs that they incur in running their operation. The remainder is ‘net proceeds’, and this must be allocated to authorised community purposes. At least 42% of the proceeds generated from gaming machines are required to be spent on authorised purposes, which is generally done by way of society grants. In this way, Class 4 gambling can provide dividends for the community.

If societies do not meet the 42% target, then the DIA can revoke or not renew their operating license. Corporate societies have an obligation to minimise their costs and maximise the amount distributed to the community.

There are negative impacts to how these gaming machine proceeds are distributed:

- The proceeds are collected and distributed as a ‘regressive tax’, as the collection of revenue comes from a higher proportion of persons who have lower incomes and experiencing higher deprivation than those who do not;
- The Kaipara district gaming machines generated almost \$3 million in proceeds in the year ending 31 December 2017 (DIA, 2018). This money could be better spent otherwise, and more beneficially to gamblers in terms of returns (social, cultural, economic capital etcetera) when taking into account persons who are more likely to partake in gambling activities are usually deprived;
- It can be argued that gaming proceeds distributed back to the communities via community grants are likely to provide marginal benefit to gamblers and their families, who are usually socio-economically worse off than others.

Council staff sought information from the Problem Gambling Foundation on the distribution of gaming proceeds in the Kaipara. Table 5 shows the top four pokie trusts contributing to the Kaipara, with the grants distributed from the period 01 January 2016 to 31 December 2017.

Table 5: Top four pokie trust grants in Kaipara 2016 - 2017

Trust	Pokie grants
Pub Charity Limited	\$681,992.16
Trillian Trust	\$60,005.80
Lion Foundation (2008)	\$11,583.00
NZ Community Trust	\$9,000.00
Total	\$762,580.96

Figure 5 and Table 6 show that total sum of grants distributed in the Kaipara from the period January 2016 to December 2017. A total of \$769,838.96 was distributed in that period by 'pokie trusts' or corporate societies (Problem Gambling Foundation, 2018).

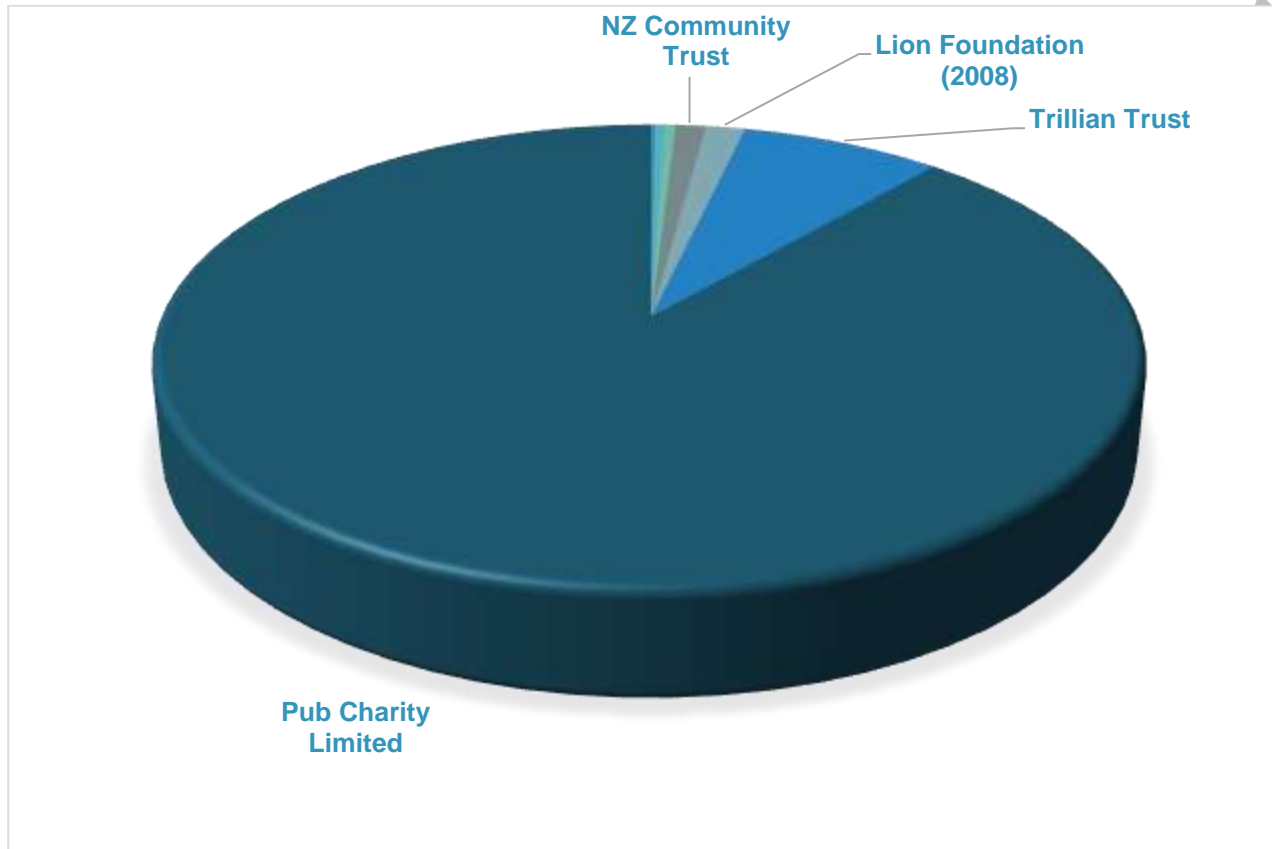


Figure 5: Total grants distributed in Kaipara (2016 – 2017)

Table 6: Total grants distributed in Kaipara (2016 - 2017) (Problem Gambling Foundation, 2018)

Trust	Sum of amount
North and South Trust	\$1,258.00
Blue Sky Community Trust	\$3,000.00
Four Winds Foundation Limited	\$3,000.00
NZ Community Trust	\$9,000.00
Lion Foundation (2008)	\$11,583.00
Trillian Trust	\$60,005.80
Pub Charity Limited	\$681,992.16
Total	\$769,838.96

Table 7 breaks these grants down into the purposes they were distributed for. This includes a number of sporting activities. 'Other sports' is made up sports that do not warrant their own category, and covers things such as golf, orienteering, volleyball, as well as sports clubs that cover a multitude of sports under one roof.

Table 7: Grants made by category (2016 - 2017) (Problem Gambling Foundation, 2018)

Type of grant	Sum of amount	Type of grant	Sum of amount
Community Group	\$309,103.91	Racquets	\$18,819.00
Education	\$102,736.17	Water Sports	\$14,428.00
Rugby	\$69,971.13	Netball	\$13,839.62
Community Services	\$66,211.91	League	\$13,839.62
Equestrian/Pony Clubs	\$45,545.00	Basketball	\$6,915.00
Arts	\$26,774.82	Scout Groups/Girls Brigade	\$4,000.00
Soccer	\$22,761.25	Cycling/BMX	\$2,434.55
Maori	\$22,442.10	Bowling	\$1,800.00
Other Sports	\$21,578.00	Kindergartens/Childcare/Plunket	\$1,800.00

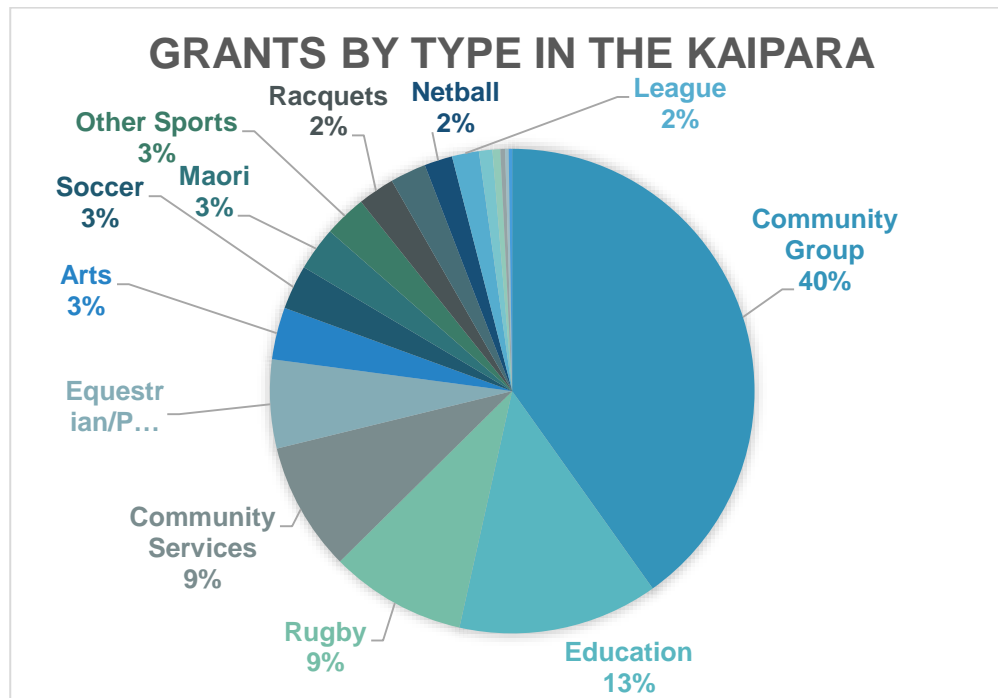


Figure 6: Grants by type in the Kaipara (2016 - 2017) (Problem Gambling Foundation, 2018)

There are important things to note when considering the distribution of proceeds in the Kaipara:

- Grants analysed are grants made **only** to organisations in the Kaipara i.e. they do not include wider organisations, such as Northland Emergency Services Trust or clubs such as the Northland Rugby Football Union Inc., which includes other territorial authorities;
- PGF had on its database **104 individual grants** in the Kaipara for the period from 01 January 2016 to 31 December 2017 (Problem Gambling Foundation, 2018);
- The main contributor to the Kaipara in pokie trust grants was **Pub Charity Limited**, who contributed 89% of the total grants in the period, totalling \$681,992.16 (Problem Gambling Foundation, 2018). This Trust has two venues housing 26 pokies, so this outcome is not surprising;
- The second highest contributor to the Kaipara was the Trillian Trust, who granted \$60,005.80 in the same period (Problem Gambling Foundation, 2018). This Trust has no venues in the Kaipara, which demonstrates that GMPs are likely to leave the district in which they were generated.

3 Effectiveness of Council policies

This section considers the effectiveness of each of the Kaipara District Council's Policies.

3.1 Class 4 Gambling Venues Policy

The 2015 Policy put a sinking lid on the number of venues and gaming machines throughout the Kaipara. Council determined that a sinking lid was an appropriate method to manage the social impacts of gambling, by controlling the growth in gambling to reduce gambling harm. The Policy does not contain specific objectives, but instead repeats the purpose of the Gambling Act 2003. This is to:

- Control the growth of gambling;
- Prevent and minimise the harm caused by gambling, including problem gambling;
- Authorise some gambling and prohibit the rest;
- Facilitate responsible gambling;
- Ensure the integrity and fairness of games;
- Limit opportunities for crime or dishonesty associated with gambling;
- Ensure that money from gambling benefits the community; and
- Facilitate community involvement in decisions about the provision of gambling

The Policy also states, at 5.1:

“Objectives of the Policy insofar as promoted by the Gambling Act 2003

Council believes that there are a sufficient number of gaming machines and Class 4 gambling venues to serve the demand in the Kaipara district therefore a restrictive policy in the form of a ‘sinking lid’ approach is considered appropriate.

The ‘sinking lid’ approach gives Council the opportunity to exercise greater control over the impact of gambling within the district.”

This has meant that developing indicators to determine the effectiveness, or otherwise, of the policy has required a degree of interpretation. Council officers believe the effectiveness of the Policy should be measured against the objective, as stated in 5.1, to ‘exercise greater control over the impact of gambling within the district’. This can be interpreted to mean exercising control over the growth of gambling, and preventing and minimising the harm caused by gambling (i.e. the impact). As such, staff believe a number of indicators can be used to determine whether the 2015 Policy has been effective. This includes:

- Number of venues;
- Number of gaming machine numbers;
- Gaming machine proceeds in the district;
- Number of gamblers seeking help (i.e. from Problem Gambling Foundation); and
- Number of relocations since the Policy was adopted in 2015.

These indicators do not take into account broader economic variables, such as increases in disposable incomes, spill-over of gambling from one area into another as a result of the sinking lid, and gamblers changing their primary mode of gambling.

Since the Policy's adoption, there has been a reduction of three venues, and nine gaming machines, equating to a 30% decrease in venues, and a 13% decrease in machines in the Kaipara (DIA, 2018).

Despite the reduction in venues and machines, takings from Class 4 venues in Kaipara was \$2,975,498 for the year ending 31 December 2017 (DIA, 2018). This is an increase of 13% (which equates to \$349,424.80) from the total year ending 31 December 2015 (DIA, 2018). However, this mirrors the national trend, which has seen the gaming machine proceeds in New Zealand as a whole increase by 9%, and has increased from \$826,980,832.78 (2015) to \$882,718,941.42(2017) (DIA, 2018).

There are difficulties in measuring whether the Policy has been effective in preventing and minimising the harm caused by gambling. There are significant shortcomings in the quality of data available, particularly at a local level, with data in the period post-Policy adoption being hard to attain, and there are difficulties attributing causation with intervention.

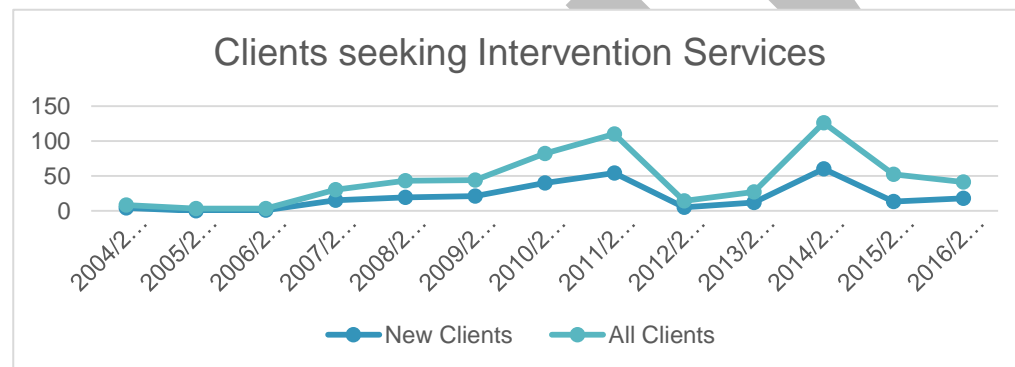


Figure 7: Clients seeking intervention services, 2004 – 2017 (Ministry of Health, 2018)

Figure 7 shows the comparison of new clients and total number of clients ('all clients assisted') who have accessed gambling harm intervention services determined to reside in the Kaipara district over each financial year from 2004/2005 to 2016/2017. As Figure 7 demonstrates, there are considerable peaks and dips in the number of clients seeking intervention services. This may be the result of increased promotion for these services at particular times. There is some growth in the number of people seeking support, however this could be explained by increasing awareness levels about problem gambling, and associated support services.

As clients accessing these intervention services are self-selective, the numbers presented are more than likely to under-represent the real number of persons experiencing gambling harm. This data does not discriminate on the form of gambling practiced by clients, and the data in Figure 7 does not differentiate between the different modes of gambling (i.e. online, Class 4, TAB).

The 2015 Policy also adopted a relocation policy for Class 4 venues. Since the Policy was adopted, there have been no relocations, and Council has not received any applications seeking a relocation. There are currently no restrictions on how close one venue is permitted to another in the Policy. The location of a venue is, however, restricted by clauses requiring compliance with the District Plan, and proximity restrictions for sensitive sites.

3.1.1 Risk profile for the Kaipara district

The guidance material developed by the Ministry of Health to assist territorial authorities when developing social impact assessments recommended that territorial authorities generate a 'gambling profile' of the district, based on certain key criteria (KPMG, 2013). A risk profile is a useful tool for Council to determine what type of policy to develop. The below table uses guidance material from the Ministry of Health to create a Kaipara district risk profile.

Table 8: Gambling Risk Profile for the Kaipara (KPMG, 2013)

Gambling risk category and method	Kaipara risk factor (low = 1; medium = 2; high = 3)	Risk score
Risk 1: Gambling prevalence rate Number of intervention clients versus national rate of help-seeking by district population	<ul style="list-style-type: none"> Low risk = 1 x 2 (weighting) 	2
Risk 2: Gambling density Number of machines per 10,000 people and expenditure per person, per annum	<ul style="list-style-type: none"> Number of machines per 10,000 people (Low risk = 1) Expenditure per person, per annum of machines per 10,000 people (Medium risk = 2) 	3

Gambling risk category and method	Kaipara risk factor (low = 1; medium = 2; high = 3)	Risk score
Risk 3: Ethnicity Percentage of district's population that are Maori and Pasifika	<ul style="list-style-type: none"> % Maori population (High risk = 3) % Pasifika population (Low risk = 1) 	4
Risk 4: Community Deprivation District's overall deprivation	<ul style="list-style-type: none"> High risk = 3 	3
Risk 5: Service availability Number of services per 10,000 people	<ul style="list-style-type: none"> High risk = 3 	3
Total risk points		15
Risk profile		Medium risk




According to the toolkit, a medium risk means the policy option is one that restricts locations or restricts locations and number of machines (KPMG, 2013). The next profile up from this is high risk, and sets a gambling policy option for a venue sinking lid or venue and machine number sinking lid. This tool provides a position on gambling risk, however it is not considered an accurate picture of real gambling risk on the Kaipara.

3.1.2 Conclusion

As demonstrated, the Class 4 Gambling Venues Policy's sinking lid has been relatively effective in controlling the growth of gambling. There have been decreases in both the number of venues and machines. The risk profile toolkit assesses Kaipara as being a 'medium risk' district, however the Policy already in place is that which is recommended for high risk districts (i.e. a sinking lid policy).

However, the overall spend on gaming machines in the district has increased, meaning the gaming machine proceeds per machine has also increased. As discussed earlier in this report, this does not mean that the policy is ineffective, and this may be the result of increased disposable income, fluctuations based on visitor numbers, or 'spill-over' from other areas and modes of gambling and population increase, among other factors.

Table 9: Effectiveness Indicators for Class 4 Gambling Venues Policy

% change in gaming machine numbers	% change gaming machine proceeds	% change problem gambling	Result
 13%	 13%	 35%	Reduced number of gaming machines and venues. Higher than expected increase in profits. Problem gambling is likely to have been worse, if the Policy was not constraining growth via the sinking lid approach.

Based on the data gathered through this review, it can be inferred that the Class 4 Gambling Venues Policy has been effective at reducing gambling harm. In some cases, there may be issues with under-reporting of gambling harm.

Staff consider that to improve future performance, and to assist with the next statutory review, there should be increased research into gambling harm in the Kaipara in the next three years. This may include engaging with the DIA to develop improved access to data, identifying risk factors that need to be managed to ensure further reduction in venues and gaming machines do not result in shifts to more harmful modes of gambling, and the development of potential conditions for venues, such as guidelines and self-service information.

3.2 Effectiveness of the TAB Venue Policy

The Kaipara District Council Totalisator Agency Board (TAB) Venue Policy repeats the purpose of the Racing Act, which is:

- To provide effective governance and arrangements for the racing industry;
- To facilitate betting on galloping, harness and greyhound races, and other sporting events; and
- To promote the long term viability of New Zealand racing.

The Policy does not state explicit objectives at 6.1, but does state:

‘A restrictive policy is in line with the community’s priorities of health, safety and the promotion of well-being. Limiting the number of TAB venues that can be established gives Council the opportunity to exercise control over the impact of gambling within the district.’

As such, staff believe the effectiveness of the TAB Venue Policy should be measured against the following indicators:

- The number of TAB venues;
- Gambling expenditure on TAB services; and the
- Number of gamblers seeking intervention

The TAB Venue Policy caps the number of venues to **two**. There are currently no stand-alone TAB venues in the district. There are three venues in pubs and clubs around the district. The absence of TAB venues in the Kaipara mean that assessing the effectiveness, or otherwise, of the Policy is not an easy task to accomplish, on the above indicators.

The most obvious indicator of effectiveness is that there have been no TAB venues opened within the Kaipara over the life of the period, which means the growth and impact of TAB gambling has been controlled as much as possible, given the Council's limited scope of regulation. This would determine that the Policy has been effective.

Figure 8 shows calls to the Problem Gambling Helpline (both gamblers and significant others) for Kaipara and Northland. This data should not be relied on solely when assessing the effectiveness of the Policy, as the figures do not differentiate between gambling mode (i.e. includes gambling modes that Council has no control over).

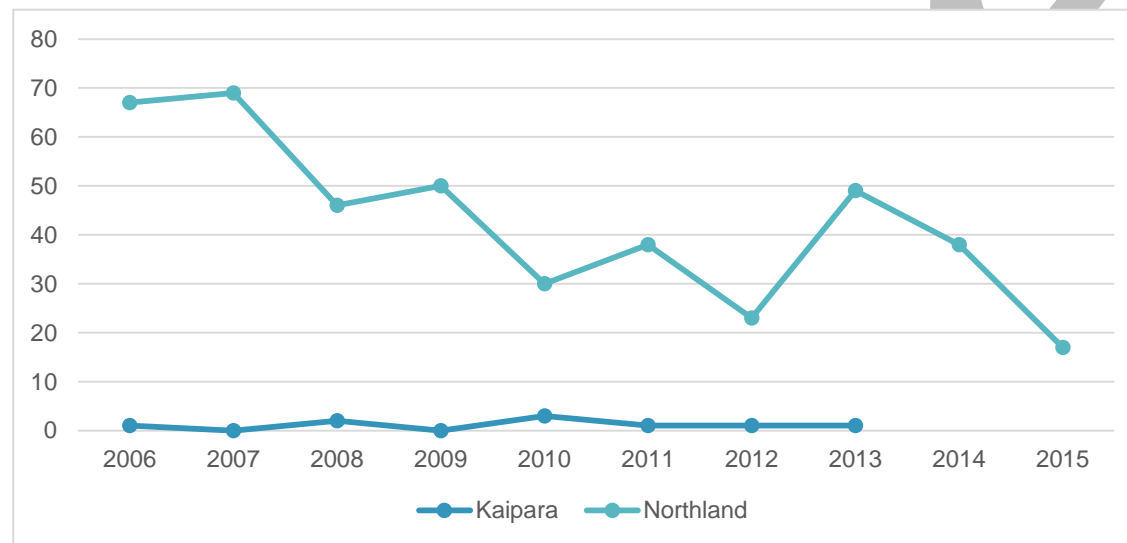


Figure 8: Calls to the Problem Gambling Helpline (gamblers and significant others) 2006 – 2015 (Ministry of Health, 2015)

Figure 9: NZRB Gross Betting Revenue (2015 – 2017)

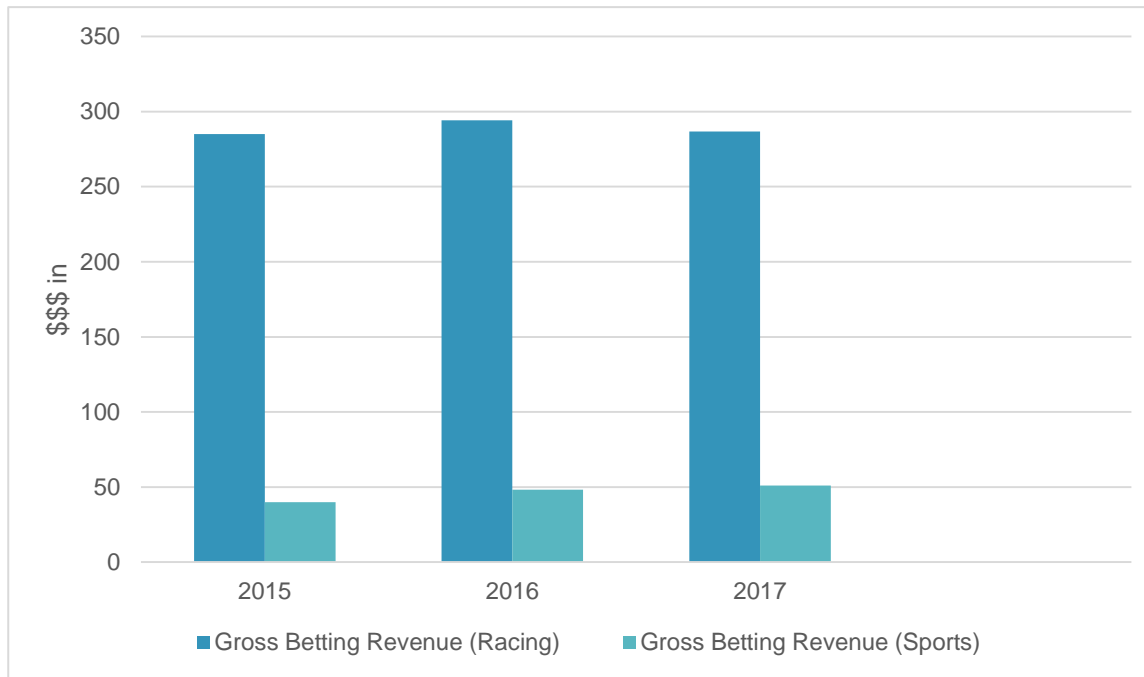




Figure 9 shows that gambling expenditure nationally on TAB gambling has risen from a combined total of \$325 million in 2015, to \$337.7m in the year ending 2017 (NZRB, 2015; NZRB, 2017). The 2017 gross betting revenue is a small decrease on the 2016 combined gross betting revenue, which was \$343.3 million (NZRB, 2016).

3.2.1 Conclusion

Table 10: Effectiveness Indicators for TAB Venue Policy

% change in TAB venues	% change TAB proceeds	% change problem gambling	Result
N/A	 3.8%	 35%	<p>The number of stand-alone TAB venues has stayed the same (as zero out of a possible two).</p> <p>There has also been a decrease in problem gambling (as indicated by intervention services) in the district.</p> <p>Changes in proceeds are not able to be regulated by Council (as they are generated from TAB outlets, self-service terminals and online betting, which central government regulates).</p>

Based on the above, it is considered that the current Policy's controls are working effectively, and no further regulation is considered necessary in relation to TABs beyond those already imposed in the Racing Act 2003, Council's 2015 TAB Venue Policy and other controls.

The TAB Venue Policy caps the number of permitted venues at **two**. There are currently zero TAB venues operating in the Kaipara district. Assessed on those numbers alone, the Policy is highly effective at exercising control over the impact of gambling within the district. However, there are many opportunities for Kaipara's residents to participate in TAB sports betting outside of Council's scope, and therefore the options available for Council when reviewing, or making possible amendments to, this Policy are limited.

The poor availability of relevant data to assess the contribution of TAB venues to gambling harm makes it difficult to assess effectiveness on a national scale, which could then be extrapolated to a district level, and aid in understanding how the Policy could be improved. Council staff consider that the relevance of a Council TAB Venue Policy is diminishing, and that in the next review cycle there should be work undertaken with the NZRB and DIA on ways to improve the management of gambling harm from the products outside of Council's regulatory framework for improved results.

There is an increasing focus on promoting online or telephony services for TAB, which is also outside the scope of regulation that can be undertaken by KDC. As at May 2018, there were 218,851 account customers nationwide, with 364 being based in the Kaipara (NZRB, 2018).

4 Conclusion

The findings of this report indicates that the Kaipara district has current and potential levels of gambling harm, that sufficiently warrant the continued adoption of a Policy on Class 4 and TAB gambling that is restrictive in nature.

Kaipara's population profile increases the likelihood for communities to experience or be subject to gambling harm. Profile factors, such as percentage of population that identify as Maori, and high levels of deprivation across the district make the Kaipara more prone to experience gambling harm. When applying national estimates to the Kaipara, as identified in Section 2.5:

- 50 people could be problem gamblers;
- 253 people could be moderate risk gamblers;
- 842 people could be low risk gamblers; and
- 11,788 could be non-problem gamblers.

The likelihood of actual gambling harm and the total number of problem gamblers could in fact be higher than what has been extrapolated from the aforementioned national study, as the identification of problem gamblers is often difficult.

The report also shows that the gambling has evident positive social impacts for the Kaipara district. This includes being a source of funding for clubs, job creation, provision of grants to community organisations, providing funding services for problem gamblers, and a source of entertainment. As discussed in the report, the range of differing local community organisations who received grants from gaming machine proceeds is inclusive, and as signalled by the snapshot provided in this report, demonstrates gaming machine proceeds support a range of local organisations and communities.

In conclusion, Council should consider 'rolling-over' its existing:

- Class 4 Gambling Venues Policy (2015); and
- Totalisator Agency Board (TAB) Venue Policy (2015).

Based on the findings of this report, Council's existing policies are determined to strike a sound balance between the negative and positive impacts of gambling, namely the need to promote the district's health by controlling the growth of gambling, minimising the harm to communities caused by gambling, and continuing to provide access to funds for community organisations.

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KEY STAKEHOLDERS

VENUES AND SOCIETIES	
VENUE NAME	CONTACT DETAILS
Ruawai Bowling Club	2 Reeves Street, Ruawai 0530
Northern Wairoa RSA	nwrsa@slingshot.co.nz 26 Hokianga Road, Dargaville 0310
Three Furlongs Hotel	1942 State Highway 1, RD 2, Kaiwaka 0573
Northern Wairoa Hotel	70 Victoria Street, Dargaville 0310
Central Hotel	18 Victoria Street, Dargaville 0310
Mangawhai Tavern	info@mangawhaitavern.co.nz 2 Moir Street, Mangawhai 0505
Mangawhai Club	219 Molesworth Drive, Mangawhai Heads 0505
Lion Foundation (2008)	info@lionfoundation.org.nz Private Bag 106605, Auckland City, Auckland 1143
Pub Charity Limited	info@pubcharitylimited.org.nz 190 Taranaki Street, PO Box 27009, Wellington 6141
Kaiwaka Sports Association Limited	kaiwakasports@gmail.com

PUBLIC HEALTH AND INDUSTRY ORGANISATIONS	
NAME	CONTACT DETAILS
Northland District Health Board	Anil.Shetty@northlanddhdhb.org.nz Private Bag 9742, Whangarei 0148
Nga Manga Puriri	admin@ngamangapuriri.org.nz PO Box 1911, Whangarei 0140
New Zealand Community Trust	tanya.piejus@nzct.org.nz Tanya Piejus PO Box 10857, The Terrace, Wellington 6143
Class 4 Working Party	jarrod.true@truelegal.co.nz Jarrod True, True Legal
Problem Gambling Foundation New Zealand	tom.irwin@pgf.nz PO Box 8021, Symonds Street, Auckland 1150

PUBLIC HEALTH AND INDUSTRY ORGANISATIONS	
NAME	CONTACT DETAILS
Ministry of Health	info@health.govt.nz PO Box 5013, Wellington 6140
New Zealand Racing Board	helpdesk@tab.co.nz PO Box 38899, Wellington Mail Centre Lower Hutt 5045
Clubs New Zealand Incorporated	PO Box 11749, Wellington 6142
Department of Internal Affairs	info@dia.govt.nz PO Box 805, Wellington 6140
Northland Police	86 Cameron Street, Whangarei 0110

MANA WHENUA	
NAME	CONTACT DETAILS
Te Uri O Hau	PO Box 657, Whangarei 0140
Te Roroa	secretary@teroroa.iwi.nz PO Box 6, Waimamaku 0446

File number: 2206.0 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: **Fraud Policy, adoption of amended Policy**
Date of report: 12 July 2018
From: Hannah Gillespie, General Manager People and Capability
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

This report has been constructed to help Council to make a decision to adopt the amended Fraud Policy (**Attachment 1**) for Council Officers.

Recommendation

That Kaipara District Council:

- 1 *Receives the General Manager People and Capability's report 'Fraud Policy, adoption of amended Policy' dated 12 July 2018 and its Attachment 1 and Attachment 2 (current Policy and updated Policy); 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 Audit, Risk and Finance Committee's recommendation to adopt the Fraud Policy with amendments made at the Committee's meeting on 13 June 2018; and*
- 4 *Adopts the updated Fraud Policy (Attachment 1 to the aforementioned report) with the two-year policy review date.*

Reason for the recommendation

The updated Policy incorporates the Whistleblowing Policy reporting procedures for reporting fraudulent (or suspicious) activities, and adding in addition our obligation to inform the Office of the Auditor-General of any fraud at Council.

Reason for the report

This report is to provide Council with a description why we are updating our current Fraud Policy, what changes are being made, and to set the next review period. The current Policy (**Attachment 2**) is out of date, in its review period, and needs changes.

Background

The Fraud Policy for Council Officers was last updated in September 2013, with a review date of May 2017. Since the first version of this Policy, there have been a number of changes to our process around how we report fraudulent activities under our Whistleblowing Policy (adopted December 2017), and the

need to inform the Office of the Auditor-General via our Auditor if there is any fraud detected. The Policy also refers to position titles that are redundant under the new structure.

Issues

Our current Policy does not have our current Whistleblowing Policy process that includes the Deloitte Whistleblowing service. This therefore does not correlate with the Whistleblowing Policy where it refers to the Policy “aiming to support and reinforce our Fraud Policy”. Informing the Office of the Auditor-General is not mentioned in the current Policy, it needs to be. We also need to detail that if an employee is involved in an investigation, we may suspend them as per their employment agreement. The current Policy does not state this.

Factors to consider

Community views

The community will have the opinion that we have a strong Policy in place to deal with fraud in Council; and have the right processes in place to deal with any allegations. We need to be seen to have investigated any fraud properly, with the right process over any inappropriate use of Council funds.

Policy implications

The amended Policy will be updated and part of our Council policy and process.

Financial implications

There will be no financial implications with this Policy amendment.

Legal/delegation implications

By not informing the Office of the Auditor-General via our Auditor we are not following our legal obligations.

Options

There are three options to consider for this report.

Option A: Retain current Policy.

Option B: Accept and adopt amended Policy with a five year review period.

Option C: Accept and adopt amended Policy with a two year review period. Audit, Risk and Finance recommended this option.

Assessment of options

Option A: Keep the current Policy – Policy Fraud Sept 2013 and approve to continue this version with no amendments, review in five years. This Policy does not correlate with the Whistleblowing Policy or inform the Office of the Auditor-General.

Option B: Accept the proposed draft Policy – Policy Fraud July 2018 (DRAFT) and review in five years as per the current policy review period. Contains the new process which includes the Whistleblowing service, and the need to inform the Office of the Auditor-General.

Option C: Accept the proposed draft Policy – Policy Fraud July 2018 (DRAFT) and amend the

review period to two years. Contains the new process which includes the Whistleblowing service, and the need to inform the Office of the Auditor-General.

Recommended option


The recommended option is **Option C**.

Next step

Once adopted, Council Officers will be informed of the new Policy, and it will be made available for viewing on our Policy Register. Training on the new Policy will be made available via our learning management system, Cognise, including an online learning module from Deloitte.

Attachments

- Attachment 1: Policy Fraud July 2018 (DRAFT)
- Attachment 2: Policy Fraud Sept 2013

	Title of Policy	Fraud Policy		
	Sponsor	Hannah Gillespie, General Manager People and Capability	Adopted by/Authorised by	Council
	Author	Hannah Gillespie	Date Adopted/Authorised	30/09/2013
	Type of Policy	Operational	Last review date	May 2018
	File reference	2206.03	Next review date	May 2020

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced	Sep 2013		
1.0	Jun 2016	Peter Marshall	Periodic review, minor editing
1.1	May 2018	Hannah Gillespie	Period review, minor editing
1.2	July 2018	Hannah Gillespie	Amendments following AFR committee

1 Background

Fraudulent behaviour is unacceptable at Kaipara District Council. All reported incidents of alleged fraud must be treated seriously and will be investigated. Kaipara District Council is committed to maintaining the highest ethical principles and integrity in discharging our obligations to the community.

2 Objective

To ensure that the assets and reputation of Kaipara District Council and its Staff are protected from fraudulent behaviour.

3 Definition of Fraud

Fraud is the deliberate practice of deception in order to receive unfair or unlawful gain and, for the purposes of this Policy, includes forms of dishonesty.

Examples of fraud include, but are not limited to:

- a) Violation of Council's policies relating to employment, finance, equipment and other assets;
- b) Forgery or alteration of any document belonging to Kaipara District Council;
- c) Forgery or alteration of a cheque, bank draft or any other financial document;
- d) Theft of funds or other assets;
- e) Impropriety in the handling or reporting of money;
- f) Profiteering as a result of insider knowledge;
- g) Disclosing confidential information to outside parties;
- h) Accepting anything of material value from contractors, vendors or persons providing services/materials to Kaipara District Council, with the exception of gifts of minor value, in keeping with Council's policy;
- i) Bribery and corruption;
- j) Misrepresentation or failure to provide comprehensive information to decision-makers;
- k) Destruction, removal or inappropriate use of records and assets (furniture, fixtures and equipment); and
- l) Any similar or related inappropriate conduct.

4 Related Documents

- a) Code of Conduct [for Staff](#);

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- b) ~~Code of Conduct for Elected Members;~~
- c) Conflict of Interest;
- d) Gift Policy;
- e) Procurement Policy and Strategy; and
- f) ~~Whistleblower Policy.~~

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5 Policy

At Kaipara District Council:

- a) There is a policy of “zero tolerance” in relation to fraud against Council or ratepayers, and standard practice will be to report instances of fraud to the Police.
- b) There is a commitment to the development and maintenance of processes and procedures to prevent and detect fraud, and provide for the investigation and management of fraudulent behaviour.
- c) Each Manager has the responsibility for ensuring that appropriate controls are in place at all levels to ensure safeguards against fraudulent activity and must take action to implement and maintain these controls. Further, Managers are responsible to ensure there are systems in place to regularly review transactions and activities that may be susceptible to fraud.
- d) Staff who become aware of, or suspect fraudulent behaviour must advise their Manager and/or General Manager immediately.
- e) ~~All incidents of alleged fraud or dishonest practices must be reported to the General Manager, People and Capability as soon as practicable.~~
- f) ~~Any breach of this policy needs to be reported to Council's Audit, Risk and Finance Committee as a compliance breach.~~
- g) ~~Investigations will be undertaken or co-ordinated by the General Manager, People and Capability. Where any employee is involved the General Manager, People and Capability will inform the Chief Executive. In investigations where the General Manager, People and Capability is involved, the investigation will be co-ordinated by the Chief Executive.~~
- h) ~~The employee may be suspended while the investigation is being conducted in accordance with the terms of the employee's employment agreement.~~
- i) Appropriate regard will be given to all relevant employment law principles, including the concepts of natural justice, the right of reply and collection of adequate evidence.
- j) All alleged incidents of fraud will be investigated, reported to the Mayor, and, where an employee is found to have committed fraud, disciplinary action, in accordance with Human Resources policies, will be taken and reported to the Audit, Risk and Finance Committee.
- k) The recovery of lost money or other stolen property will be pursued wherever possible and practicable and all substantiated instances of theft will be reported to the Police.
- l) ~~Kaipara District Council is required to report all incidents of fraud to the Office of the Auditor-General via our auditor.~~

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6 Responsibilities

All employees	Reading and adhering to the conditions of this policy.
Managers/General Managers	Ensuring employees are aware of this Policy. Taking appropriate action when breaches of this Policy occur.
People and Capability Business Partner	Involvement in any investigation of alleged fraud concerning an employee by providing advice and guidance. Administering, revision, interpretation and application of this Policy. Taking appropriate action when breaches of this Policy occur.

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7 Scope of Policy

This Policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with Kaipara District Council. This Policy has limited application in the following case:

- a) Theft of money or goods by any person not employed by Kaipara District Council. The theft must be reported to the police and/or security. ~~The General Manager People and Capability must be notified as soon as possible thereafter and be kept informed of any police investigation. For example, a robbery of a cash collection point.~~

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This policy does not apply to:

- b) Minor fraud perpetrated by the public against Kaipara District Council. For example, providing wrong information on a license application.
- c) Routine performance management issues that should be resolved by the General Manager ~~People and Capability~~ and ~~the General Manager People and Capability~~.
- d) Conflict of Interest matters involving Councillors who are subject to provisions within the Local Authorities (Members' Interests) Act 1968, the Local Government Act 2002, and Kaipara District Council's Code of Conduct for Elected Representatives.

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8 Investigations

The ~~General Manager People and Capability~~ has the primary responsibility for the investigation of all suspected fraudulent acts as defined in this Policy. Where the alleged fraud involves an employee, the ~~General Manager People and Capability~~ will be advised of the alleged fraud immediately so that they may provide advice and guidance. Any investigation carried out must comply with Human Resources policies to the fullest extent possible.

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Decisions to refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the Chief Executive in consultation with, as appropriate, the ~~General Manager People and Capability~~. Kaipara District Council's solicitors may also be consulted on the final decision for disposition of the case.

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The ~~General Manager People and Capability~~ (and anyone acting on their behalf) will have:

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- a) Free and unrestricted access to all Kaipara District Council records and premises.
- b) The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

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The General Manager People and Capability has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy, except where the suspected fraud may involve:

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- c) The General Manager People and Capability, in which case the Chief Executive will have primary responsibility for conducting the investigation;
- d) The Chief Executive, in which case the Mayor, in consultation with the Chair of the Audit, Risk and Finance Committee will employ an appropriately qualified professional such as an external chartered accountant or external auditor who will have primary responsibility for conducting the investigation and reporting back to the Mayor, and the Chair of the Audit, Risk and Finance Committee;
- e) The Mayor or an Elected Member, in which case the Chief Executive and the Mayor or Chair of the Audit, Risk and Finance Committee employs an appropriately qualified professional such as an external chartered accountant or external auditor who will have primary responsibility for conducting the investigation in consultation with the Chief Executive and the Mayor or Chair of the Audit, Risk and Finance Committee.

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9 Reporting Procedures

Great care must be taken in the investigation of alleged fraud to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

Any suspected fraudulent activities can be reported via the below contacts:

Deloitte Whistleblower Service (external independent service)

• **Phone:**

o Toll Free - 0800 403 478

• **Facsimile:**

o +61 3 9691 8182

• **Email:**

o dwsnz@deloittedigital.com

• **Online:**

o www.whistleblower.deloitte.co.nz

o Username: whistleblower

o Password: Deloitte1#

• **Post:**

PO Box 912028

Victoria St West

Auckland 1142



New Zealand

- Or to our Fraud Officer:
Attention: Fraud Officer
Kaipara District Council
42 Hokianga Road
Dargaville 0310

- a) The employee or other complainant may remain anonymous;
- b) The employee or other complainant may follow the Whistleblowing Policy process;
- c) All enquiries concerning the activities under investigation from the suspected individual, his or her lawyer or representative, or any other enquirer should be directed to the General Manager People and Capability. No information concerning the status of an investigation will be given out except through the General Manager People and Capability or the Chief Executive. The proper response to any enquiry is: "I am not at liberty to discuss this matter";
- d) Fraud perpetrated against Kaipara District Council will be reported to Council's Audit, Risk and Finance Committee, insurers, auditors and enforcement agencies, as required.

The reporting individual should be informed of the following:

- e) Do not contact the suspected individual in an effort to determine facts or demand restitution;
- f) Do not discuss the case, facts, suspicions or allegations with anyone unless specifically asked to do so by the General Manager People and Capability, the Chief Executive or Council's solicitors.

10 Consequences

An investigation may result in a recommendation to terminate a supplier's or contractor's contract or, in the case of an employee, a commencement of a disciplinary process, the outcome of which may be dismissal of the employee where appropriate. The following applies as appropriate:

- a) Any decision to begin a disciplinary process, or to terminate an employee's employment at the conclusion of that process, will be made in accordance with Human Resources policies;
- b) Fraud perpetrated against Kaipara District Council will be reported to General Managers, Chief Executive and others as appropriate;
- c) Where suppliers are involved, any recommendation from the General Manager People and Capability will be put forward and reviewed with representatives of Procurement (contracts) and with Council's solicitors as appropriate, before any action is taken;
- d) Where instances of fraudulent conduct are substantiated, any decisions will be referred to the relevant General Manager and the Chief Executive for adjudication.

11 Policy Review

The Policy will be reviewed every two years or earlier as required.

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 <p>KAIPARA DISTRICT THE OCEAN THE HARBOUR</p>	Title of Policy	Fraud Policy		
	Sponsor	Peter Marshall, Human Resource Manager		
	Written By	Peter Marshall	Authorised/Adopted by	Council
	Type of Policy	Operational	Date Adopted	30 September 2013
	File Reference	2206.03	Review Date	30 September 2016

1 Background

Fraudulent behaviour is unacceptable at Kaipara District Council. All reported incidents of alleged fraud must be treated seriously and will be investigated. Kaipara District Council is committed to maintaining the highest ethical principles and integrity in discharging our obligations to the community.

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To ensure that the assets and reputation of Kaipara District Council and its Staff are protected from fraudulent behaviour.

3 Definition of Fraud

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- Impropriety in the handling or reporting of money.
- Profiteering as a result of insider knowledge.
- Disclosing confidential information to outside parties.
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4 Related Documents

- Code of Conduct
- Commissioners' Code of Conduct
- Conflict of Interest

- Gift Policy
- Procurement Policy and Strategy
- Protected Disclosure Policy

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- There is a policy of “zero tolerance” in relation to fraud against Council or ratepayers, and standard practice will be to report instances of fraud to the Police.
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- Staff who become aware of or suspect fraudulent behaviour must advise their Manager and/or General Manager immediately.
- All incidents of alleged fraud or dishonest practices must be reported to the Human Resource Manager as soon as practicable.
- Investigations will be undertaken or co-ordinated by the Human Resource Manager. Where any employee is involved the Human Resource Manager will inform the Chief Executive.
- Appropriate regard will be given to all relevant employment law principles, including the concepts of natural justice, the right of reply and collection of adequate evidence.
- All alleged incidents of fraud will be investigated, reported to the Mayor/Chair of Commissioners and, where an employee is found to have committed fraud, disciplinary action, in accordance with Human Resources policies, will be taken and reported to the Audit and Risk Committee.
- The recovery of lost money or other stolen property will be pursued wherever possible and practicable and all substantiated instances of theft will be reported to the Police.

6 Responsibilities

All employees	Reading and adhering to the conditions of this policy.
Managers/General Managers	Ensuring employees are aware of this Policy. Taking appropriate action when breaches of this Policy occur.
Human Resource Manager	Involvement in any investigation of alleged fraud concerning an employee by providing advice and guidance. Administering, revision, interpretation and application of this Policy. Taking appropriate action when breaches of this Policy occur.

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- Routine performance management issues that should be resolved by the General Manager and Human Resources.
- Conflict of Interest matters involving Councillors who are subject to provisions within the Local Authorities (Members' Interests) Act 1968, the Local Government Act 2002, and Kaipara District Council's Code of Conduct for Elected Representatives.

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Decisions to refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the Chief Executive in consultation with, as appropriate, the Human Resources Manager. Kaipara District Council's solicitors may also be consulted on the final decision for disposition of the case.

The Human Resources Manager (and anyone acting on their behalf) will have:

- Free and unrestricted access to all Kaipara District Council records and premises.
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

The Human Resources Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy, except where the suspected fraud may involve:

- The Human Resource Manager, in which case the Chief Executive will have primary responsibility for conducting the investigation.

- The Chief Executive, in which case the Mayor/Chair of Commissioners in consultation with the Chair of the Audit and Risk Committee will employ an appropriately qualified professional such as an external chartered accountant or external auditor who will have primary responsibility for conducting the investigation and reporting back to the Mayor/Chair of Commissioners and the Chair of the Audit and Risk Committee.
- The Mayor/Chair of Commissioners/Elected Member/Commissioner, in which case the Chief Executive and the Mayor or Chair of the Audit and Risk Committee employs an appropriately qualified professional such as an external chartered accountant or external auditor who will have primary responsibility for conducting the investigation in consultation with the Chief Executive and the Mayor or Chair of the Audit and Risk Committee.

9 Reporting Procedures

Great care must be taken in the investigation of alleged fraud to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

- The employee or other complainant may remain anonymous.
- The employee or other complainant may follow the protected disclosure process.
- All enquiries concerning the activities under investigation from the suspected individual, his or her lawyer or representative, or any other enquirer should be directed to the Human Resources Manager.
- No information concerning the status of an investigation will be given out except through the Human Resources Manager or the Chief Executive. The proper response to any enquiry is: "I am not at liberty to discuss this matter".
- Fraud perpetrated against Kaipara District Council will be reported to Council's Audit and Risk Committee, insurers, auditors and enforcement agencies, as required.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions or allegations with anyone unless specifically asked to do so by the Human Resources Manager, the Chief Executive or the Council's solicitors.

10 Consequences

An investigation may result in a recommendation to terminate a supplier's or contractor's contract or, in the case of an employee, a commencement of a disciplinary process, the outcome of which may be dismissal of the employee where appropriate. The following applies as appropriate:

- Any decision to begin a disciplinary process, or to terminate an employee's employment at the conclusion of that process, will be made in accordance with Human Resources policies.
- Fraud perpetrated against Kaipara District Council will be reported to General Managers, Chief Executive and others as appropriate.
- Where suppliers are involved, any recommendation from the Human Resources Manager will be

put forward and reviewed with representatives of Procurement (contracts) and with the Council's solicitors as appropriate, before any action is taken.

- Where instances of fraudulent conduct are substantiated, any decisions will be referred to the relevant General Manager and the Chief Executive for adjudication.

11 Policy Review

The Policy will be reviewed every two years or earlier as required.

File number: 2304.15 **Approved for agenda**

Report to: Council

Meeting date: **Thursday 26 July 2018**

Subject: **Delegations Register Update July 2018**

Date of report: 13 July 2018

From: Natalie Robinson, Policy Analyst and Shelley Paniora, Executive Assistant

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

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

Summary

The Delegations in the current form were first adopted by Council on 28 October 2014. An Officer Delegations Policy and Delegations Register was approved by Council at that time.

The Delegations Register details the ability of the Chief Executive to undertake day to day matters relating to Council with reference to statutory provisions and/or functions efficiently. Any and all amendments, additions or deletions to the statutes or functions undertaken by the Chief Executive under delegation must be authorised by Council resolution.

Council delegations were last updated in September 2017 when changes were made to the Chief Executive Resource Management Act 1991 (RMA) delegations. This Report seeks Council approval to amend the Delegations Register, for the following reasons:

- There have been a number of changes to job titles since the Delegations Register was amended, and the majority of the proposed changes will allow for alignment between the Register and the Organisational Structure; and
- To insert a delegation under the Local Government Act 2002, Schedule 7 Clause 32(5), to allow a local authority to delegate to any local authority, organisation or person the enforcement, inspection, licensing and administration related to bylaws and other regulatory matters. Currently there is no delegation for this, and this is sought in order to allow Council officers to carry out functions of Council's General Bylaws.

The proposed amendments to the Delegations Register are attached as **Attachments 1 and 2**.

Recommendation

That Kaipara District Council:

- 1 *Receives the Policy Analyst's and Executive Assistant's report 'Delegations Register Update July 2018' dated 13 July 2018; 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 revision and addition to the Delegation Register, as specified in the worksheets circulated as Attachment 1 and Attachment 2 of the aforementioned report.

Reason for the recommendation

To ensure Council is operating in a compliant, timely and effective manner when undertaking business as usual operations.

Reason for the report

To enable Council to consider proposed updates to the Delegations Register.

Background

A number of officer position titles have been updated. In order to reflect this and to ensure clarity when using the delegations, an update to the titles contained within the document is requested. The attachment tracks which officers hold delegation currently and what the new position description equivalent is.

Former job titles	Updated job titles
General Manager Infrastructure	Chief Operating Officer (COO) and General Manager (GM) Infrastructure
General Manager Regulatory	General Manager (GM) Regulatory, Planning and Policy
General Manager Community	General Manager Community and Customer Services
New title	General Manager People and Capability
General Manager Governance and Strategy	General Manager Governance, Strategy and Democracy
General Manager Finance	General Manager Risk, IT and Finance
New title	Parks and Recreation Manager
Monitoring and Compliance Officer	Monitoring and Compliance Team Leader
Manager Resource Consents	Policy and Planning Manager
Team Leader Resource Consents	Planning Team Leader
Regulatory Officer Consents	Regulatory Officer
Resource Consent Technical Support Officer	Planning Technical Support Officer
Senior Policy Analyst	Policy Analyst
New title	District Planner

Officers are also asking Council for a new delegation. This is needed to carry out functions under Council's General Bylaws. The addition is sought under the Local Government Act 2002 Schedule 7, clause 32(5), "a local authority may delegate to any local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters."

Currently there is no delegation and staff seek to remedy this in order for officers to carry out functions of Council's General Bylaws. The bylaws as they are written infer that an officer may enforce the bylaws and staff seek this addition to ensure legal compliance.

Issues

The delegations will need to be updated, added to or deleted on an as need basis, for example if the underlying legislation changes or additional Chief Executive delegations are required for legislation or a function that is not covered in these proposed delegations. All amendments, additions or deletions to the Delegations Register must be authorised by Council, except where Council has authorised the Chief Executive to sub-delegate in accordance with the Officer Delegations Policy.

In particular, only Council can authorise delegations (or changes to delegations) under the Resource Management Act 1991 (RMA) and Local Government (Rating) Act 2002 (LGRA).

The driver for any future changes is to enable operational effectiveness and efficiency, to allow an appropriate level of managerial discretion and at times to avoid delays in making decisions.

Factors to consider

Community views

The community would expect Council to have an explicit delegations regime in place and for officers to be held accountable for their actions.

Policy implications

The proposed update to these internal processes will not result in any change to other policies, however does need to be formally approved by Council.

Financial implications

There is no direct financial impact to Council as a result of approving the update to internal processes associated with these Delegations. All budgets associated with any operational and capital spending are approved through the Annual Planning, Long Term Planning or approved forecasting and is undertaken in compliance with the Procurement and Contract Management Manual.

Legal/delegation implications

Schedule 7 clause 32 of the Local Government Act 2002 outlines what may and may not be delegated. **Attachment 3** is the extract from the Act for completeness.

Options

Option A: Approve the proposed Chief Executive Financial Delegations updates associated with the Finance Delegations.

Option B: Will mean that the Delegations Register is not updated and these functions will remain outdated.

Assessment of significance

Under Council's Significance and Engagement Policy, a decision in accordance with the recommendation is not considered to have a high degree of significance. The setting of delegations is an internal administrative and business management process.

Recommended option

The recommended option is **Option A**.

Next step

Implement the new delegations for the Delegations Register.

Attachments

- Attachment 1 – CE RMA Delegations
- Attachment 2 – CE Delegations Register
- Attachment 3 – LGA 2002 Schedule 7 Clause 32 extract

Delegations pursuant to section 34A of Resource Management Act 1991		
Pursuant to Section 34A(1) of the Act the Kaipara District Council delegates to the holder for the time being of the specified office such of its functions, powers and duties as are listed in this Schedule.		
<p>Abbreviations: General Manager <u>Regulatory Planning and Policy (GMRPP)</u>, <u>Policy and Planning Manager (PPM)</u>.</p> <p>▼</p> <p>Regulatory Manager (RM), <u>Planning Team Leader (PTL)</u>, Principal Planner, Senior Planner, <u>Senior Resource Planner</u>, Planner, Graduate Planner (P), <u>Regulatory Officer (RO)</u>, <u>Planning Technical Support Officer (PTSO)</u>, Land Information Memorandum Officer (LIMO), Monitoring and Compliance <u>Team Leader (MCTL)</u>,</p> <p>▼</p> <p>Policy Manager (PM), Policy Analyst (PA), Policy Planner (PP), <u>District Planner (DP)</u></p>		
Section	Description	Delegated to
10(2)	Grant an extension of time.	<u>GMRPP</u> , <u>PPM</u> , <u>PTL</u> , P, PM
32(3)	Carry out an evaluation (if a new proposal will amend an existing proposal) to examine the provisions and objectives of the amending proposal and the extent to which objectives of the existing proposal are relevant to the objectives of the amending proposal and would remain if the amending proposal were to take effect.	<u>GMRPP</u> , PA, DP, PP, <u>PPM</u> , PM
32(4)	Be satisfied that the evaluation has adequately taken into account the benefits and costs of policies, rules or other methods, and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other matters.	<u>GMRPP</u> , SPA, PP, DP, <u>PPM</u> , PM

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32(5)	Make evaluation report available for public inspection as soon as practicable after the proposal is made (in the case of a standard or regulation) or at the same time as document is publicly notified.	GMRPP, PA, PP, DP, PPM, PM
35(2)(b)	Gather information and undertake or commission research as necessary to monitor the efficiency and effectiveness of policies, rules, or other methods in the District Plan.	GMRPP, PA, DP, PPM, PTL, RM, PM, P, MCTL, PP
35(2)(d)	Monitor the exercise of the resource consents that have effect in the Kaipara district.	GMRPP, MCTL, PPM, PTL, P, PP
35(2A)	Compile and make available to the public a review of the results of monitoring under subsection (2)(b) at intervals of not more than five years).	GMRPP, PPM, PTL, P, PA, DP
36(5)	Remit the whole or any part of a charge of the kind referred to in section 36.	GMRPP, RO, PPM
36(3)	Require payment of additional charge where fixed charge inadequate to recover actual and reasonable costs.	GMRPP, RO, PPM, PTL, PP, RM
36(6)	Provide an estimate of additional charge, on request.	GMRPP, RO, PPM, PTL, P, P, TSO, RM
37	Extend or waive compliance with a time limit specified in the Act or in regulations. Note: section 37A places constraints upon waivers and extensions of time.	GMRPP, PA, PP, PPM, PTL, P, PM
37(2)(a)	Waive compliance with procedural requirements and requirements to provide information where there are inaccuracies or omissions. Note: section 37A places constraints upon waivers and extensions of time.	GMRPP, RO, PPM, PTL, PA, PM
37A(6)	Determine and notify those persons who are directly affected by the extension or waiver of compliance with a time limit, method of service or service of a document.	GMRPP, RO, PPM, PTL, P, PA, PM
38	Authorise and supply a warrant to carry out the following functions and powers as an enforcement officer: 1. Direct a person to give his or her name and address; and to give the name and address and whereabouts of any other person on whose behalf the person is breaching or has breached the obligations under Part 3 of the Act – section 22. 2. Issue and serve an abatement notice – section 322. 3. If a person against whom an abatement notice is given under section 322(1)(c) fails to comply with the notice, exercise the powers of entry and enforcement conferred by section 323. 4. Issue an excessive noise direction pursuant to section 327. 5. Request a constable, pursuant to section 327, to issue an excessive noise direction.	GMRPP, MCTL, PPM, PTL, RM

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	<p>6. If a person against whom an excessive noise direction is made fails to comply immediately with that notice, to enter (accompanied by a constable) the place without further notice and, with such assistance as is reasonably necessary, enforce compliance with the notice by any of the means specified in section 328(3), (4), (5), and (6).</p> <p>7. Apply for a warrant pursuant to section 334, and execute any warrant issued pursuant to section 332.</p> <p>8. Exercise the power of entry for inspection, and to take samples pursuant to section 332.</p> <p>9. Exercise the power of entry for inspection, and to take samples pursuant to section 333.</p> <p>10. Issue an infringement notice.</p>	
42(2)	<p>Make an order that a hearing be held with the public excluded.</p> <p>Make an order prohibiting or restricting the publication or communication of any information supplied or obtained in the course of any proceedings.</p>	GMR PP , PM
42A(1AA)	Require an officer or commission a consultant or any other person to prepare a report on information provided on any matter described in section 39(1) by the applicant or any person who made a submission.	GMR PP , RO, PPM , PTL , PA , DP , PM
42A(5)	Waive requirement to provide copy of report or give notice that it is available at the office.	GMR PP , PPM , PTL
86D(2)	Make application to the Environment Court for a rule to have legal effect from a date other than the date on which the decision on submissions relating to the rule is made and publicly notified under clause 10(4) of Schedule 1.	GMR PP , PA , DP , PM
87E	Make decision to return, decline or grant a request to transfer to the Environment Court an application for resource consent or application for a change or cancellation of consent condition.	GMR PP
88(3) & 149Z(2)	<p>Determine that an application is incomplete and return the application to the applicant, with written reasons for the determination. However if the matter is referred under section 149Y(3), the application must be treated as if—</p> <p>(a)it had been made to the local authority under section 88(1); and</p> <p>(b)it had been lodged on the date that the local authority received notification from the EPA under section 149Y(3); and</p> <p>(c)section 88(3) did not apply to the application.</p>	GMR PP , RO, PPM , PTL , P
87BA	Determine that activity meets the criteria for a consent exemptions for a permitted 'boundary activities' and issue notices for permitted 'boundary activities'.	GMR PP , RO, PPM , PTL , P
87BB	Determine that an activity meets the criteria for a consent exemption for a permitted ' marginal or temporary activities' and issue notices for permitted ' marginal and temporary activities '.	GMR PP , RO, PPM , PTL , P

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91(1)	Determine not to proceed with the notification or hearing on an application for a resource consent.	GMR PP , RO, PPM , PTL
91(2)	Notify the applicant of the determination.	GMRPP , PA, RO, PPM , PTL , P
92(1)	Request the applicant for the consent to provide further information relating to the application.	GMR PP , RO, PPM , PTL , P, PP
92(2)	Determine if the activity for which the resource consent is sought may have a significant adverse environmental effect. Commission a person to prepare a report on any matter relating to an application in particular circumstances.	GMRPP , RO, PPM , PTL , P
92(3)	Council must notify the applicant, in writing, of its reasons for: (a) requesting further information under subsection (1); or (b) wanting to commission a report under subsection (2).	GMR PP , RO, PPM , PTL , P
92A(2)	Decide a reasonable time limit to provide the information and notify the applicant of it.	GMR PP , PPM , PTL , P
92A(3)	Determine an application under section 104 even if applicant does not respond to section 92(1) request.	GMR PP , PPM , PTL
92B(2)	Determine an application under section 104 even if applicant does not respond under subsection(1) or agree to commissioning of report.	GMR PP , PPM , PTL
95	Determine whether to notify an application.	GMR PP , PPM , PTL
95A & 95D	-Determine whether to publicly notify resource consent application; ² and -Determine whether an activity will have or is likely to have adverse effects on the environment that are more than minor	GMR PP , PPM , PTL , P
95B & 95E	Determine whether there are any affected persons in relation to an activity.	GMRPP , PPM , PTL , P
95B & 95F	Determine whether there are any affected protected customary rights groups in relation to an activity.	GMRPP , PPM , PTL , P
98	Provide the applicant with a list of all submissions received.	GMR PP , PPM , RO, PTSO , PTL , P
99	Determine if Council should have a pre-hearing meeting.	GMR PP , RO, PPM , PTL , P, PTSO
99(1)	Invite or require a consent applicant and some or all of the persons who have made submissions on the application to attend a meeting.	GMR PP , RO, PPM , PTL , P, PTSO
99(4)(a)	Determine if the person who has the power to make the decision on the application that is the subject of the meeting should be able to attend and participate.	GMR PP , RO, PPM , PTL , P

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99A	Refer to mediation a resource consent applicant and some or all of the persons who have made submissions on the application.	GMR PP , RO, PPM , PTL , P
100	Determine if a hearing is required.	GMR PP , RO, PPM , PTL , P
101	Organise the commencement date and time and the place of the hearing and notify parties.	GMR PP , PPM , RO, PTL , P, PTSO
102(1)(a)	Determine (with the other authorities) whether a joint hearing is unnecessary.	GMR PP , RO, PPM , PTL , P
103(1)(a)	Determine if the applications are sufficiently unrelated so that it is unnecessary to hear and decide the applications together.	GMR PP , PPM , PTL , P
104(6)	Decline an application for a resource consent where information is inadequate to determine application.	GMR PP , PPM , PTL
104A-D, 105, 106, 107, 108, 108A, 149Z and 220	Decisions on applications for resource consents that are not notified under section 95A, and for which notice is not required to be served under section 95B; or for applications notified under section 95A, or where notice is required to be served under section 95B when: <ul style="list-style-type: none"> • No submissions have been received, or • No request is made for a hearing, or • The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed and, therefore, they no longer want to be heard. 	GMR PP , PPM , PTL , P
108A(3)	Determine that an adverse effect may continue or arise after the expiration of a resource consent and require that the bond continue for a specified period.	GMR PP , RO, PPM , PTL , MCTL , RM
109(4)	Extend bond period.	GMR PP , RO, PPM , PTL , MCTL , RM
114 115	Serve notice of decision.	GMR PP , RO, PPM , PTL , P
124(2)	Determine that holder of resource consent, who has applied for new consent, continue to operate under existing resource consent.	GMR PP , RO, PPM , PTL
125	Determine an application for an extension.	GMR RRR , PPM , PTL
126	Cancel a resource consent by written notice served on the consent holder. Revoke a notice to cancel a resource consent and state a period after which a new notice may be served.	GMR PP , PPM , PTL

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127 & 149Z(8)	Determine an application to change or cancel a condition of a resource consent. However if the matter is referred under section 149Y(3), the application must be treated as if it had been— (a) made to the local authority under section 127; and (b) lodged on the date that the local authority received notification from the EPA under section 149Y(3).	GMR PP , PPM , PTL
128, 129 , 130	Power to review a resource consent and to give notice of review. Serve notice of intention to review conditions of a resource consent. Determine whether a review needs to be notified.	GMR PP , MCTL , PPM , PTL , RM
132	Change conditions of resource consent on a review. Cancel a resource consent following a review.	GMR PP , PPM , PTL , MCTL , RM
133A	Issue an amended consent that corrects minor mistakes or defects in the consent.	GMR PP , PPM , PTL
138	Accept or refuse to accept the surrender of a resource consent.	GMR PP , PPM , PTL
139	Issue or decline to issue a certificate of compliance. Determine that further information is necessary to determine whether the activity can be lawfully done in the particular location without a resource consent complies with the plan and requires an applicant for a certificate of compliance to provide further information relating to the request.	GMR PP , PPM , PTL
139A	Issue existing use certificates. Determine information needed to decide whether to issue the certificate. Require an applicant to provide any further information needed. Revoke an existing use certificate.	GMR PP , PPM , PTL
142(1)(b)	Request Minister to make a direction for a matter lodged with Council.	GMRPP
142(4)	Provide views to the Minister on a request for a matter of national significance to be called in and indicate Council's capacity to process the matter.	GMRPP
145(2), (3) or (4)	Lodge a matter with the Environmental Protection Authority	GMRPP
147(4)	Provide views to the Minister on a recommendation from the Environmental Protection Agency and indicate Council's capacity to process the matter.	GMRPP
149	Respond to request from Environmental Protection Authority for further information.	GMR PP , PA , DP , PP , PPM , PM
149B	Provide Environmental Protection Authority with required information.	GMR PP , PA , DP , PP , PPM , PM

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149E & 149F	Make submission and further submissions to the Environmental Protection Authority.	GMR PP , PPM , PM
149G(3)	Prepare report when commissioned by Environmental Protection Authority.	GMR PP , PA , DP , PP , PPM , PM
149I(1)	Withdraw a change or variation.	GMR PP , PA , DP , PM
149K(2)	Suggest members for a Board of Inquiry.	GMR PP
149M(3)	Provide Council views to Board of Inquiry on whether the Board ought to accept or reject a request.	GMR PP
149M(4)(b)	Prepare proposed plan or change.	GMR PP , PM
149O(3)(a)	Make submission on proposed plan or plan change.	GMR PP , PPM , PM
149Q	Make comments on minor or technical aspects of draft report from Environmental Protection Authority.	GMR PP , PPM , PM
149W(2)(a)	Implement decision of Board of Inquiry or Environment Court about proposed regional plan or change or variation (Note: section 149W(b) & (c) may only be delegated to a relevant Council committee).	GMR PP , PM
149ZC	Make submission to Environmental Protection Authority.	GMR PP , PPM , PM
149ZD(1)	Determine whether to recover from an applicant actual and reasonable costs incurred by Council in complying with Part 6AA of the Resource Management Act 1991.	GMR PP , PPM , PM
149ZD(7)	Object to requirement to pay costs under section 149ZD.	GMR PP , PM
168	Give notice of a requirement for a designation. Withdraw a requirement for a designation.	NOT DELEGATED
168A & 149Z(4)	Process and decide on Notice of Requirement by Council when: <ul style="list-style-type: none"> No submissions have been received, or No request is made for a hearing, or The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard. However if the matter is referred under section 149Y(3), the local authority must instead comply with section 168A or 181 (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	GMR PP , DP , PA , PP , PPM , PTL , PM
168A	Notify a requirement in accordance with sections 95A to 95G. Confirm, modify, impose conditions upon or withdraw a requirement.	PA , GMR PP , RO , PPM , PTL , PM

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169	Process of further information requests, notification, submissions and hearing apply to the notice of requirement.	GMR PP , PPM , PTL , P, PM
170	Consent to requirement being included in proposed plan.	GMRPP , PPM , PM
171	Recommend that a requirement be confirmed, modified, subject to conditions, or withdrawn.	PPM , GMRPP , PM
172	Accept, modify or reject a recommendation under section 171 or modify a requirement	GMRPP , PPM , PM
173(1)	Serve a notice of decision and a statement of the time within which an appeal against the decision may be lodged on (a) persons who made a submission; and (b) landowners and occupiers directly affected by the decision.	GMRPP , PPM , PTL , PM
174	Initiate an appeal against a decision of a requiring authority.	GMRPP , PPM , PM
176A	Consider an outline plan of any public work, project or work to be constructed on designated land and request changes before construction is commenced. Waive requirement for an outline plan.	GMR PP , RO, PPM , PTL , P, PM
181 & 149Z(4)	Alter a designation in the district plan or a requirement in a proposed district plan. However if the matter is referred under section 149Y(3), the local authority must instead comply with section 168A or 181 (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	PPM , GMRPP , DP , PP , PM
182	Remove or refuse to remove part of a designation or heritage order.	PPM , GMRPP , PM
184	Consent to extension of designation.	PPM , GMRPP , PM
189	Give notice of a requirement for a heritage order.	PPM , GMRPP , PM
189A & 149Z	Process, determine notification and decide on notice of requirement for a heritage order by Council when: • No submissions have been received, or • No request is made for a hearing, or • The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard.	PA , DP , PP , PPM , GMRPP , PM
190	Decide on whether to notify a notice of requirement for a heritage order. Process further information requests, notification, submissions and hearing apply to the notice of requirement.	PA , DP , PP , PPM , GMRPP , PM
190	Notify a requirement.	GMR PP , PA , PPM , PM, DP
191	Recommend that a requirement be confirmed (with or without conditions) or withdrawn.	GMR PP , PA , PPM , PM, DP
192	Powers under sections 172, 170, 173, 174, 175 and 180 which apply to designations apply in respect of notice of requirement for a heritage order.	GMR PP , PA , PM , PM, DP

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193	Consent to do anything that would wholly or partly nullify the effect of the heritage order.	GMR PP , PA, PPM , PM, DP	Deleted: P...PP, GMC, S...A, PPMRC <input type="checkbox"/>
193A	As authority responsible for earlier order or designation, consent to heritage protection authority responsible for later heritage order to do anything in accordance with that heritage order. Authority responsible for earlier order or designation may do anything in accordance with earlier order or designation without prior consent.	GMR PP , PA, PPM , PM, DP	Deleted: P...PP, GMC, S...A, PPMRC <input type="checkbox"/>
195A & 149Z(6)	Alter heritage order (applies to both applications to and those by Council). However if the matter is referred under section 149Y(3), the local authority must instead comply with section 189A or 195A (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	GMR PP , PPM , PA, PM , DP	Deleted: P...PP, PPMRC... GMC, S...A, MRC, <input type="checkbox"/>
198C	Determine request under section 198B.	GMR PP , PPM , PA, PM , DP	Deleted: P...PP, PPMRC... GMC, S...A, MRC, <input type="checkbox"/>
198D (3)(4) & (5)	Prepare and serve report on requirement.	GMR PP , PPM , PA, PM , DP	Deleted: P...PP, PPMRC... GMC, S...A, MRC, <input type="checkbox"/>
198E(4)	File section 274 notice in respect of a notice of motion lodged with the Environment Court.	PPM , GMR PP , PM	Deleted: RC... GMC, ...MP <input type="checkbox"/>
198H	Decision to refer a requirement to the Environment Court for decision.	GMR PP , PPM , PM	Deleted: GMC, ...MP...PP, PPMRC <input type="checkbox"/>
198J & 198M(1)(a)	Prepare report and suggested conditions and Serve submitters with report.	PA, DP , GMR PP , PPM , PTL , P, PM	Deleted: GMC, S...A, DP..., GMP...PP, PPMRC... PTLRC <input type="checkbox"/>
198K(1)	Lodge notice of motion and supporting affidavit with the Environment Court and serve a copy of the notice of motion and affidavit on every person who made a submission.	GMR PP , PA, PPM , PM, DP	Deleted: P...PP, GMC, S...A, PPMRC <input type="checkbox"/>
220	Determine conditions on a subdivision consent. Consult the Registrar-General of Land in relation to the practicality of any condition proposed under section 220(1)(b).	GMR PP , RO, PPM , PTL , P, LIMO	Deleted: P...PP, ROC... PPMRC... PTLRC <input type="checkbox"/>
221	Issue a consent notice. Vary or cancel condition in a consent notice.	GMR PP , RO, DP , PPM , PTL , P	Deleted: P...PP, ROC... DP..., PPMRC... PTLRC <input type="checkbox"/>
222	Issue completion certificates. Extend the period for completion of works or making a financial contribution.	GMR PP , DP , PPM , RO, LIMO, PTL , P	Deleted: P...PP, DP..., PPMRC... ROC... LIMO, PTLRC <input type="checkbox"/>
223	Approve or decline survey plans.	GMR PP , RO, LIMO, DP , PPM , PTL , P	Deleted: P...PP, ROC... LIMO, DP..., PPMRC... PTLRC <input type="checkbox"/>
224	Provide certificate under section 224(c) to Registrar-General of Land.	GMR PP , RO, LIMO, DP , PPM , PTL , P	Deleted: P...PP, ROC... LIMO, DP..., PPMRC... PTLRC <input type="checkbox"/>

	Provide certificate under section 224(f) to Registrar-General of Land.	
226	Provide certificate under section 226(e) to Registrar-General of Land.	GMR PP , RO, LIMO, DP , PPM , PTL , P
234	Determine an application to vary or cancel an instrument creating an esplanade strip.	GMR PP , RO, LIMO, DP , PPM , PTL , P
235	Agree to creation of an esplanade strip.	GMR PP , RO, LIMO, DP , PPM , PTL , P, RM
237	Approve a separate survey plan for an esplanade reserve or esplanade strip.	GMR PP , RO, LIMO, DP , PPM , PTL , P
237B	Agree to acquire an easement for access. Agree to cancel or vary an easement for access.	GMR PP , RO, LIMO, DP , PPM , PTL , P
237C	Close an esplanade reserve or access strip during periods of emergency or public risk and adequately notify closure	GMR PP , MCTL , PPM , RM
237D	Agree to an esplanade reserve being administered by the Minister of Conservation or regional council. Agree to the bed of any river or lake being vested in the Minister of Conservation or regional council.	NOT DELEGATED
237H	Accept or object to registered valuer's determination of compensation.	GMR PP , PPM , PM
239(2)	pursuant to s239(2) of the Resource Management Act 1991 the [easement or other interest] specified in the attached Annexure Schedule, which affects an allotment to vest as reserve, shall remain with the land upon deposit of the plan	GMR PP , PPM , RO, LIMO
240	Cancel amalgamation covenant in whole or part.	GMR PP , PPM , RO, LIMO, DP , PTL , P
241(3)	Cancel an amalgamation condition.	GMR PP , RO, LIMO, PPM , PTL , P
243	Grant or revoke an easement condition in whole or part.	GMR PP , PPM , PTL , RO
245	Approval of a plan of survey of reclamation.	RO, LIMO, GMR PP , PPM , PTL
274(2) & (3)	Give notice of intention to become party to proceedings.	GMRPP , PPM , PM
292	Apply to Environment Court for direction ordering amendment to District Plan.	GMR PP , PM
294	Application to Environment Court to order rehearing of proceedings by the Court	GMR PP , PM

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311 <u>312</u>	Apply to the Environment Court for a declaration subject to advising Commissioners prior to actioning.	GMR PP , PM
316	Apply for an enforcement order.	GMR PP , MCTL , PPM , RM
320	Apply for an interim enforcement order.	GMR PP , MCTL , PPM , RM
321	Apply to the Environment Court to change or cancel an enforcement order, if directly affected by it.	GMR PP , MCTL , PPM , RM
325A	Change or cancel an abatement notice.	GMR PP , MCTL , PPM , RM
330(2)	Determine that: (a) any public work for which the Council has financial responsibility; (b) any natural and physical resource or area for which the Council has jurisdiction under the Act; (c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167; or (ca) any service or system that any lifeline utility operates or provides— is affected by or likely to be affected by - (d) an adverse effect on the environment which requires immediate preventive measures; or (e) an adverse effect on the environment which requires immediate remedial measures; or (f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property. and in such case, without prior notice, enter any place (including a dwelling house when accompanied by a constable) and take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency;	GMRPP , COO , GMI , WWM , RM Water Services Manager General Manager Infrastructure Roading Manager ▼
332	Authorise enforcement officer to enter for the purpose of inspection.	GMR PP , MCTL , PPM , RM
333	Authorise enforcement officer to carry out surveys, take samples and enter onto land.	GMR PP , MCTL , PPM , RM
334	Apply for warrant for entry and search of any place or vehicle (Note: Must be an enforcement officer authorised under section 38).	GMR PP , MCTL , PPM , RM
338	<u>Authority to commence prosecution for breach of the Act.</u> Initiate, conduct, settle and conclude any action for any breach of the District Plan or non-compliance with the terms of any resource consent, including laying an information in respect of an offence. Report to the next available Council or relevant Committee meeting.	GMR PP , MCTL , PPM , RM
343C	Issue an infringement notice. Deliver an infringement notice.	GMR PP , MCTL , PPM , RM

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352	Serve notice or other document as prescribed by the Act. Report to the next available Council or relevant Committee meeting.	GMR PP , MCTL , PPM , RM
353	Extend fixed period for service of notices under this Act on owners of Maori land. Report to the next available Council or relevant Committee meeting.	GMR PP , MCTL , PPM , RM
356	Apply to the Environment Court for an order authorising a matter to be determined by arbitration subject to advising Commissioners prior to actioning.	GMR PP , MCTL , RM
357C & 357D 357CA	Authority to consider any objection (pursuant to this section) to an officer's decision where the objection can be dismissed, upheld in whole or in part or in the case of an objection under section 357B(a), as it relates to an additional charge under section 36(3), remit the whole or any part of the additional charge over which the objection was made.	GMR PP , MCTL ,
388	Request information as to the nature and extent of the activities carried out under the consent and the effects of those activities upon the environment.	GMR PP , MCTL ,
Schedule 1 Clause 6 and 6A	Make a submission.	NOT DELEGATED- COUNCIL ONLY
Schedule 1 clause 8 and 8A	Make further submission.	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 8AA(,	Invite anyone who has made a submission on the proposed policy statement or plan to meet for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	PA, DP, PP, GMRPP, PPM, PM
Schedule 1 Clause 8AA(3)	With the consent of the parties, refer to mediation the issues raised by persons who have made submissions on the proposed plan or policy statement.	PA, PP, DP, GMRPP, PPM, PM
Schedule 1 Clause 16 20A	Make an amendment, of minor effect, or correct any minor errors in a proposed policy statement or plan without using the process in this schedule or make an amendment to comply with a direction of the Environment Court. Make an amendment or correct any minor errors in an operative policy statement or plan without using the process in this schedule. Report to the next available Council or relevant Committee meeting.	PA, DP, PP, PPM, GMRPP, PM
Schedule 1 Clause 23	Require further information about a proposed change under Clause 21, specifying reasons for requiring further or additional information or for commissioning a report under this clause.	PA, DP, PP, GMRPP, PM
Delegations Pursuant to -		

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Local Government Act 1974		
Section		Delegated to
327A	Where a building-line restriction has been imposed under this Act or any former enactment, and Council subsequently determines that the building-line restriction be cancelled, Council shall send notice of cancellation to the District Land Registrar or Registrar of Deeds, as the case may require, who shall amend his or her records accordingly.	PPM, PTL, PA, RO, PTSO In conjunction with Roding Manager for KDC controlled roads
348(1)	Give permission to lay out or form any private road or private way, or grant or reserve a right of way over any private way, in the district.	GMRPP, PPM, PTL, RO, PTSO
	Unit Titles Act 1972	
25(5)	Unit title - deposit in stages.	GMRPP, RO, LIMO, PPM, PTL, P
32(2)	Restriction on deposit unit title plan.	GMRPP, RO, LIMO, PPM, PTL, P
5(1)	Building shown on plan has been erected and all other development work has been carried out to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured.	GMRPP, RO, LIMO, PPM, PTL, P
	General	
A&I	Authorisation and Instruction form - insofar as it related to survey plans, easement and LINZ certificates.	GMRPP, RO, LIMO, PPM, PTL

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eStatute or Function	Statutory Reference	Description	Functional Area	CE delegation
Administrative	n/a	Authority to co-sign documents under seal		Chief Executive
	n/a	Authority to approve access to records and archives for people wanting to carry out research	Finance	GM Risk, IT and Finance
Amusement Devices Regulations 1978	11	Responsibilities in relation to local authority permits		
	13	Duty to inform inspector if local authority permit is cancelled	Regulatory	GM Regulatory, Planning and Policy, Monitoring & Compliance, Team Leader
	15	Power to inspect an amusement device register	Regulatory	GM Regulatory, Planning and Policy, Monitoring & Compliance, Team Leader
	18	Power to undertake enquiries in relation to amusement devices accidents	Regulatory	GM Regulatory, Planning and Policy, Monitoring & Compliance, Team Leader
	19	Power to undertake enquiries in relation to amusement devices incidents	Regulatory	GM Regulatory, Planning and Policy, Monitoring & Compliance, Team Leader
	23	Power to enter property, inspect machinery and documents	Regulatory	GM Regulatory, Planning and Policy, Monitoring & Compliance, Team Leader
Building (Accreditation of Building Consent Authorities) Regulations 2006	7	Duty to put in place policies and procedures for performing building consent authority's building control functions	Regulatory	GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager
	8	Duty to put in place a system for ensuring that building consent authority has enough employees and contractors to perform its building control functions	Regulatory	GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager
	9	Duty to put in place a system for allocating building control function work to competent employees or contractors	Regulatory	GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager
	10	Duties in relation to establishing and assessing competence of employees performing building control functions	Regulatory	GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Senior Building Control Officer

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	11	Duties in relation to training employees who perform the authority's building control functions by doing a technical job	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	12	Duty to put in place a system for choosing and using contractors to perform building consent authority's building control functions	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	13	Duties in relation to ensuring technical leadership	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	14	Duties in relation to ensuring necessary technical resources	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	15	Duties in relation to keeping organisational records	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	16	Duty to put in place a system for the filing of applications for building consents	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	17	Duties in relation to assuring quality of performance	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
	18	Duty to put in place a system requiring appropriate qualifications for employees and contractors performing building control functions	Regulatory	<u>GM Regulatory, Planning and Policy, Building Control Manager, Quality Assurance Manager, Building Control Team Leader</u>	Deleted: GM Planning and Regulatory...M Regulatory...
Building Act 2004	19, 20,21 and 22	Authority to establish compliance with Building Code compliance documents	Regulatory	Building Control Manager, <u>Building Control Team Leader</u> , Senior Building Control Officer, Building Control Officer, ▼	Deleted: Trainee Building Control Officer
	31	Apply for project information memorandum (PIM) on receiving building consent application and provide copy of it to owner	Regulatory	Building Control Manager, <u>Building Control Team Leader</u> , Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, ▼	Deleted: Trainee Building Control Officer, Deleted: Principle
	33	Authority to determine information required for an application for a PIM	Regulatory	Building Control Manager, <u>Building Control Team Leader</u> , Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, <u>Principal Planner</u> , ▼	Deleted: Principal Planner, Planner Deleted: Trainee Building Control Officer
	34	Authority to issue a PIM	Regulatory	Building Control Manager, <u>Building Control Team Leader</u> , Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, <u>Principal Planner</u> , Planner	Deleted: e Deleted: Planner Deleted: Trainee Building Control Officer Deleted: Principle

35	Authority to determine the content of a PIM	Regulatory	Building Control Manager, Building Control Team Leader , Building Control Manager, Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, Principal Planner , Planning Team Leader
36	Authority to issue a development contribution notice	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, Principal Planner , Planning Team Leader
37	Authority to issue certificates regarding resource consents	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
38	Duty to provide copy of PIM to a network utility operator or statutory authority as required	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
39	Duty to advise the New Zealand Historic Places Trust	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
45	Authority to determine information required in an application for a building consent	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
46	Duty to provide copies of applications to the Fire Service Commission as required	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
48	Duty to process an application within the time limits specified	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
49	Authority to grant a building consent	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
50	Authority to refuse to grant a building consent	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
51	Authority to issue building consents	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Principal Planner , Planning Team Leader
52	Power to extend the time permitted to activate a building consent	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Quality Assurance Manager, Building Control Team Leader
54	Duty to advise applicants the amount of the levy for which they are liable	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Quality Assurance Manager, Building Control Team Leader , Building Technical Support
59	Duty to pay levy which is certified, to chief executive of MBIE	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Quality Assurance Manager, Building Control Team Leader
64	Duty to keep in safe custody all records of building consents issued including the estimated value of the building work	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Quality Assurance Manager, Building Control Team Leader

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67	Authority to grant a consent subject to waiver or modification of the building code	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer
68	Duty to notify the chief executive of MBIE if a consent is granted subject to waiver or modification of the building code	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer
70	Duty to meet requirements for building consent applications relating to energy work	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
71	Authority to refuse any building consent in relation to land with natural hazards	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
72	Authority to grant any building consent in relation to land subject to natural hazards in circumstances described in subsection (1)	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
73	Duty to notify building consent granted in relation to land subject to natural hazards	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
74	Duty to notify where a previous entry is no longer required	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
75	Duty to issue certificate regarding condition of grant of consent relating to building on two or more allotments	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
83	Authority to authenticate a certificate for the construction of a building on two or more allotments	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
90	Authority to inspect any land and building work	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
91	Authority for another building consent authority to issue code compliance certificate	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
93	Authority to determine whether to issue a code of compliance certificate within the prescribed time	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
94	Authority to determine that building work and performance standards comply with building consent and duty to consider specified matters in its decision	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
95	Authority to issue a code compliance certificate	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, ▼
96	Authority to issue certificate of acceptance for completed building work in certain circumstances	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer

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97	Authority to determine information required and further information required for application for certificate of acceptance	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Compliance Officer
98	Authority to grant or refuse a certificate of acceptance or require further reasonable information in respect of the application		Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Compliance Officer
99	Authority to issue a code compliance certificate and authority to qualify code compliance certificate to the effect that only parts of the building work were able to be inspected	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Compliance Officer
102	Authority to issue a compliance schedule	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer
106, 107 and 109	Authority to amend and refuse to amend a compliance schedule	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer
108	Duty to receive a building warrant of fitness	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer
111	Authority to inspect buildings	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer
112	Duty to assess impact of alterations on the building and authority to allow alteration of a building	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer
113	Authority to determine conditions of and grant a building consent in relation to alteration of buildings with specified intended lives	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer, Building Control Officer, Building Compliance Officer
115	Authority to determine the change of use of buildings	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer
116	Authority to determine an extension of the life of a building with a specified intended life	Regulatory	Building Control Manager, Building Control Team Leader , Senior Building Control Officer
124	Powers in relation to a building determined to be dangerous, affected, earthquake-prone, or insanitary, subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	Building Control Manager, Building Control Team Leader , Building Compliance Officer, Senior Building Control Officer
126	Authority to apply to the District Court for an order authorising building work subject to Mayor and	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Building Control Team Leader , Building

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		Deputy Mayor being advised prior to actioning		Compliance Officer
	129	Authority to cause any action to be taken to avoid immediate danger or to fix unsanitary conditions subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Building Control Team Leader , Building Compliance Officer
	164	Duty to issue notices to fix and authority to notify other responsible authority to issue notice to fix subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Building Control Team Leader , Building Compliance Officer, Senior Building Control Officer
	212	Duty to act as building consent authority	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager
	215	Duty to obtain accreditation and be registered as a building consent authority to ensure compliance with section 212(1)	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Building Control Manager, Quality Assurance Manager
	216	Duty to keep reasonably available information relevant to the administration of the Building Act	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Quality Assurance Manager
	217	Duty to provide access to the information referred to in section 216 to the public	Regulatory	GM Regulatory, Planning and Policy , Building Control Manager, Quality Assurance Manager
	219	Authority to impose fees or charges and collect levy under section 53 and to refuse to perform function or service where fees or charges are not paid	Regulatory	Building Services Team Leader, Building Control Team Leader , Senior Building Control Officer, Building Control Manager
	222(1)(a)	Authority to inspect land, building work and any building while building work is being carried out	Regulatory	Building Services Team Leader, Building Control Team Leader , Senior Building Control Officer, Building Control Manager, Building Control Officer
	222(1)(b)	Authority to enter premises for the purpose of inspection while building work is being carried out	Regulatory	Building Services Team Leader, Building Control Team Leader , Senior Building Control Officer, Building Control Manager, Building Control Officer
Building Research Levy Act 1969	7	Duty, when required, to provide information necessary to enable association to assess amount of levy payable to it	Regulatory	Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	9	Authority, as an appointed agent, to receive levies payable under this Act	Regulatory	Building Control Manager, Quality Assurance Manager, Building Control Team Leader

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Burial and Cremation (Removal of Monuments and Tablets) Regulations Act 1967	3	Duty to give notice to person entitled to maintain monument or tablet	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	4	Duty to advertise proposal if person entitled to maintain cannot be identified or found	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	5	Power of appropriate authority to remove dilapidated or neglected monument or tablet	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
Burial and Cremation Act 1964	5	Authority to control and manage certain cemeteries and exercise rights, powers and duties conferred by section 7 to 21 in relation to those cemeteries	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	8	Authority to manage cemeteries in specified ways	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	9	Authority in relation to digging, making, erection, placing and maintenance of graves, vaults monuments and tablets	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	10	Authority to sell the exclusive right of burial and right of constructing any place of burial with the exclusive right of burial therein	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	11	Authority to set apart permanently a portion of the cemetery to be used for the burial of the bodies of members of a denomination upon application	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>

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	12	Duty to define by suitable marks and allow consecration of portions of cemeteries set apart for denominations and authority to permit suitable church or chapel in cemetery for denominations	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	18	Duty to separately account for cemeteries	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	19	Authority to appoint officers and servants as necessary	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	20	Authority to clear disused cemeteries	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	50	Duty to register burial and maintain a register of burials	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
Bylaws Act 1910	12(8)	Duty to give public notice of any quashing or amendment of a bylaw before it is published	Community	<u>GM Regulatory, Planning and Policy, Policy Manager</u>
Camping-Grounds Regulations 1985	3	Power to refuse to issue certificate of registration under the Health (Registration of Premises) Regulations 1966 and to refuse to permit the use of an existing camping ground	Regulatory	<u>GM Regulatory, Planning and Policy</u>
	4	Power to require copies of camp plan to be lodged with Council	Regulatory	Building Control Manager, Senior Building Control Officer
	8	Power to determine satisfactory lighting for camping ground	Regulatory	Building Control Manager, Senior Building Control Officer
	9	Power to determine acceptable standards regarding cleanliness and fire safety for camping ground	Regulatory	Building Control Manager, Senior Building Control Officer

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	11	Powers in relation to site requirements of relocatable home parks	Regulatory	Building Control Manager, Senior Building Control Officer
	12	Power to determine satisfactory standard of all-weather access	Regulatory	Building Control Manager, Senior Building Control Officer
	14	Power to grant exemption from requirements of regulations 3 and 13	Regulatory	Building Control Manager, Senior Building Control Officer
	15	Duties in relation to enforcement of regulations and inspections	Regulatory	Building Control Manager, Senior Building Control Officer
	Schedule	Power to determine acceptable standards regarding water supply and drainage for camping grounds	Regulatory	Building Control Manager, Senior Building Control Officer
Copyright Act 1994	51	Authority as librarian of prescribed library to copy parts of published works	Community	GM Community Customer Service , Library Manager (Chief Librarian)
	52	Authority as librarian of prescribed library to copy articles in periodicals	Community	GM Community Customer Service , Library Manager (Chief Librarian)
	53	Authority as librarian of prescribed library to copy parts of published works and articles for users in other prescribed libraries	Community	GM Community Customer Service , Library Manager (Chief Librarian)
	54	Authority as librarian of prescribed library to copy published works for collections of other libraries	Community	GM Community Customer Service , Library Manager (Chief Librarian)
	55	Authority as librarian of prescribed library or archivist to copy any item of the library for the purpose of preserving or replacing that item	Community	GM Community Customer Service , Library Manager (Chief Librarian)
	56	Authority as librarian of prescribed library or archivist to copy certain unpublished works	Community	GM Community Customer Service , Library Manager (Chief Librarian)
	56B	Duty to supply terms of use of copy of work in digital format and to destroy any additional copies made	Community	GM Community Customer Service , Library Manager (Chief Librarian)
Cremation Regulations 1973	3	Power to request that Minister close a crematorium	Regulatory	GM Regulatory, Planning and Policy , Regulatory Manager, Team Leader Regulatory
	11	Power to impose conditions in respect of cremations in cemeteries or burial grounds	Regulatory	GM Regulatory, Planning and Policy , Regulatory Manager, Team Leader Regulatory
Dispute Tribunal Act 1988	13	Power to agree to an extension of jurisdiction of Tribunal by agreement with the other party subject	Finance	GM Risk, IT and Finance , Revenue Manager

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		to Mayor and Deputy Mayor being advised prior to actioning		
	14	Power of abandonment so much of a claim as exceeds \$15,000 to bring claims within jurisdiction of a Tribunal subject to Mayor and Deputy Mayor being advised prior to actioning and to a limit of \$30,000.	Finance	GM, <u>Risk, IT and Finance</u> , Revenue Manager
Dog Control (Prescribed Forms) Regulations 1996	3	Power to alter forms prescribed by these regulations	Regulatory	Regulatory Manager, Team Leader Regulatory
Dog Control Act 1996	10A	Duty to annually report on the administration of its dog control policy and practices and publicly notify the report	Regulatory	Regulatory Manager, Team Leader Regulatory
	11	Power to appoint dog control officer	Regulatory	Regulatory Manager, Team Leader Regulatory
	12	Power to appoint dog rangers	Regulatory	Regulatory Manager, Team Leader Regulatory
	13(1)	Duty to supply every dog officer and ranger with a warrant of appointment	Regulatory	Regulatory Manager, Team Leader Regulatory
	14	Power to authorise entry into dwelling house	Regulatory	Regulatory Manager, Team Leader Regulatory
	21	Power to classify probationary owners and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	23A	Power to require probationary owner to undertake approved training	Regulatory	Regulatory Manager, Team Leader Regulatory
	25	Power to disqualify a person from being an owner of a dog and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	30	Duty to maintain records and provide information to other territorial authorities	Regulatory	Regulatory Manager, Team Leader Regulatory
	30AA	Power to retain records relating to infringement notices until the fee or fine has been fully paid	Regulatory	Regulatory Manager, Team Leader Regulatory
31	Power to classify dangerous dogs and to form a view under subsection (1)(b)	Regulatory	Regulatory Manager, Team Leader Regulatory	
33	Duty to be satisfied as to certain conditions before giving consent to dispose of dangerous dog	Regulatory	Regulatory Manager, Team Leader Regulatory	

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	33A	Power to classify certain dogs as menacing and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	33C	Duty to classify certain breeds as menacing and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	33EB	Power to require neutering of menacing dogs classified as menacing by another territorial authority	Regulatory	Regulatory Manager, Team Leader Regulatory
	33ED	Power to decide not to classify a dog as dangerous or menacing if satisfied that the circumstances of the attack or rush were exceptional and do not justify such a classification subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	Regulatory Manager, Team Leader Regulatory
	34	Duty to keep and maintain a register of dogs	Regulatory	Regulatory Manager, Team Leader Regulatory
	35	Power to provide certain register information	Regulatory	Regulatory Manager, Team Leader Regulatory
	39	Power to make refunds and reduce fees	Regulatory	Regulatory Manager, Team Leader Regulatory
	40	Power to require written statement regarding working dogs and certificate from vet regarding neutered dogs	Regulatory	Regulatory Manager, Team Leader Regulatory
	42(2)	Power to seize and impound unregistered dogs and enter land or premises occupied by owner of the dog for those purposes	Regulatory	Regulatory Manager, Team Leader Regulatory
	50	Power to seize and impound dogs not wearing label or disc with current registration	Regulatory	Regulatory Manager, Team Leader Regulatory
	66	Authority to issue infringement notices	Regulatory	Regulatory Manager, Team Leader Regulatory
	66(5)	Power to commence proceedings under Summary Proceedings Act 1957, section 21 when an infringement notice has been issued	Regulatory	Regulatory Manager, Team Leader Regulatory
Electricity Act 1992	24	Power to set reasonable conditions for construction and maintenance works including a condition requiring reasonable costs and expenses of the local authority to be met	Infrastructure	Chief Operating Officer/GM Infrastructure
Employment	n/a	Authority to hire staff in accordance with Council HR policies	All	All General Managers , HR Manager
	n/a	Authority to performance manage staff in	All	All Managers

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		accordance with Council HR policies		
	n/a	Authority to terminate staff in accordance with HR policies	All	All General Managers, HR Manager
Employment Relations Act 2000	34	Duties relating to information in bargaining for collective agreement	Human Resources	GM People & Capability, Human Resources Manager
	40 and 41	Power to initiate bargaining for a collective agreement and timeframes within which bargaining must be initiated	Human Resources	GM People & Capability, Human Resources Manager
	42	Power to issue notice to initiate bargaining for collective agreement	Human Resources	GM People & Capability, Human Resources Manager
	43	Duty to draw employees attention to initiation of bargaining	Human Resources	GM People & Capability, Human Resources Manager
	49	Power as bargaining party to consent to new parties joining bargaining after it begins	Human Resources	GM People & Capability, Human Resources Manager
	50(2)	Power to request consolidation of bargaining	Human Resources	GM People & Capability, Human Resources Manager
	50J	Power to apply for remedy for serious and sustained breach of duty of good faith in relation to bargaining for a collective agreement subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability, Human Resources Manager
	59B and 59c	Power to, in good faith pass on, in certain circumstances, in individual employment agreements terms and conditions or in collective agreement provisions agreed in collective bargaining or in collective agreement	Human Resources	GM People & Capability, Human Resources Manager
	62(2)	Duty to provide information to new employee who is not member of union and enters individual employment agreement with an employer that is party to a collective agreement that covers the work to be done by the employee	Human Resources	GM People & Capability, Human Resources Manager
	66	Power to agree to fixed term employment contracts	Human Resources	GM Corporate Services GM People & Capability, Human Resources Manager
	69AAE	Duty to notify decision as soon as possible in respect of application for flexible working	Human Resources	GM People & Capability, Human Resources Manager
69AAF	Power to refuse request of employee for flexible working	Human Resources	GM People & Capability, Human Resources Manager	

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	69Q	Power to agree to a bargaining fee clause	Human Resources	GM People & Capability , Human Resources Manager
	87	Power to suspend striking employees subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability , Human Resources Manager
	88	Power to suspend non-striking employees where work not available during strike subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability , Human Resources Manager
	97	Power to employ or engage another person to perform the work of a striking or locked out employee subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability , Human Resources Manager
	98	Duty to keep records of strikes and lockouts	Human Resources	GM People & Capability , Human Resources Manager
	120	Duty to provide a statement in writing of the reasons for the dismissal	Human Resources	GM People & Capability , Human Resources Manager
	130	Duty to keep, maintain and provide access to a wages and time record	Human Resources	GM People & Capability , Human Resources Manager
Fencing of Swimming Pools Act 1987	6	NOT DELEGATED - COUNCIL ONLY-Power to grant exemption from some or all of the requirements of this Act and to impose other conditions		
	11	Issue warrant of authority to enter land and premises to carry out inspections. Authority to inspect Swimming Pool Fencing	Regulatory	GM Regulatory, Planning and Policy
Finance	n/a	Authority to correct mistakes (for example invoices) that have a financial implication (for the avoidance of doubt).	Chief Executive	
	n/a	Authority to prepare and sign statutory tax returns, including Fringe Benefit Tax, Goods and Services Tax, Pay As You Earn Tax (PAYE) and withholding tax.	Finance	Financial and Corporate Planning Manager, Financial Services Manager

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n/a	<p>Subject to expenditure being budgeted for in the Long Term Plan, Annual Plan or approved forecast financial statements, compliance with the Procurement Policy and any other applicable policies or procedures, and the reporting of all expenditure more than \$100,000 approved by the Chief Executive under delegated authority to the next meeting of the appropriate Committee:</p> <ul style="list-style-type: none"> • Capital expenditure on roading: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to capital expenditure for new assets up to \$500,000 and capital expenditure for the renewal of assets up to \$1,000,000. This includes authority to vary or terminate such transactions. • Capital expenditure on assets classes other than roading: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to capital expenditure for new assets up to \$250,000 and capital expenditure for the renewal of assets up to \$500,000. This includes authority to vary or terminate such transactions. • Operational expenditure: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to goods, services, guarantees, indemnities and the disposal of assets up to \$250,000 in any one year for operational expenditure matters. This includes authority to vary or terminate such transactions. 	Finance	Budget Mangers (up to \$25,000) and General Managers (including NTA Manager for Roading) (up to \$50,000) in accordance with the CE Financial Delegations
n/a	Authority to execute contracts that have been approved pursuant to a resolution of Council or authorised under delegation	Chief Executive	
n/a	Authority to approve contract price variations of up to 20% of the contract price, subject to a maximum of \$100,000, provided that it is fiscally neutral and is either within budget or a substitution can be made.	Chief Executive	

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n/a	Authority to approve small contract extensions of up to \$25,000 where it is efficient to do so, provided that it is fiscally neutral and is either within budget or a substitution can be made	Chief Executive	
n/a	Authority to approve contract progress claims for authorised contracts	Chief Executive	Chief Operating Officer/GM Infrastructure, GM Community, and NTA Manager for Transportation contracts
n/a	Authority to reallocate, within total budget, funds that relate to expenditure of up to \$250,000. Authority is conditional on being fiscally neutral and being reported to the Audit, Risk & Finance (AR&F) Committee as part of the forecast process.	Finance	Budget Mangers (up to \$25,000) and General Managers (up to \$50,000) in accordance with the CE Financial Delegations
n/a	Authority to write off outstanding accounts (excluding rates) and wholly or partly remit fees and charges of up to \$25,000 or where they are statute barred. Authority is conditional on being fiscally neutral and being reported to the AR&F Committee as part of the forecast process. Reporting is to be for each period and for year to date.	Finance	GM Risk, IT and Finance, GM Infrastructure and GM Regulatory, Planning and Policy to \$10,000
n/a	Authority to write of property rents up to a maximum of \$5,000. Authority is conditional on being fiscally neutral and being reported to the AR&F Committee as part of the forecast process. Reporting is to be for each period and for year to date	Finance	GM Risk, IT and Finance, to \$1,000
n/a	Authority to settle insurance claims up to \$50,000. Reported to the next AR&F Committee.	Finance	General Managers to \$10,000
n/a	Authority to settle uninsured claims for compensation or damages up to \$25,000. Reported to the next AR&F Committee. Reporting is to be for each period and for year to date.	Chief Executive	
n/a	Authority to be the authorised signatory on behalf of the council in matters relating to financial investments, debt and liability management. Authority is subject to being compliance with council's Investment and Liability Management Policies.	Finance	GM Risk, IT and Finance, Financial and Corporate Planning Manager, Financial Services Manager, and Revenue Manager

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	n/a	Authority to enter approved transactions into the financial systems	Finance	<u>GM Risk, IT and Finance</u> , Financial and Corporate Planning Manager, Financial Services Manager, Revenue Manager and the finance, revenue and administration teams
	n/a	Administer rating policies (in accordance with council policy and delegations)	Finance	In accordance with rating protocols
	n/a	Authority to change signatories to Council bank accounts. Reported to the next <u>AR&F</u> Committee.	Chief Executive	
	n/a	Initiate legal proceedings to recover rates arrears subject to reporting to the next appropriate Committee. Note: For the duration of the Crown Manager's appointment, this is subject to the decisions of the Crown Manager under the Crown Manager's Terms of Reference (NZ Gazette, No.61 - 7 July 2016)	Finance	<u>GM Risk, IT and Finance</u> and Revenue Manager
Fire services Act 1975				
	46B-46F	Power to apply for grants from the Rural Fire Fighting Fund	Property	Property and Commercial Advisor
Food Act 1981 (This Act remains in force, but it is to be repealed as from 1 March 2016, or on an earlier date to be appointed by Order in Council, by section 420(2) Food Act 2014)	8E	Duty to enforce Food Hygiene Regulations 1974	Regulatory	Regulatory Manager, Team Leader Regulatory
	8N	Power to grant an exemption from the Food Hygiene Regulations 1974	Regulatory	Regulatory Manager, Team Leader Regulatory
	8P	Duty to grant an applicant an opportunity to be heard and to inform of right of appeal if an application is to be declined	Regulatory	Regulatory Manager, Team Leader Regulatory
	8Qand8R	Power to set and vary terms of exemptions, revoke, amend and add conditions of exemptions and set period for which it applies	Regulatory	Regulatory Manager, Team Leader Regulatory
	8S	Power to revoke exemption	Regulatory	Regulatory Manager, Team Leader Regulatory
	8ZA	Power to transfer functions to another territorial authority	Regulatory	Regulatory Manager, Team Leader Regulatory
	8ZF	Duty to comply with the performance standards issued under section 8ZE	Regulatory	Regulatory Manager, Team Leader Regulatory
	8ZJ	Duty to monitor compliance with exemptions	Regulatory	Regulatory Manager, Team Leader Regulatory
	8ZM	Duty to observe guidelines issued by Director	Regulatory	Regulatory Manager, Team Leader Regulatory

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		General		
	8ZT	Duty to inform Director General of exemptions granted or revoked, terms or conditions varied or notification received under section 8ZR	Regulatory	Regulatory Manager, Team Leader Regulatory
	13(1)	Powers to enter, inspect, take photographs, seize and detain food or appliance	Regulatory	Regulatory Manager, Team Leader Regulatory
	13(3)	Duty to give reports on exercise of power to designated officer or Director	Regulatory	Regulatory Manager, Team Leader Regulatory
	14	Duties relating to seizure and detention of articles including giving notice to the owner and release of the article	Regulatory	Regulatory Manager, Team Leader Regulatory
	15	Powers to seize and destroy decayed or putrefied food	Regulatory	Regulatory Manager, Team Leader Regulatory
	18	Power to require name and address of seller	Regulatory	Regulatory Manager, Team Leader Regulatory
Food Hygiene Regulations 1974				
	4(5)	Duty to provide copy of regulations on request	Regulatory	Regulatory Manager, Team Leader Regulatory
	5	Power to register or renew registration subject to conditions	Regulatory	Regulatory Manager, Team Leader Regulatory
	30	Power to consent to changes in floor space allocation of eating houses	Regulatory	Regulatory Manager, Team Leader Regulatory
	39	Power in relation to approval for use of stall as eating houses	Regulatory	Regulatory Manager, Team Leader Regulatory
	83	Duty to enforce regulations and associated power to cause regular inspections to be made	Regulatory	Regulatory Manager, Team Leader Regulatory

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Gambling Act 2003	▼	▼	▼	▼

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	100	Duty to consider consent applications pursuant to the policy and power to determine application	Regulatory	Regulatory Manager, Team Leader Regulatory
Gas Act 1992				
	25	Power to set reasonable conditions over the construction, placement and maintenance of fittings on roads and power to recover reasonable costs and expense in certain circumstances	Infrastructure	Chief Operating Officer/GM Infrastructure
	33	Power to require fittings to have their position altered	Infrastructure	Chief Operating Officer/GM Infrastructure
Goods and Services Tax Act 1985				
	Part 3	Power to sign any return requires to be furnished under part 3 of this Act	Finance	Financial and Corporate Planning Manager / Financial Services Manager
Hazardous substances and New Organisms Act 1996				
	97	Powers of enforcement of this Act. Actions are to be reported to the Council or relevant Committee meeting	Regulatory	Regulatory Manager, Team Leader Regulatory
		Undertake the Council's responsibilities in relation to dangerous goods under the Hazardous Substances and New Organisms Act 1996 and Regulations, and take such actions as are required to deal with any emergency arising from the spillage of hazardous or toxic substances in a public space. Actions are to be reported to the next Council or relevant Committee meeting	Regulatory	Regulatory Manager, Team Leader Regulatory
Health (Hairdressers) Regulations Act 1980				
	4	Power to grant exemption from minimum standards for hairdressing shop and set period of	Regulatory	Regulatory Manager, Team Leader Regulatory

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		exemption		
Health (Burial) Regulations 1946				
	14	Duty to maintain register of funeral directors and to record details of compliant applications	Regulatory	Regulatory Manager, Team Leader Regulatory
	16	Duty to issue certificate of registration upon registration of an applicant	Regulatory	Regulatory Manager, Team Leader Regulatory
	19	Duty to make new entry in register and issue new certificate when funeral director makes new application in respect of additional or substituted place	Regulatory	Regulatory Manager, Team Leader Regulatory
Health (Registration of Premises) Regulations Act 1966				
	5	Power to register premises and duty to issue certificate of registration	Regulatory	Regulatory Manager, Team Leader Regulatory
	8	Duty to keep record of registrations, certificates of registration and renewals	Regulatory	Regulatory Manager, Team Leader Regulatory
	9	Powers to require remedial action and to revoke registration subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	Regulatory Manager, Team Leader Regulatory
Health Act 1956				
	23	General powers and duty to improve, promote and protect public health within the district	Regulatory	Regulatory Manager, Team Leader Regulatory
	28	Duty to appoint one or more environmental health officers	Regulatory	Regulatory Manager, Team Leader Regulatory
	33	Power to cause the abatement of nuisance at the cost of the owner or occupier and power to dispose of all things removed	Regulatory	Regulatory Manager, Team Leader Regulatory
	34	Power to abate nuisance without notice and to recover costs from owner or occupier	Regulatory	Regulatory Manager, Team Leader Regulatory
	41	Power to require owners or occupiers to cleanse property or to cause the property to be cleansed at cost of owner or occupier	Regulatory	Regulatory Manager, Team Leader Regulatory
	42	Power to issue a repair notice to require works or a closing order to prohibit use of premises for	Regulatory	Regulatory Manager, Team Leader Regulatory

		human occupation		
	54	Power to grant consent for offensive trade	Regulatory	Regulatory Manager, Team Leader Regulatory
	81	Power to authorise an environmental health officer to enter premises to cleanse and disinfect the premises or an article	Regulatory	Regulatory Manager, Team Leader Regulatory
	83	Power to destroy articles that cannot be effectively disinfected	Regulatory	Regulatory Manager, Team Leader Regulatory
	84	Power to establish mortuaries and disinfecting stations	Regulatory	Regulatory Manager, Team Leader Regulatory
	128	Power to authorise entry and inspection of specified facilities and the execution of works	Regulatory	Regulatory Manager, Team Leader Regulatory
Health and Safety at Work Act 2015				
	30	Duty to eliminate risks to health and safety so far as it reasonably practicable; and if not to minimise those risks so far as is reasonably practicable.	CE/All GMs	
	34	Duty to consult, co-operate and co-ordinate activities with all other PCBUs who have a duty in relation to the same matter so far as is reasonably practicable.	CE/All GMs	
	36	Duty to ensure the health and safety of workers who work for Council or whose work is influenced or directed by Council so far as is reasonably practicable. Help text: Activities include: - Provision and maintenance of a safe work environment; - provision and maintenance of safe plant and structures; - provision and maintenance of safe systems of work; - provision for safe use, handling, and storage of plant, substances and structures; - provision of adequate facilities for the welfare of workers; - provision of information, training, instruction	CE/All GMs	

	<p>supervision and safe systems of work; - Provision for monitoring the conditions at the workplace for the purpose of preventing injury or illness.</p>		
39, 40 and 42	<p>Duty to so far as is reasonably practicable ensure that plant, substance or structures are designed, manufactured or supplied to be without risks to the health and safety of persons at a workplace. Help text: - Duty includes any activity (such as inspection, cleaning, maintenance, or repair) at a workplace including storage, decommissioning, dismantling or disposal; - Duty includes those in the vicinity of a workplace who are exposed to the plant, substance, or structure.</p>	CE/All GMs	
43	<p>Duty to so far as is reasonably practicable ensure the way in which plant or structures are installed, constructed, or commissioned is without risks to the health and safety of persons. Help text: Duty includes ensuring that the way in which these are installed, constructed or commissioned is without risks to the health and safety of those who install, use, decommission, dismantle, demolish or who are or in the vicinity of these workplaces.</p>	CE/All GMs	

44	Duty to exercise due diligence to ensure that Council complies with that duty or obligation. Help text: This includes taking reasonable steps- (a) to acquire, and keep up to date, knowledge of work health and safety matters; (b) to gain an understanding of the nature of the operations of Council and generally of the hazards and risks associated with those operations; (c) to ensure that Council has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of Council; (d) to ensure that Council has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; (e) to ensure that Council has, implements and verifies processes for complying with any duty or obligation under the Health and Safety at Work Act.	CE/All GMs	
55	Duty to take all reasonable steps to ensure a site where a notifiable event occurred is not disturbed until authorised by a WorkSafe inspector.	CE/All GMs	
56	Duty to ensure that a notifiable event arising out of the conduct of Council is notified to WorkSafe as soon as possible after becoming aware that the event has occurred.	CE/All GMs	
57	Duty to keep a record of each notifiable event for at least five years from the date on which notice of the event is given to WorkSafe.	CE/All GMs	
58, 59, 60	Duty to so far as is reasonably practicable, engage with workers who carry out work for Council or who are likely to be, directly affected by a matter relating to work health or safety.	CE/All GMs	

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	61	Duty to have practices that provide reasonable opportunities for workers who carry out work for the business or undertaking to participate effectively in improving work health and safety at Council on an ongoing basis.	CE/All GMs	
	62	Duty to support the election of health and safety representatives.	CE/All GMs	
	64	Duty to support the establishment of appropriate work groups that most effectively enable the health and safety interests of the workers to be represented.	CE/All GMs	
	66	Duty to support the establishment of a health and safety committee for the business or undertaking.	CE/All GMs	
Holidays Act 2003	19	Power to require employee to take annual holidays	Human Resources	In consultation with employee's manager
	20	Power to allow employee to take annual holidays in advance	Human Resources	In consultation with employee's manager
			Human Resources	In consultation with employee's manager
	27(1)(a)	Power to agree with employee to make holiday payment in the pay that relates to the period during which holiday is taken	Human Resources	In consultation with employee's manager
	36	Authority to allow employee taking annual holidays to take sick leave	Human Resources	In consultation with employee's manager
	39	Power, if requested, to allow employee to take leave as annual holidays if sick leave or bereavement leave is exhausted	Human Resources	In consultation with employee's manager
	47	Power to require an employee to work on a public holiday	Human Resources	In consultation with employee's manager
	69	Power to allow bereavement leave, with regard to relevant factors, in cases not automatically covered	Human Resources	In consultation with employee's manager
	71(4)	Power to agree with employee to arrangements to deduct from the employees current sick leave entitlement in specified circumstances	Human Resources	In consultation with employee's manager
	72(2)	Power to refuse to pay the employee for any sick leave in respect of which proof is required until the	Human Resources	In consultation with employee's manager

		employee complies with that requirement		
	74	Authority to enforce provisions of the Act	Human Resources	In consultation with employee's manager
Infrastructure				
	n/a	Engineering standards - Use of "Paper Roads" - Authority to allow the formation and use of an unformed legal road ("Paper Roads") to provide access or service to an existing property or new subdivision	Infrastructure	Chief Operating Officer/GM Infrastructure
Impounding Act 1995				
	3	Duty to provide and maintain a public pound to provide for separate holding of infected stock	Regulatory	Regulatory Manager, Team Leader Regulatory
	4	Duty to make contributions in accordance with an agreement for joint pound administration	Regulatory	Regulatory Manager, Team Leader Regulatory
	5	Duty to give public notice of establishment, change of location or abolition of any pound	Regulatory	Regulatory Manager, Team Leader Regulatory
	6	Duty to erect and maintain a notice board providing certain particulars of the pound	Regulatory	Regulatory Manager, Team Leader Regulatory
	8	Duty to appoint pound keeper and rangers	Regulatory	Regulatory Manager, Team Leader Regulatory
	9	Power to appoint deputy pound keeper	Regulatory	Regulatory Manager, Team Leader Regulatory
	10	Power to remove or suspend the pound keeper, deputy pound keeper or any ranger	Regulatory	Regulatory Manager, Team Leader Regulatory
	11	Duty to publically notify the appointment, suspension or removal of any pound keeper or deputy pound keeper	Regulatory	Regulatory Manager, Team Leader Regulatory
	12	Duty to keep pounds clean and in good order and stock to be provided with sufficient food, water and necessary care and attention and to keep stock infected with contagious disease in separate enclosure	Regulatory	Regulatory Manager, Team Leader Regulatory
	13	Duty to keep Pound Book and Impounding Register and to keep it open for inspection	Regulatory	Regulatory Manager, Team Leader Regulatory
14	Power to set reasonable poundage fees by resolution and power to recover actual costs of providing sustenance to impounded stock	Regulatory	Regulatory Manager, Team Leader Regulatory	

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	32	Power to declare any fenced paddock a temper pound with the consent of the occupier and to appoint a keeper to fix a notice setting out specified information	Regulatory	Regulatory Manager, Team Leader Regulatory
	34	NOT DELEGATED- COUNCIL ONLY- Power to allow stock to wander over infrequently used roads by resolution		
	38	Power to issue notice regarding wild stock trespassing on land and sell the stock if not removed	Regulatory	Regulatory Manager, Team Leader Regulatory
	42	NOT DELEGATED- COUNCIL ONLY- Power to dispose of wild stock straying on roads upon the authorisation of two member of the Council		
	46	NOT DELEGATED- COUNCIL ONLY- Duty to give notice that stock has been impounded and unless claimed by owner, will be sold		
	50	NOT DELEGATED_ COUNCIL ONLY- Power to authorise person to act as auctioneer for sale of impounded stock		
	52	Power to destroy worthless or suffering animal and dispose of its carcass and duties in relation to destruction. Report actions to the next available Council or relevant Committee meeting	Regulatory	GM Regulatory, Planning and Policy , Team Leader Regulatory
	53	Power to dispose of unsold stock	Regulatory	GM Regulatory, Planning and Policy , Team Leader Regulatory
	56	Power to recover deficiency of fees, charges and trespass rates from the owner of the stock	Regulatory	GM Regulatory, Planning and Policy , Team Leader Regulatory
Income Tax Act 2007				
	RP8	Duty to keep a record of the gross salary or wages of an employee for a pay period, the amounts of tax withheld by the employer for the pay period, the amount of any payroll donations for the pay period, the amount of any tax credit under section LD4 and provide information a PAYE intermediary seeks in the time agreed by the employer and PAYE intermediary	Finance	Finance Administrator , Finance Manager Financial and Corporate Planning Manager, Financial Services Manager
	RP9	Duty to ensure, at a time fixed by the PAYE intermediary, that the bank account has sufficient	Finance	Financial and Corporate Planning Manager / Financial Services Manager

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		funds available for transfer		
Insolvency Act 2006	RP12	Power to make payments directly to employees	Human Resources	GM People & Capability , Human Resources Manager
	13	Power, as creditor, to apply for debtors adjudication subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	50	Power, as creditor, to apply to the Court for an order appointing the Assignee as receiver and manager of all part of the debtors property subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	79	Duty, as creditor, to attend meetings of the creditors and submit proofs of the debts of the bankrupt subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	100	Power, as creditor, to inspect and take extracts or copies of certain documents subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	233	Power to submit creditor's claim form if there is a wish to claim in the bankruptcy subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	243	Power to realise the property subject to a charge or value the property subject to the charge; and prove in the bankruptcy as an unsecured creditor for the balance due; or surrender the charge to the Assignee; and prove in the bankruptcy as an unsecured creditor for the whole debt. Subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	341	Power, as creditor, to apply to the Assignee for a summary instalment order with the debtor's consent subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
	376	Power to apply to Assignee for termination subject to Mayor and Deputy Mayor being informed prior	Finance	GM Risk, IT and Finance

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	381	Power, as creditor, to make application for order that estate of a deceased be administered subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	GM Risk, IT and Finance
Kiwi Saver Act 2006	20	Power to refund any deduction to the employee, rather than pay it to the Commissioner	Human Resources	GM People & Capability, HR Business Partner
	23	Duty to give information to the Commissioner if satisfied that new employee is subject to the automatic enrolment rules	Human Resources	GM People & Capability, HR Business Partner
	39(a)	Duty to commence deductions of contributions from each payment of the person's salary or wages that is calculated by the employer after the date on which the employer receives notice, upon receiving notice from the Commissioner	Human Resources	GM People & Capability, HR Business Partner
	42	Duty to supply information pack to certain employees	Human Resources	GM People & Capability, HR Business Partner
	43	Duty to supply investment statement for employee's chosen KiwiSaver scheme and a statement that, if the employee does not choose his or her own KiwiSaver scheme, the employee will be allocated to the employer's chosen KiwiSaver scheme	Human Resources	GM People & Capability, HR Business Partner
	46	Power for employer to choose KiwiSaver scheme for employees if all permanent employees are eligible to be members of the same scheme	Human Resources	GM People & Capability, HR Business Partner
	64	Power to agree to change employee's level of contribution rate	Human Resources	GM People & Capability, HR Business Partner
	66	Duty to make deductions of contributions from each payment of the employee's gross salary or wages of an amount equal to the contribution rate		
	114	Power to refund contributions that were deducted from the employee's salary or wages before the employee complied	Human Resources	GM People & Capability, HR Business Partner

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Land Drainage Act 1908				
	61	Power, as local authority not within drainage or river district, to exercise powers of Boards under part 1 in regard to cleansing, repairing or maintaining watercourses or drains	Infrastructure	Chief Operating Officer/GM Infrastructure , Land Drainage Co-ordinator, Waters & Waste , Manager
	62	Power to order removal of obstruction from watercourse or drain	Infrastructure	Chief Operating Officer/GM Infrastructure , Land Drainage Co-ordinator
	63A	Power to make advance funds to landowners for maintenance or improvement of any watercourse or drain on the banks of which that land is situated	Infrastructure	Chief Operating Officer/GM Infrastructure
Land Transfer Act 1952				
	20	Power to make application to bring alienated land under the Act	Property	Property and Commercial Advisor
	70	Power to make application for statement on register that an easement or profits a prendre is redundant	Property	Property and Commercial Advisor
	71	Power to make application for removal of fencing covenants from title	Property	Property and Commercial Advisor
	86(1)	Power to apply to Registrar to issue a single certificate of title for the whole of the land, or several certificates, each comprising portion of the land	Property	Property and Commercial Advisor

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87	Power to apply for the issue of a provisional certificate of title with all details on original certificate in the event that original certificate is lost, mislaid or destroyed	Property	Property and Commercial Advisor
89A	On the subdivision of any land in certain circumstances, power, as registered proprietor of the fee simple estate in all the allotments of the subdivision that are contiguous to the access strip may, to make application for title to the access strip	Property	Property and Commercial Advisor
89(B)	Power as registered proprietor of the fee simple estate in any allotments of the subdivision that are contiguous to the access strip who is not party to an application under section 89A to consent to such an application in writing duly attested by a witness	Property	Property and Commercial Advisor
90	Power, as registered proprietor of estate or interest, to execute transfer instrument which transfers land or creates or surrenders easements or profits a prendre	Property	Property and Commercial Advisor
90A	Power to execute easement instrument which creates or surrenders easements	Property	Property and Commercial Advisor
90C	Power to execute easement variation instrument	Property	Property and Commercial Advisor
90F	Power to create a covenant, as a deed inter partes, in an instrument the same way an easement may be created under section 90A	Property	Property and Commercial Advisor
97	Power to exercise as transferee on transfer of lease or mortgage for all and every the same rights as would have applied to the transferee if named in the instrument originally as mortgagee or lessee of the land, estate, or interest in land	Property	Property and Commercial Advisor

101	Power, as registered proprietor, to execute mortgage instrument	Property	Property and Commercial Advisor
102	Power, as mortgagor, to execute mortgage variation instrument	Property	Property and Commercial Advisor
103	Power, as mortgagor, to execute mortgage priority instrument	Property	Property and Commercial Advisor
114(b)	Power, as submortgagee, to consent to discharge of, variation of terms of or exercise of power of sale in a mortgage subject to a submortgage	Property	Property and Commercial Advisor
115(3)(a)	Power to execute a lease instrument	Property	Property and Commercial Advisor
116(6)	Power to execute a lease variation instrument	Property	Property and Commercial Advisor
118	Power, as lessee, to execute a covenant for right of purchase	Property	Property and Commercial Advisor
119	Power to give consent as mortgagee for lease of mortgaged or encumbered land to be binding upon the mortgagee	Property	Property and Commercial Advisor
120(3)	Power to execute a lease surrender instrument	Property	Property and Commercial Advisor

121B	Duty, as flat or office owning company, to issue share certificate to every shareholder in the company	Property	Property and Commercial Advisor
121C	Power to execute and submit for registration licence to occupy	Property	Property and Commercial Advisor
121E	Power to present a licence to occupy for registration	Property	Property and Commercial Advisor
121I	Power to consent as mortgagee to disposal of licence or shares to which the licence relates	Property	Property and Commercial Advisor
121K	Power to cancel, revoke, rescind or accept the surrender of a registered licence	Property	Property and Commercial Advisor
136	Power to lodge a caveat against bringing land under Act and power, as caveator, to execute the caveat subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
137	Power to lodge a caveat against dealings in any land or estate or interest under this Act and power, as caveator, to execute the caveat subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
143	Power, as registered proprietor, to make application to High Court for removal of caveat subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor

	145A	Power, as registered proprietor, to apply for caveat against dealings to lapse subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
	147	Power to withdraw caveat or to give consent for the registration of any particular dealing expressed to be made subject to the rights of the caveator	Property	Property and Commercial Advisor
	147A	Power as caveator to consent to electronic registration	Property	Property and Commercial Advisor
	164B	Power to give certification under section 164A (only if Council officer is a conveyancing practitioner)	Property	Property and Commercial Advisor
	172	Power to bring an action against the Crown for recovery of damages for mistake or misfeasance of Registrar	Property	Property and Commercial Advisor
	189	Duty to surrender to the Registrar certain instruments when required	Property	Property and Commercial Advisor
	216	Power to refer the matter, by notice in writing, to the Registrar for reconsideration of his decision	Property	Property and Commercial Advisor
Land Transport Act 1998				
	157	Power, as road controlling authority, to control, restrict, and prohibit traffic, and to close roads in specified circumstances or on specified occasions, in accordance with the rules	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager

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Land Transport Management Act 2003				
	24(1)	Duty, as approved organisation, to operate a land transport disbursement account into which must be paid all money received from the Agency	Infrastructure	Chief Operating Officer/GM Infrastructure , Financial and Corporate Planning Manager
	24(4)	Power to make payments out of a land transport disbursement account only for approved activities or combinations of activities	Infrastructure	Chief Operating Officer/GM Infrastructure , Financial and Corporate Planning Manager
	24(5)	Power to carry forward to any later financial year any amount of credit balance in its land transport disbursement account at the close of the financial year and use that money at any time for payments in accordance with section 24	Infrastructure	Chief Operating Officer/GM Infrastructure , Financial and Corporate Planning Manager
	38(1)	Duty to provide any information that the Agency considers it need to perform its functions under this Act	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	38(2)	Power to require any other approved organisation to provide any information that it considers it needs to perform its functions under this Act	Infrastructure	Chief Operating Officer/GM Infrastructure , Financial and Corporate Planning Manager
	46	Power as public road controlling authority to apply for an order to establish a road tolling scheme under which it could set tolls within the maximum limit, or according to the method, set out in the order	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	61	Power to delegate functions and powers under certain Acts for the purpose of enabling another person to construct or operate a new road	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
Land Transport Rule: Setting of Speed Limits 2003				

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2.5	Duty to ensure that, before a speed limit comes into force on a road, all traffic control devices are correctly installed	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
3.2(7);3.2(10)	NOT DELEGATED - COUNCIL ONLY- Duty to review speed limits under certain circumstances		
3.2(8)	NOT DELEGATED - COUNCIL ONLY- Power to review speed limits in certain circumstances		
4.1(4)	Duty to consult on the setting of speed limits for roads in a designated area	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
5.1	Power to set a temporary speed limit. Report to the next available Council or relevant Committee meeting	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
7.1	Duty to consult before setting speed limits	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
7.2(4)	Duty to at least 14 days before a speed limit comes into force, notify the Director and the Commissioner that a speed limit has been set	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
7.3	Duty to establish and maintain a register of all speed limits except temporary speed limits	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
7.3(3)	Duty to make the register of speed limits available at reasonable times for inspection by members of the public, at reasonable times, on request	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
7.4	Duty to retain records relating to setting of speed limits for at least seven years from the date on which the new speed limit comes into force	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
9.1(2)	Duty to have audit processes to ensure quality control of procedures for reviewing and setting speed limits	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager

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Land Transport Rule: Traffic Control Devices 2004

2.1(1)	Duty to authorise and, as appropriate, install or operate traffic control devices	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
2.1(2)	Power to authorise and, as appropriate, install, operate or remove traffic control devices	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
3.2(2)	Power to approve the provision and operation of a traffic control device by a third party on a road	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
3.3	Power to determine matters to be taken into account when providing, modifying and removing traffic control devices	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
3.4(6)	Duty to advertise trials of traffic control devices	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
4.2	Duty to provide traffic signs	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
5.2	Duty to provide road markings	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
6.2	Duty to provide traffic signals	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
7.1	Power to provide traffic control devices for channelling traffic	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
8.1	Power and duty to provide traffic control devices for pedestrians	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
8.5	Power to provide pedestrian traffic signals	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
8.7	Duty to remove pedestrian crossings and indications of pedestrian crossings if required by the Agency	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
8.8(4)	Power to provide signs, markings, surface texture or raised platforms of kerb extensions and traffic islands or other techniques to guide a pedestrian to a crossing place	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
9.2	Powers to provide traffic control devices and warning signs at level crossings	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
9.3	Powers to mark roads on approaches to level	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager

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9.4	Powers, as rail access provider, to provide traffic signs, traffic signals and limit lines at level crossings	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
10.1	Powers to control intersections that have four or more approaching roadways by stop or give way signs, a roundabout or traffic signals	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
10.6	Power to mark " Keep Clear " zone at intersection or a place used as a vehicle entrance or exit	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.1;11.2;11.3;and11.4	Duty to provide signs and markings for special vehicle lanes, light-rail vehicle facilities and cycle facilities	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.5(2)	Duty to install signs detailing weight and dimension restrictions	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.5(3)	Duty to provide signs for special routes or zone restriction for motor vehicles	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.5(4)	Duty to mark boundaries of road construction zones with signs	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.6	Power to require installation of a traffic control device for stock on the road	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.7	Power to approve the use of a hand-held stop sign to control traffic for an activity	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
11.8	Power to install barrier arms	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
12.1	Duty to indicate prohibition on stopping	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
12.3	NOT DELEGATED- COUNCIL ONLY- Requirement to indicate restriction on parking		
12.4(1)	NOT DELEGATED- COUNCIL ONLY- Duty to indicate restriction to parking at an angle to the roadway		
12.4(2)	NOT DELEGATED- COUNCIL ONLY- Power to designate a loading zone		
12.4(6)	NOT DELEGATED- COUNCIL ONLY-Power to restrict the parking of vehicles by designating an area of road for reserved parking, which may be time restricted		

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	12.4(10)	NOT DELEGATED- COUNCIL ONLY-Power to restrict the parking of vehicles by designating an area of road to be time restricted		
Legal	n/a	Authority to decide whether to defend a case in the District Court or High Court where an action against the council is threatened or instigated. Subject to advising Mayor and Deputy Mayor prior to actioning and reporting to the next A&R meeting.	CE	
	n/a	Authority to accept the service of legal proceedings on behalf of the Council. Report to the next A&R Committee	CE	All General Managers
	n/a	The authority to approve attempts to resolve disputes by negotiation, mediation or arbitration, and the authority to settle claims and/or proceedings by and/or against Council (subject to the limits of financial delegation, advising Mayor and Deputy Mayor prior to actioning and any limits or conditions determined by Council or the A&R Committee).	CE	All General Managers
	n/a	Authority to initiate District Court or High Court proceedings except injunctive proceedings subject to advising Mayor and Deputy Mayor prior to actioning and reporting to the next available Council or relevant committee.	CE	
	n/a	Authority to take district court injunctive proceedings subject to advising Mayor and Deputy Mayor prior to actioning	CE	General Manager Risk, IT and Finance
	n/a	Authority to decide whether to prosecute for health, food premises and by-law infringements subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	GM Regulatory, Planning and Policy
	n/a	Authority to decide whether to prosecute for enforcement of building or resource management infringements subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	General Manager Regulatory Planning and Policy

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	n/a	Authority to decide whether to prosecute for dog control infringements subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	General Manager Regulatory Planning and Policy
Litter Act 1979				
	8	Power to appoint litter wardens and revoke such appointments	Infrastructure	Chief Operating Officer/GM Infrastructure
	9	Duty to provide and maintain suitable litter receptacles in such number as may be necessary and to make appropriate provision for the emptying of the contents of litter receptacles, power to require the occupier of the land or premises to take all reasonable steps to prevent such litter being carried or escaping onto the public place	Infrastructure	Solid Waste Officer
	10	Power to require owners of private property to clear litter from their property. Action to be reported to the next available council meeting.F455	Infrastructure	Regulatory Manager, Monitoring & Compliance Team Leader
	11	Power to make grants or spend money for the abatement or prevention of litter within financial delegations and budgeted funds	Infrastructure	Chief Operating Officer/GM Infrastructure
	13	Power to adopt infringement notice provisions	Infrastructure	Chief Operating Officer/GM Infrastructure
	14	Power, as Litter Control Officer, to issue infringement notices	Infrastructure	Regulatory Manager, Monitoring & Compliance Team Leader
	5	Power to appoint Litter Control Officers	Infrastructure	Chief Operating Officer/GM Infrastructure
Local Electoral Act 2001	13	Duty to appoint the deputy electoral officer (This is not strictly a delegation. The Electoral Officer and only the Electoral Officer must appoint a deputy under this section)	CE	
	33	Power to combine poll of electors after receipt of one or more notices under sections 30(4) and 31(3)	Governance Strategy & Democracy	Electoral Officer

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	42	Duty, as electoral officer, to ensure that a copy of the roll is kept at the principal office of the territorial authority or local authority and that it is open for public inspection	Governance Strategy & Democracy	Electoral Officer
	46	Power to remove names from electoral roll and duty to give notice to such persons	Governance Strategy & Democracy	Electoral Officer
	47	Power to make amendments to electoral roll	Governance Strategy & Democracy	Electoral Officer
	48(3)	Duty, as electoral officer, to inquire into and determine whether or not the objection to the electoral roll should be allowed; and give the objector written notice of the decision	Governance Strategy & Democracy	Electoral Officer
	68(6)	Power to supply to scrutineer or candidate the name of persons from whom voting documents have been received, either at no cost or for a reasonable price, and in a format that the electoral officer considers appropriate	Governance Strategy & Democracy	Electoral Officer
Local Electoral Regulations 2001	73	Power to adjourn an election or poll on reasonable grounds that electors are, or are likely to be, denied a reasonable opportunity to cast a valid vote at election or poll	Governance Strategy & Democracy	Electoral Officer
	16	Duty to send an enrolment confirmation form to the person or persons listed on the valuation roll as the ratepayer or ratepayers of each rating unit in certain circumstances	Governance Strategy & Democracy	Electoral Officer
	32	Power to combine voting documents	Governance Strategy & Democracy	Electoral Officer

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	33(2)	Power to choose to use different coloured voting documents for different elections and polls and different kinds of voting documents at the same election or poll	Governance Strategy & Democracy	Electoral Officer
	35	Power to issue special voting documents	Corporate Services	Electoral Officer, GM Governance Strategy & Democracy , Customer Services Manager
	40	Power to check special voting declarations and to determine whether special voter is qualified to vote	Corporate Services	Electoral Officer, GM Governance Strategy & Democracy , Customer Services Manager
			Corporate Services	Electoral Officer, GM Governance Strategy & Democracy , Customer Services Manager
	46	Power, as electoral officer, to provide neutral information on the matter or matters that are the subject of a poll	Corporate Services	Electoral Officer, GM Governance Strategy & Democracy , Customer Services Manager
Local Government Act 1974				
	319	Power, in respect of roads, to do specific things	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	319B	Power to allocate property numbers	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	324A	Powers to carry out works on Maori roadway	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager

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326	Power to charge betterment for road improvements	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
330	Powers to make maps of the district showing road levels, fix the level of any road subject to conditions and to throw the batter or make the slope of any non-private road subject to payment of compensation	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
331	Power to form or upgrade footpaths, duty to make provision for footpath and power to impose a charge for footpath works	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
332(1)	Power to form public cycle tracks	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
333	Power to construct, erect, grow thereon or remove barriers on roads and to construct, alter or remove segregation strips on any road in certain circumstances	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
334	Power to construct and enclose any part of a road, put plants on any road, erect monuments on any road and to construct or provide on, over or under any road facilities in certain circumstances	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
334A	Power to do all things necessary to light private ways in the district	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager
335(1)	Power to require payment for the cost of construction of a vehicle crossing	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager

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337	Power to require alteration to pipes, drains or other apparatus of any kind on or under a road	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
338	Power to grant easement to lay conduit pipes along or under any road or under or along any private road or private way	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
339	Power to erect transport shelter	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
340(1)	Power to grant permits for the erection of private motor garages	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
342(1)(b)	Power to close any road to traffic or any specified type of traffic (including pedestrian traffic) on a temporary basis in accordance with schedule 10 and impose or permit the imposition of charges as provided for in that schedule.	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
344	Power to permit erection of swing gates and cattle stops across roads	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
346A	Power to declare and revoke status of limited access roads	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
346E	Power to authorise any crossing place	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager

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348	Power to grant permission to lay out or form any private road or private way or grant or reserve a right of way over any private way	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager	Deleted: GM Infrastructure
353	Duty to take sufficient precautions for the general safety of the public and people employed on or near any road	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager	Deleted: GM Infrastructure
355	Power to require removal of various named obstructions in order to prevent injury to the road or obstruction or danger to the traffic	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager	Deleted: GM Infrastructure
356	Powers and duty to remove abandoned vehicles from roads and to sell or otherwise dispose of it	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager	Deleted: GM Infrastructure
361	Power to establish or abolish toll gates at bridges, tunnels and ferries	Infrastructure	Chief Operating Officer/GM Infrastructure, Roading Manager	Deleted: GM Infrastructure
446	Power to cover in any watercourse so as to make it a public drain and power to do any work that is necessary to exclude any pollutant from any watercourse	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager	Deleted: GM Infrastructure Deleted: Services
447	Power to require betterment contributions for covering watercourse	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager	Deleted: GM Infrastructure Deleted: Services
451	Power to permit the diversion, alteration, protection or replacement of drainage works for certain purposes	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager	Deleted: GM Infrastructure Deleted: Services

459(1)	Powers to require owners of land in certain cases to provide private drains and to do any work necessary for the efficient drainage of the premises	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
460	Power to enter upon premises and execute, provide, and do all things considered necessary, to allow construction of private drains through adjoining premises	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
461	Power to set conditions	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
462	NOT DELEGATED- COUNCIL ONLY-Power to declare private drain to be a public drain		
467	Power to replace or repair any property destroyed or damaged by unlawful connection of a private drain, or remove or alter a private drain subject to advising Mayor and Deputy Mayor prior to actioning.	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
468(1)	Power to require removal of any tree or part of any tree, the roots of which enter or are likely to enter any public drain	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
509	Power to purchase, or make and maintain, or enlarge, alter, extend, or repair, any drainage channel or land drainage works constructed under this Part of this Act in any drainage area in the district	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
510	Power to inspect private dams, weir, or mill race and to close or open any sluice or flood gates for the purpose of inspection	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager

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511	Power to require removal of obstruction from drainage channel or watercourse	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
514(1)	Power to make advances to owner to enable compliance with requirements under section 511 or to cover in or improve any drainage channel or watercourse	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
516	Powers to carry out works with respect to any drainage works and maintenance on roads and public works in accordance with Schedule 14	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
647(1)	Duty to fix fire hydrants in main pipes	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
648(1)	Duty to keep charged with water the pipes to which fire hydrants are fixed	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
591	Powers for the provision of parking places, buildings and transport stations	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
Schedule 10	Powers and duties in relation to stopping of roads and the temporary prohibition of traffic on roads	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager
Schedule 14 clause 3	Power to interfere with the road or work, so far as may be necessary to effect all necessary repairs in the waterworks, drainage works, trade wastes systems, drainage channels, gas pipes, electricity cables or poles, on giving to that local authority or body not less than 3 days previous notice in writing	Infrastructure	Chief Operating Officer/GM Infrastructure, Waters & Waste Manager

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	Schedule 14 clause 4	Power in any emergency or danger to the waterworks, drainage works, trade waste systems, drainage channels, gas pipes, electricity cables, poles or property adjoining, without and previous notice, proceed to effect the necessary repairs, but shall as soon as practicable thereafter inform the local authority or body	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Waters & Waste Manager</u>	Deleted: GM Infrastructure Deleted: Services
		Exercise the powers relating to approved water supply, sanitary drainage works and storm water on private land as contained in Subpart 3 of Part 8 and Schedule 12 of the Local Government Act 2002	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Waters & Waste Manager</u>	Deleted: GM Infrastructure Deleted: Services
		Exercise the powers relating to removal of obstructions in drainage channels or water courses as contained in Section 511 of the Local Government Act 1974	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Waters & Waste Manager</u>	Deleted: GM Infrastructure Deleted: Services
Local Government Act 2002					
	116	Duty to establish and maintain a register of all instruments affecting any of its property	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Waters & Waste Manager</u>	Deleted: GM Infrastructure Deleted: Services
	125	Duty to assess the provision of water and other sanitary services	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Waters & Waste Manager</u>	Deleted: GM Infrastructure Deleted: Services
	131	NOT DELEGATED- COUNCIL ONLY- Power to close down or transfer a water service that is no longer appropriate to maintain			
	136	Power to enter contracts for any aspect of operation of all or part of a water service	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Waters & Waste Manager</u>	Deleted: GM Infrastructure Deleted: Services
	162	Power to make application to the District Court seeking an injunction to restrain a person from committing a breach of bylaw or an offence under this Act subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	<u>GM Planning and Regulatory, Regulatory Manager, Monitoring & Compliance Team Leader</u>	Deleted: GM Planning and Regulatory Deleted: Officer

163	Power to remove or alter a thing that is or has been constructed in breach of a bylaw subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	GM Planning and Regulatory , Regulatory Manager, Monitoring & Compliance Team Leader
168	NOT DELEGATED -COUNCIL ONLY- Power to dispose of property seized and impounded		
171	Power of entry to any land or building other than a dwelling house for the certain purposes	Infrastructure	Chief Operating Officer/GM Infrastructure , GM Regulatory Planning & Policy , Building Control Team Leader , Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
172	Power, of warranted enforcement officer, to enter onto land for enforcement purposes	Regulatory	Chief Operating Officer/GM Infrastructure , GM Regulatory Planning & Policy Building Control Manager, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
173	Power of entry for certain purposes in cases of emergency or danger	Infrastructure	Chief Operating Officer/GM Infrastructure , GM Regulatory Planning & Policy , Building Control Manager, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
175	Power to recover against a person for damage by wilful or negligent behaviour subject to advising Mayor and Deputy Mayor prior to actioning	ALL	
181	Powers to construct works on or under private land or under a building on private land. Report to the next available council or relevant committee meeting.	Infrastructure	Chief Operating Officer/GM Infrastructure
182	Power of entry to any land or building for the purpose of checking water supply, drainage works or other utility service provision	Regulatory	GM Regulatory Planning & Policy , Regulatory Manager, Monitoring & Compliance Team Leader , Building Compliance Officer
183	Power to require occupier or owner of land to remove fire hazards	Regulatory	GM Regulatory Planning & Policy , Regulatory Manager, Monitoring & Compliance, Team Leader , Building Compliance Officer

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186(2)	Power to carry out work or provide things in situation where occupier or owner defaults and power to recover costs. Report to the next available council or relevant committee meeting.	Regulatory	GM Regulatory Planning & Policy
187	Power to recover costs and reasonable administrative and supervision charges for work authorised to be carried out in a default situation. Report to the next available council or relevant committee meeting.	Regulatory	Monitoring & Compliance Team Leader , Building Compliance Officer, Building Control Manager, Regulatory Manager, Senior Building Control Officer, Principal Planner
193	Power to restrict water supply subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	Chief Operating Officer/GM Infrastructure
198	Power to require contributions for developments as provided for in a policy adopted under section 102(1) that is consistent with section 201	Regulatory	GM Regulatory Planning & Policy , Building Technical Support Officer, Building Control Officer, Regulatory Manager, Trainee Building Control Officer, Senior Building Control Officer, Building Control Manager, Principal Planner , Planner , Regulatory Officer Consent
207A to 207F	The Chief Executive may enter into Development Agreements with developers for the provision, supply or exchange of infrastructure, land or money to provide network infrastructure, community infrastructure or reserves that are in or a part of the district or alter standard conditions; this includes, for example: <ul style="list-style-type: none"> • Expenditure being within an approved budget of up to \$250,000; • Arrangements where the impact of the agreement has a zero net impact on the budget provided the gross amount is less than \$250,000; and • Authorisation of a deferred development contribution payment provided that a statutory land charge is in place. The provisions of sections 207A to 207F shall apply to such agreements, and authority is subject to all Development Agreements being reported to the appropriate Chair	Chief Executive	
208	Powers if development contributions not paid or made	Regulatory	GM Regulatory Planning & Policy

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	209(1)	Duty to refund money and return of land if development does not proceed subject to advising Mayor and Deputy Mayor prior to actioning	CE	
	210(1)(a)	Duty to refund money if not applied to specified reserve purpose within 10 years after receipt of money subject to advising Mayor and Deputy Mayor prior to actioning	CE	
	210(1)(b)	Duty to return land if not used for specific reserve purpose within 10 years after land is acquired subject to advising Mayor and Deputy Mayor prior to actioning	CE	
	224	Power to give written warning in respect of water wastage	Infrastructure	Chief Operating Officer/GM Infrastructure, Monitoring & Compliance Team Leader, Waters & Waste Manager, Operations Engineer
	249	Power, as member or officer of local authority or other appointed person, to represent local authority in proceedings	CE	All General Manager's, Building Control Manager, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Building Compliance Officer, Monitoring & Compliance Officer, Principal Planner, Regulatory Officer Consent
	252	Power to recover as debts, money payable for works, material or things provided or done or money payable as development contributions	Finance	GM Risk IT and Finance , Revenue Manager
Local Government Official Information and Meetings Act 1987				
	12	Duty to transfer request to another local authority or appropriate department within 10 working days	CE	
	13	Power to decide whether the request is to be granted and if so, in what manner and for what charge (if any)	CE	
	14	Power to extend the time limit for a reasonable period in order to provide the official information	CE	
	15	Power to determine the manner of presenting information requested	CE	
	16	Power to provide documents with some information deleted	CE	
	17	Power to refuse requests for information	CE	

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21	Power to withhold some of the information in any document requested by the applicant under this section	CE	
24	Duty to take specific precautions when any personal information is requested under section 23(1)	CE	
25	Duty to inform any person who make any request relating to correction of personal information held about them, of any action taken as a result of the request	CE	
26	Power to refuse to disclose personal information refuse under section 23(1)	CE	
44A	Duty to provide Land Information Memorandum when requested	Governance Strategy & Democracy	GM Governance Strategy & Democracy, Administration Manager, Land Information Memorandum Officer
46	Duty to publicly notify a list of all meetings of that local authority scheduled for the following month	Governance Strategy & Democracy	Governance Advisor
46A	Duty to make available all agendas and associated reports of meetings of the local authority with specific exceptions	Governance Strategy & Democracy	Governance Advisor
49	Duties relating to provision of copies of the agenda for any meeting that is open to the public	Governance Strategy & Democracy	Governance Advisor
51	Duty to make available for inspection and to provide copies of the minutes of any meeting of the local authority	Governance Strategy & Democracy	Governance Advisor

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Machinery Act 1950	51A	Duty to publicly notify any resolution passed at an extraordinary meeting with certain exceptions	Governance Strategy & Democracy	Governance Advisor
Major Events Management Act 2007	21(A)	Power to issue a permit for the erection and operation of amusement devices	Regulatory	Building Control Manager, Regulatory Manager, Monitoring & Compliance Team Leader
Minimum Wage Act 1983	49(2)	Power, as major event organiser, to give permission to a major event sponsor to take proceedings for relief (This is only relevant if there is an Order in Council in place naming the Council as a major events organiser)	Chief Executive	
Municipal Insurance Act 1960	8A(1)	Duty, as employer, to keep a wages and time record	Human Resources	GM People & Capability , People & Capability Business Partner
	5	Power to become a member of The New Zealand Municipalities Cooperative Insurance Company Limited	Chief Executive	
New Zealand Library Association Act 1939	7	Power to apply money in fire insurance funds, accident funds and other similar funds in payment for shares in the capital of the company or in payment of insurance premiums to the company	Chief Executive	
Parental Leave and Employment Protection Act 1987	5	Power to become a member of the Association	Community	GM Community & Customer Service , Library Manager
	16	Authority to temporarily transfer a pregnant female employee from one job to another if she is unable to perform her work to the safety of herself and others or is incapable of performing her work adequately	Human Resources	GM People & Capability , Human Resources Manager
	36	Duty, as employer, to notify employee in response to employee's wish to take parental leave	Human Resources	GM People & Capability , Human Resources Manager
	38	Duty to give notice in relation to return to work and preference for appointment	Human Resources	GM People & Capability , Human Resources Manager

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Parks	n/a	Authority to approve commercial sponsorship signs in parks. Signs must comply with Kaipara District Council's Bylaw	Infrastructure	Chief Operating Officer/GM Infrastructure
Postal Services Act 1998	40	Power to prescribe reasonable conditions on postal operators in regard to erection and maintenance public letterboxes	Infrastructure	Chief Operating Officer/GM Infrastructure
Privacy Act 1993	41	Duty to inform the postal operator of any conditions imposed after receipt of the written notice of the intention to undertake work	Infrastructure	Chief Operating Officer/GM Infrastructure
	27	Power to refuse to disclose any information requested pursuant to principle 6 if request relates to specific matters of security, defence or international relations	CE	
	28	Power to refuse to disclose any information requested pursuant to principle 6 if withholding information is necessary to protect information including trade secret or the commercial position of the person who supplied or who is subject of the information	CE	
	29	Power to refuse to disclose any information requested pursuant to principle 6 for other reasons	CE	
	32	Power to refuse to either confirm nor deny the existence or non-existence of certain information	CE	
	39	Power to transfer information privacy requests to other agency in certain circumstances	CE	
	40	Duty, as agency to which an information privacy request is made or transferred, to decide whether the request is to be granted and, if so in what manner and to notify individual who made request	CE	

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		of decision		
	41	Power to extend a time limit, in respect of a request, for a reasonable period having regard to circumstances	CE	
	43	Power to make documents available with deletions or alterations where there is good reason for withholding some of the information contained in that document	CE	
	44	Duty to give reason for refusal of request	CE	
Property	60	Duty, as the agency responsible for administering any public register, in administering that register, to comply with the information privacy principles and the public register privacy principles	CE	
	n/a	Authority to sign applications, documents or instruments or certify any document or instrument in relation to any interest in land, on behalf of council, including but not limited to agreements for sale and purchase; leases; documents for amending or withdrawing caveats; easement certificates, compensation certificates; release of bonds or encumbrances.	Regulatory	GM Regulatory Planning & Policy, Property and Commercial Advisor
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority to approve the terms and conditions for the acquisition or disposal of real estate. Authority being conditional on acquisition/sale being approved by council and on the consideration being less than \$100,000.		
	n/a	Authority to make resource management consent applications	Infrastructure / Community	Chief Operating Officer/GM Infrastructure, GM Regulatory Planning & Policy, Community Relationships Manager, Roading Manager, Waters & Waste Manager, Policy & Planning Manager

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n/a	Authority to make building consent applications	Infrastructure / Community	Chief Operating Officer/GM Infrastructure , GM Regulatory Planning & Policy , Community Relationships Manager , Roading Manager , Waters & Waste Manager
n/a	Authority to give consent, and make submissions or objections as adjoining landowner, or potentially affected party in relation to property they are responsible for.	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor, Community Relationships Manager
n/a	Authority to sign certificates defining legal boundaries adjoining council land	Infrastructure	Chief Operating Officer/GM Infrastructure
n/a	Authority, as property owner, to approve or decline all tenancies	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor, Property Officer
n/a	Authority, as property owner, to approve contributions to tenants for minor repairs and repainting.	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor, Property Officer
n/a	Authority, as property owner, to terminate tenancies for non-compliance with tenancy agreements subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor, Property Officer
n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority to set, review and reduce prices and rents in relation to existing council leases.		
n/a	Authority as lessor or lessee to sign agreements to lease for residential and commercial property.	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor
n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority as property owner, lessor or licensor to assign and surrender leases and licenses.		

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	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority as lessee or licensee to sublease, assign and surrender leases and licenses.		
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority to approve variations to commercial, industrial and residential leases and licenses.		
	n/a	Authority to approve works on, over or under council land, including leases where there is a commercial aspect. This does not apply to parks, reserves or roads	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor, Parks and Recreation , Manager
	n/a	Authority to approve a renewal of lease where there are no variations to the lease subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor
	n/a	Authority to administer leases and licenses of council-owned land and facilities subject to advising Mayor and Deputy Mayor prior to actioning. This includes the power to enforce the conditions of the lease or license, such as terminating the lease or license and approving rights of renewal where there is no rent review involved. Report to the next available council or relevant Committee meeting.	Infrastructure	Chief Operating Officer/GM Infrastructure , Property and Commercial Advisor
Property Law Act 2007	n/a	Authority to close a premise in an emergency situation, subject to following any council established crisis management procedures. Report to the next available Council or relevant Committee meeting.	Infrastructure	All General Manager's
	9	Power to execute a deed subject to Council approval		
	25	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to make dispositions of interest in land and other property		

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27	Power to execute contracts of guarantee subject to Council approval	CE	<u>Chief Operating Officer/GM Infrastructure</u>
41(2)(a)	Power, as vendor, before the time of settlement to do all acts necessary to cause the register to cease to be limited as to title	Property	Property and Commercial Advisor
50	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, as assignor, to assign a legal or equitable thing in action		
208	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to enter into a short term lease		
210	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, as lessor or lessee, to terminate lease		
236	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, as lessee, upon receipt of termination of lease after severance to terminate the lease for the residue of the land comprised in the lease		
308	Power, as person entitled, to give notice of work required in respect of a positive covenant benefiting the land	Property	Property and Commercial Advisor
316	Power, as a person bound by an easement, a positive covenant, or a restrictive covenant, to make application for order under section 317 modifying or extinguishing easement or covenant subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
319	Power, as owner or occupier of land, to apply to court for order under section 320 authorising entry onto or over neighbouring land subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor

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	322	Power to apply for relief for wrongly placed structure subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
	327	Power, as owner or occupier of landlocked land, to apply to a court for order under section 328(1) granting reasonable access to any landlocked land subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
Protected Disclosures Act 2000	334	Power, as owner or occupier of any land, to apply to court for order of removal or trimming of trees or removal or alteration of structures subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager, Waters & Waste, Manager</u>
	11(1)	Duty to have in operation appropriate internal procedures for receiving and dealing with information about serious wrongdoing in or by the Council	Corporate Services	GM Corporate Services
	11(3)	Duty to provide information about the existence of the internal procedures, and adequate information on how to use the procedures	Corporate Services	GM Corporate Services
	16(1)	Power to refer information disclosed from one appropriate authority to another	Corporate Services	GM Corporate Services
Public Audit Act 2001	16(2)	Duty to notify the person by whom the protected disclosure of information was made that the information has been referred	Corporate Services	GM Corporate Services
	24	Duty to ensure that the Auditor General has access at all times to the documents of the entity relating to the performance and exercise of the Auditor General functions, duties and powers	Finance	<u>GM Risk, IT and Finance, Financial and Corporate Planning Manager</u>
	25	Duty to provide the Auditor General with any document in the Council's, custody care or control and with information or an explanation about information	Finance	<u>GM Risk, IT and Finance, GM Governance Strategy & Democracy, Financial and Corporate Planning Manager</u>

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Public Records Act 2005				
	40(3)	Power to dispose of local authority records in certain circumstances	Chief Executive	
Public Works Act 1981	45	Duty, of administrative head of the controlling local authority, to classify access status of local authority records and power to change classification of local authority records	Chief Executive	
		The General Manager Operations is authorised to execute Council's responsibilities, duties and powers under the provisions of the Public Works Act 1981- except those specifically reserved to the Chief Executive by virtue of the Act, and, subject to, in the case of the purchase or disposal of land other than road legalisation of up to \$50,000 in value, such purchase or disposal being in accordance with the Long-term Plan and having been specifically approved by Council resolution.	Infrastructure	Chief Operating Officer/GM Infrastructure
	17(1)	The Minister or a local authority may enter into an agreement to purchase any land for any public work for which the Crown or local authority, as the case may be, is responsible	Infrastructure	Chief Operating Officer/GM Infrastructure (up to \$50,000)
	17(1)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to enter into an agreement to purchase any land for any public work for which it is responsible		
	17(4)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, if the land fits certain criteria, to apply to the Maori Land Court for the district in which the land is situated for an order under the provisions of Part 9 of the Maori Affairs Amendment Act 1974		
	18(1)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Duty to serve notice of the Council's desire to acquire the land; lodge a notice of desire to		

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	acquire the land; invite the owner to sell the land; negotiate in good faith with the owner in an attempt to reach an agreement for the acquisition of the land		
18(2)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to take the land under this Act in certain circumstances		
18(3)	Power to withdraw notice under section 18(1)	CE	
18(4)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Duty to give notice to District Land Registrar that section 18(1) notice has been withdrawn or deemed to be withdrawn		
18(5)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to apply to the Maori Land Court for an order under the provisions of Part 10 of Te Ture Whenua Maori Act 1993.		
18(7)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to proceed to take land under certain circumstances		
19	Power, where agreement under section 17 or agreement for payment of compensation has been entered, to forward a compensation certificate to the District Land Registrar to be registered against certificate of title to all land affected by it	Infrastructure	Chief Operating Officer/GM Infrastructure
23(1)(b) and ©	Duty to publicly notify information about land to be taken and give notice of intention to take land to owner	Infrastructure	Chief Operating Officer/GM Infrastructure
34(3)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to subdivide, develop, provide access to, set apart, or dispose of any severed land taken under this section		

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41(e)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to apply to the Maori Land Court for order under section 134 Te Ture Whenua Maori Act 1993 to dispose of former Maori land when no longer required		
43	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to sell land on deferred payments		
44	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to acquire as part of general revenues of local authority the purchase money or instalments of purchase money of land sold under section 40, section 42, or section 43		
45	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to grant a lease or tenancy of the land or a licence to occupy the land for land held for public work		
47	Power to apply to District Land Registrar to issue of certificates of title to land held for public works	Infrastructure	Chief Operating Officer/GM Infrastructure
48	Power to grant easement over or under land held for public work	Infrastructure	Chief Operating Officer/GM Infrastructure
49	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to sell or let or lease, or grant any easement in respect of, together with or separately from the surface of the land, the air space above the land and subsoil of the land		
63	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Duty to pay compensation for injurious affection where no land taken		
65	Power to assess compensation for land acquired for public work for which no general demand exists	CE	

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71(6)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to require further information if the owner or occupier of any land wishes to do anything on or under the land which may cause the amount of compensation payable to him to be reduced		
71(7)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to decline the section 71(5) application from the owner or occupier		
73	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to provide monetary assistance to the owner of land acquired for public work to acquire another private residence of a reasonably comparable standard		
74	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to provide monetary assistance to the owner of land acquired for public work to purchase farm or commercial or industrial property of a standard reasonably equivalent to that so taken or acquired		
75	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to pay compensation to tenants of residential and business premises for costs relating to moving to other accommodation		
76	Duty, upon receipt of application from owner of the land, to refund expenses where acquisition of land is abandoned	Infrastructure	Chief Operating Officer/GM Infrastructure
79	Power to take proceedings to determine compensation if person entitled fails to make claim	Infrastructure	Chief Operating Officer/GM Infrastructure

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81	Power to apply to District Court for an order authorising Public Trust to represent infants, mentally disordered person, a person under some other legal disability, or a beneficiary under a trust, not having a guardian or absentee owners	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
84	Power to file claim and notice in District Court that requires claim to be heard by Tribunal	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
96	Power to pay compensation to Public Trustee to the parties entitled to the rents and profits of the land when right to compensation is doubtful	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
99(2)	Power to pay the mortgagor the full amount of any compensation where the compensation does not exceed \$250, without incurring any liability to the mortgagee, notwithstanding anything in this section	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
103	Power to grant any right, privilege, or concession in, upon, over, or under any land taken or reserved for the purpose of any public work in lieu of compensation	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
105	Power to grant land as compensation where equivalent land not readily available	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
107	Power to enter into agreement, with person entitled to land under section 105 or 106, for the repayment of any money agreed to be due by way of equality of exchange on such terms and conditions (including interest) as may be agreed upon by the parties	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
107A	Power to grant lease or licence as compensation	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure

110	Power of entry onto land for survey purposes	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
111	Power of entry onto land for other survey and investigation purposes and conduct specified associated activities on that land	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
114(2)(h)	Power to give consent for any land to be declared as road	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
115	Power to forward to District Land Registrar a certificate of consent to be registered against the title to all land affected	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
117(1)	Power to deal with stopped roads as if the road had been stopped pursuant to the Local Government Act 1974	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
133	Power to require the removal of trees, hedges and other structures that interfere with roads or public works	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager	Deleted: GM Infrastructure
191	Power to apply the land acquired for public work to any authorised secondary use and power to grant licences, permits, and privileges in respect of any authorised secondary use of the land	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
233	Duty to provide notice before entry onto private land where authority is given to enter on any land and construct, maintain, or operate a public work before the land has been acquired	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure
234(1)	Power to enter land do such work is necessary to remove danger or cause of the likelihood of serious interference	Infrastructure	Chief Operating Officer/GM Infrastructure	Deleted: GM Infrastructure

	237	Power to approve excavations near electric lines, telecommunications installation public works	Infrastructure	Chief Operating Officer/GM Infrastructure
	239	Power to remove and dispose of property abandoned on public works land	Infrastructure	Chief Operating Officer/GM Infrastructure
Rates Rebate Act 1973	240	Power to commence proceedings to recover land from persons holding illegal possession	Infrastructure	Chief Operating Officer/GM Infrastructure
	5(5)	Duty to grant rebate of rates	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	7(5)	Duty to refund to owner of owner occupied flat of contribution towards rates	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	9	Power to apply to Secretary for Local Government for refund of rebates granted	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
Rating Valuations Act 1998	13(1)(b), 13(2)	Power, officer of territorial authority authorised by that authority, to receive declarations	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	10	Duty to supply details of general revaluation to Valuer-General	Finance	GM Risk IT and Finance , Revenue Manager
	12	Duty to give public notice and make available for inspection the District Valuation Roll	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	13	Duty to give notice of valuation to each owner and ratepayer (if different) of each rating unit	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	14	Power to make alterations to the current district valuation roll	Finance	GM Risk, IT and Finance , Revenue Manager
	16(2)	Power to require the reasonable costs of a valuation to be paid by the applicant before undertaking the valuation	Finance	GM Risk, IT and Finance , Revenue Manager
	34	Duty to determine an objection after the outcome of the review	Finance	GM Risk, IT and Finance , Revenue Manager
	35	Duty to give objector written notice of decision on a review	Finance	GM Risk, IT and Finance , Revenue Manager
	38	Power to be represented by certain persons in any proceedings before a Land Valuation Tribunal	Finance	GM Risk, IT and Finance , Revenue Manager
	41	Duty to supply copies of entries in district valuation rolls available to public	Finance	GM Risk, IT and Finance , Revenue Manager

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	42	Duty to maintain all required information and documents and to supply such information and documents to the Valuer-General	Finance	GM Risk, IT and Finance , Revenue Manager
	43(1)	Power to obtain contribution to the cost of preparing and maintaining the valuation roll from the regional council	Finance	GM Risk, IT and Finance , Revenue Manager
Rating Valuations Regulations 1998	45(1)	Power to enter on any land to carry out valuations	Finance	GM Risk, IT and Finance , Revenue Manager
	6	Power to extend due date for lodging an objection	Finance	GM Risk, IT and Finance , Revenue Manager
	8	Duty to notify objector where insufficient information is supplied with objection	Finance	GM Risk, IT and Finance , Revenue Manager
Regulatory	10	Power to refuse to consider late or incomplete objections	Finance	GM Risk, IT and Finance , Revenue Manager
	n/a	Authority to appoint approved independent Hearing Commissioners to hear proceedings on consent applications.	Community	GM Regulatory Planning & Policy
Reserves Act 1977	n/a	NOT DELEGATED- COUNCIL ONLY- authority to appoint independent Hearing commissioners to hear proceedings on consent changes or plan changes.		
		The exercise of the Council's powers and authorities under Parts III and V of the Reserves Act Note: This does not include powers delegated to the Council by the Minister, which may only be exercised by the Council.	Community	Chief Operating Officer/GM Infrastructure , Parks and Recreation Manager
	8	Power to appoint rangers	Community	Chief Operating Officer/GM Infrastructure , Parks and Recreation Manager
	15(3)	Power to do all things necessary to effect any exchange of the land authorised under section	Community	Chief Operating Officer/GM Infrastructure , Parks and Community Manager

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	15(1)		
40(1)	Duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act	Community	Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager
41(1)	Duty to prepare management plans for the reserve under its control, management, or administration.	Community	Chief Operating Officer/GM Infrastructure, Parks and Recreation Community Manager
42	Power to preserve trees and bush on any recreation reserve, or government purpose reserve, or local purpose reserve	Infrastructure	Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager
45	NOT DELEGATED- COUNCIL ONLY- Power to authorise any voluntary organisation or educational institution to erect shelter, huts, cabins, lodges and similar resting or sleeping accommodation on any recreation reserve or scenic reserve		
48	Power to grant rights of way and other easements over reserves for specified purposes	Community	Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager
48A(1)	NOT DELEGATED- COUNCIL ONLY- Power to grant a licence to engage in works for purposes of any station for the transmission, emission, or reception of any form or radio, electric, or electronic communications		
48A(3)	NOT DELEGATED- COUNCIL ONLY- Power to approve terms and conditions of licence under section 48A(1)		
50	Power to authorise the taking and killing of any specified kind of fauna, excluding indigenous fauna in any recreation, government purpose, or local purpose reserve and power to authorise the use of firearms, traps, nets, or other like objects	Community	Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager

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	within the reserve subject to advising Mayor and Deputy Mayor prior to actioning		
51(1)	Power to introduce indigenous flora or fauna or exotic flora if authorised	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
53	Powers (other than leasing) in respect of recreation reserves	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
55	Powers (other than leasing) in respect of scenic reserves	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
57	Powers in respect of nature reserves	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
58	Powers in respect of historic reserves	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
59	Powers in respect of scientific reserves	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
71	Power to farm or graze recreation or local purposes reserve land	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Community Manager</u>
72	Power to allow others to use recreation or local purposes reserve land for farming or grazing	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>

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73	NOT DELEGATED- COUNCIL ONLY- Power to grant lease of recreation or local purposes reserve land for farming or grazing, afforestation or other purposes		
74(2)	Power to grant licences to temporarily occupy certain reserves for certain purposes subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>
75	Power to afforest or enter contract for afforestation of recreation or local purpose reserves	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>
78	Duty to apply all money received by way of rent, royalty, or otherwise in respect of any dealing with any reserve for the purposes of this Act:	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>
79	Duty to pay all money received under this Act in specified accounts	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>
80	Duty to apply money received under this Act for purchasing, taking on lease, managing, administering, maintaining, protecting, improving, and developing the reserves under its control, and for no other purpose	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>
85A	Power to spend revenue derived from trees grown on a recreation or local purpose reserve for other purposes conditional on the Ministers approval	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>
89	Power, as local authority which is the administering body of any reserve, to apply money or make advances from the general fund or account to the administering body of the reserve towards the management, improvement, maintenance, and protection of that reserve or other reserve, towards the cost of the acquisition by the Crown of any land or interest in land for the	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation, Manager</u>

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	purposes of this Act, or in payment for the consideration for any conservation covenant		
90	Power, as local authority which is the administering body of a recreation reserve, to borrow money for the improvement and development of the reserve or the purchase of other land for addition to the reserve or for payment of the consideration for any conservation covenant	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
91	Power, as local authority which is the administering body of a recreation reserve, to have debit in accounts in anticipation of revenue from reserves	Community	<u>Chief Operating Officer/GM Infrastructure Parks and Recreation Manager</u>
92	Power to grant relief to lessees and licensees of reserves subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
93	Powers of constables, rangers and other officers subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
95	Power, as officer of administering body, of seizure or forfeiture of certain property on reserves subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
100	Power, as ranger, to stop and search boats, seize items and arrest people in certain conditions subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Community Manager</u>
100A	Power, as ranger, to seize and remove boats in certain circumstances subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>

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	110	Power to remove and dispose of vehicles and boats subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	115	Power to grant or refuse application of lessee or licensee for consent to transfer, sublease, mortgage, or otherwise dispose of his or her interest subject to advising Mayor and Deputy Mayor prior to actioning.	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
	119	Duty to give public notice when required under this Act	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
Safety	120	Duties in respect of objections to intention of administering power to exercise any power conferred by this Act	Community	<u>Chief Operating Officer/GM Infrastructure Parks and Recreation Manager</u>
	n/a	Authority to decide on the most appropriate response to matters concerning emergency work on scheduled trees	Community	<u>Chief Operating Officer/GM Infrastructure, Parks and Recreation Manager</u>
Tax Administration Act 1994	16(2)	Duty, as occupier of land, to provide the Commissioner with all reasonable facilities and assistance for the effective exercise of his powers under this section; and to answer all his questions	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	22	Duty to keep business and other records in respect of any business carried on during any income year	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	22A(3)(b)	Duty to retain records for 7 years or longer if required after the end of the year to which the records relate	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	23	Duty, as taxpayer, to retain returns where information transmitted electronically	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	24	Duty, as employer, to keep records regarding PAYE	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	24G	Power, as employer, upon notification by employee, to use tax code which reflects that	Finance	Financial and Corporate Planning Manager, Financial Services Manager

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	employee's circumstances have changed		
24J	Duty to provide a PAYE payment form to the Commissioner by the application due date set out in section RA 15 of the Income Tax Act 2007	Finance	Financial and Corporate Planning Manager, Financial Services Manager
32A	Duty, as employer, to provide records to employee or trustee of a superannuation fund details of all employer contributions to superannuation fund	Finance	Financial and Corporate Planning Manager, Financial Services Manager
33	Authority to provide return of income to Commissioner	Finance	Financial and Corporate Planning Manager, Financial Services Manager
46	Duty, as employer, to make returns as to employees	Finance	Financial and Corporate Planning Manager, Financial Services Manager
46B	Duty, as employer who pays their FBT liability under the single rate option or the alternate rate option, to provide quarterly Fringe Benefit Returns	Finance	Financial and Corporate Planning Manager, Financial Services Manager
46E	Duty to provide information for calculations on FBT liability	Finance	Financial and Corporate Planning Manager, Financial Services Manager
47	Duty to provide a PAYE payment form showing the amount of employer's superannuation contribution, the amount of ESCT relating to the contribution, and any other particulars required by the Commissioner	Finance	Financial and Corporate Planning Manager, Financial Services Manager
48B	Duty, as retirement scheme contributor, to provide reconciliation statement for retirement scheme contribution withholding tax	Finance	Financial and Corporate Planning Manager, Financial Services Manager
92	Duty to make taxpayer assessment of taxable income and income tax liability	Finance	Financial and Corporate Planning Manager, Financial Services Manager
Telecommunications Act 2001		Finance	
92B	Duty to make taxpayer assessment of GST		Financial and Corporate Planning Manager, Financial Services Manager

	119	Power to consider specified matters, set, vary, or revoke reasonable conditions with regard to lines, wireless works and telephone cabinets on roads	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
	128	Duty to remove or trim plants that interfere with telecommunication networks, when requested	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
	137	Duty to notify the network operator in writing of any conditions imposed in respect of the construction and maintenance of lines in, on, along, over, across, or under any road	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
	142	Power to impose reasonable conditions for network operators in constructing, placing, and maintaining public telephone cabinets, distribution cabinets, or any other similar appliances on a road	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
Transport	143	Duty to notify network operator of any conditions imposed on placing cabinets or appliances on roads	Infrastructure	Chief Operating Officer/GM Infrastructure, Rooding Manager
Travel	n/a	Authority to determine all matters in relation to parking infringements and minor traffic offences in respect of stationary vehicle	Regulatory	GM Regulatory Planning & Policy, Regulatory Manager, Team Leader Regulatory, Monitoring & Compliance Team Leader
	n/a		Chair A&R	
Trespass Act 1980	n/a		Chair A&R	

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	3	Power, as occupier, to warn a trespasser to leave the property. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance, Team Leader , Building Compliance Officer, Library Manager
	4(1)	Power as occupier, either at the time of the trespass or within a reasonable time thereafter, to warn a trespasser to stay off the property. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance, Team Leader , Building Compliance Officer, Library Manager
	4(2)	Power, as occupier, to warn that person to stay off the property where there is reasonable cause to suspect that any person is likely to trespass on the property. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance, Team Leader , Building Compliance Officer, Library Manager
Wages Protection Act 1983	9(1)	Power, as occupier of private land, to require that a person found trespassing give name and other particulars. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance, Team Leader , Building Compliance Officer, Library Manager
	5	Power, as employer, to make deductions from wages with worker's consent	Finance/HR	GM People and Capability , Financial and Corporate Planning Manager
	6	Power, as employer, to recover overpayments in certain circumstances	Finance/HR	GM People and Capability , Financial and Corporate Planning Manager
	8	Power, as employer, to pay to a worker by specified cheque any wages that have become payable	Finance/HR	GM People and Capability , Financial and Corporate Planning Manager
Waste Minimisation Act 2008	10	Power, as employer, to pay wages by order, money order, or specified cheque where worker absent	Finance/HR	GM People and Capability , Financial and Corporate Planning Manager
	32	Power to spend levy money in manner prescribed in this Act	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	42	Duty to encourage effective and efficient waste management and minimisation	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager

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43(1)	NOT DELEGATED- COUNCIL ONLY- Duty to adopt a waste management and minimisation plan		
43(3)	NOT DELEGATED- COUNCIL ONLY- Power to amend the waste management and minimisation plan or revoke it and substitute a new plan		
44	Duty to observe certain requirements when preparing, amending or revoking waste management and NOT DELEGATED- COUNCIL ONLY- minimisation plan		
45	NOT DELEGATED- COUNCIL ONLY- Power to prepare and adopt jointly with another district, a waste management and minimisation plan for the whole or parts of the districts		
46	Powers with regard to funding of and charging fees for any service, facility, or activity provided	Infrastructure	Chief Operating Officer/GM Infrastructure , Rooding Manager
47	Power to make grants or advances of money to any person, organisation, group, or body of persons for the purpose of promoting or achieving waste management and minimisation on any terms or conditions that Council thinks fit	Infrastructure	Chief Operating Officer/GM Infrastructure , Rooding Manager
48(3)	Duty to, as soon as practicable, amend the waste management and minimisation plan to give effect to a direction given to the Council by the Minister	Infrastructure	Chief Operating Officer/GM Infrastructure , Rooding Manager
50	Duty to make an assessment of and conduct a review of waste management and minimisation plan	Infrastructure	Chief Operating Officer/GM Infrastructure , Rooding Manager

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	52(1)	Power to undertake, or contract for, any waste management and minimisation service, facility, or activity (whether the service, facility, or activity is undertaken in the Council's own district or otherwise)	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	53	Power to sell any marketable product resulting from any activity or service carried out under this Part of the Act, but any proceeds of sale must be used in implementing the Council's waste management and minimisation plan	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	54	Duty to collect waste promptly, efficiently and regularly	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	84	Duty to return property seized and impounded	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
Wild Animal Control Act 1977	85	Power to dispose of property seized and impounded	Infrastructure	Chief Operating Officer/GM Infrastructure , Roading Manager
	30	Power to apply funds for destruction of wild animals	Regulatory/Community	Chief Operating Officer/GM Infrastructure , Regulatory Manager, Parks and Community Manager
	31	Duty to submit plans for destruction of wild animals for approval of Minister	Regulatory/Community	Chief Operating Officer/GM Infrastructure , Regulatory Manager, Parks and Recreation Manager

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- (a) at least 1 member of a committee must be an elected member of the local authority; and
 - (b) an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.
- (5) If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7), the local authority may replace the members of that committee, subcommittee, or other subordinate decision-making body after the next triennial general election of members.
- (6) The minimum number of members—
- (a) is 3 for a committee; and
 - (b) is 2 for a subcommittee.

Compare: 1974 No 66 s 114R

Delegations

32AA Meaning of officer

For the purposes of clauses 32, 32A, and 32B, **officer** means—

- (a) a named person; or
- (b) the person who is for the time being the holder of a specified office.

Schedule 7 clause 32AA: inserted, on 28 June 2006, by section 28(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

32 Delegations

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—
- (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - (g) *[Repealed]*
 - (h) the power to adopt a remuneration and employment policy.

- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to by-laws and other regulatory matters.
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Compare: 1974 No 66 s 114Q

Schedule 7 clause 32(1)(c): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(d): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(f): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(g): repealed, on 7 July 2004, by section 26(12) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 32(1)(h): inserted, on 5 December 2012, by section 38(4) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Schedule 7 clause 32(3): amended, on 7 July 2004, by section 26(13) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

32A Delegation of power to issue warrants to enforcement officers

- (1) A local authority may delegate to a committee or member or officer of the local authority the power to issue warrants to enforcement officers.

File number: 5105.12 **Approved for agenda**
Report to: Council
Meeting date: Thursday 26 July 2018
Subject: Mangawhai golf course Reserve status exchange and Golf Club
 surrender of lease/Variation of lease or grant of new licence
Date of report: 16 July 2018
From: John Burt, Property and Commercial Advisor
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

This report seeks Council's approval for the Mangawhai Golf Club (Club) to surrender their existing lease and driving range licence and replace it with a new or amended lease or licence.

Council has received the approval of the Minister of Conservation for the exchange of Reserve status between a residential section in Greenview Heights, Mangawhai and the land currently occupied by the Club's driving range.

However in order to finalise the transaction is it necessary for the Club to surrender their existing lease on Lot 33 DP 185449 and driving range Licence to Occupy (LTO) and replace it with an amended lease or new licence as this is a requirement of LINZ. Therefore Council will need to approve the surrender of the existing lease/licences and approve the amendment of the existing lease or grant of a new LTO.

Once the exchange transaction is completed Council will continue to own and/or administer both parcels of land. Council will then be able to consider what to do with the Greenview Heights section (e.g. to sell or retain) without the current reservation and other Local Government Act (LGA) restrictions.

Recommendation

That Kaipara District Council:

- 1 *Receives the Property and Commercial Advisor's report 'Mangawhai golf course Reserve status exchange and Golf Club surrender of lease/Variation of lease or grant of new licence' dated 16 July 2018; 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 surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy; and*
- 4 *Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions*

received in accordance with section 120 of the Reserves Act 1977.

Reason for the recommendation

Council has to approve a surrender of the existing lease and grant of a replacement in order to finalise the exchange of reserve status from the Greenview Heights section to the Mangawhai Golf Club driving range.

Reason for the report

This report seeks Council's approval for the Club to surrender their existing lease and driving range LTO and replace it with a new or amended lease or LTO.

Background

Council administers a 55ha Crown-derived reserve (Lot 1 DP 190306 BLK II) in Mangawhai that is leased to the Mangawhai Golf Club. In 1987 the golf course was swapped with a Crown reserve that Council now owns in Fagan Place in fee simple title. At that time the reserve status was transferred from the Fagan Place reserve onto the golf course. The golf course and the Mangawhai Community Park properties were both purchased by Council from the Cullen family in the mid-1980s.

The Club also has the lease of a section in the Greenview Heights subdivision adjoining the golf course but does not utilise this land. In March 1998 the Department of Conservation (DOC) authorised the exchange of a small portion of the golf course for a residential section adjoining the golf course in the Greenview Heights subdivision. This section was subsequently leased to the Club for a period of 25 years from 01 May 1998 and is subject to same reservation as the main golf course Reserve (Lot 1 DP 198306 BLK II).

The Club has advised Council it does not need the section any longer. This section is legally described as Lot 33 DP 185449.

Council also owns the adjoining 36ha of land in freehold title and this property is now called Mangawhai Community Park. It is not subject to any reservation and is used for various purposes including community use.

A portion of Mangawhai Community Park is utilised by the Club for its driving range under an existing LTO arrangement.

In 2014 Council adopted a Mangawhai Community Park Development Plan. The Development Plan includes a provision for Council to arrange a boundary adjustment between the golf course and Mangawhai Community Park so that the land utilised by the Club for its driving range is transferred onto the Golf course title.

At its meeting on 13 February 2017 Council resolved the following:

"...3 Notes that it has received one objection but determines that after consideration of the objection it wishes to proceed with the exchange as notified as it is appropriate that the Mangawhai Golf Club driving range, which is utilised for recreation purposes and forms part of the overall golf club facilities, has the status as a recreation reserve whereas it is not necessary that Greenview Heights section retain its recreation reserve status as it is not utilised for this purpose; and

- 4 *Seeks the approval of the Minister of Conservation to the exchange the Greenview Heights section for a 1.84ha portion of Mangawhai Community Park; and*
- 5 *Delegates to the Chief Executive responsibility for seeking the consent of the Minister of Conservation to the exchange."*

Issues

Council has received the approval of the Minister of Conservation and also had survey plans prepared and approved by DOC to support the Gazette Notice necessary to effect the transfer. These documents are appended to this report (**Attachment 1**).

However in order to finalise the transaction is it necessary for the Club to surrender its existing lease on Lot 33 and the driving range LTO and replace it with an amended lease or a new LTO (this is a requirement of LINZ).

Council will need to approve the surrender of the existing lease/licences and approve a variation of lease or the grant of a new LTO.

The key issue for Council to decide is the term. The Club has requested a new lease for a 33 year term at an initial peppercorn rental and an email from the Club explaining the rationale for the request is **Attachment 2** of this report.

Other options that Council can consider are:

- Variation of leased areas for the remainder of the current term (approximately five years).
- Some other term length between the remainder of the current term and the Club's request for 33 years.

Council has previously explored the option of discharging treated wastewater from the MCWWS to the golf course and while quite expensive it would be good to keep this option open in any new licence agreement.

Factors to consider

Community views

Council was required to notify its intention to transfer the Reserve status and any interested member of the public was able to comment on this proposal. One objection was received and Council considered this when it resolved to proceed with the exchange. If Council decides it wants to provide a new LTO to the Club it will need to publically notify its intention to do so.

Policy implications

Council's Community Assistance Policy details that an LTO may be provided to community groups that wish to use Council-owned or administered land.

Financial implications

There will be legal costs associated with the preparation of the documents necessary to effect the surrender of the existing lease and grant of a new lease/LTO. These costs can be met from existing budgets.

Legal/delegation implications

To complete the exchange it is necessary to follow the procedures in clause 15(1) of the Reserves Act 1977 and in the Property Law Act 2007 in respect of leases/licences.

“Exchange of reserves for other land

- (1) *The Minister may, by notice in the Gazette, authorise the exchange of the land comprised in any reserve or any part or parts thereof for any other land to be held for the purposes of that reserve: provided that this power shall not be exercised with respect to any reserve vested in an administering body except pursuant to a resolution of that body requesting the exchange.*

Options

There are four options:

Option A: Approve the surrender of the Club’s lease on Lot 33 DP 185449 and the driving range LTO and approve a variation of lease for adjusted Reserve area for the remainder of current term.

Option B: Approve the surrender of the Club’s lease and licence and grant an LTO in accordance with the Community Assistance Policy.

Option C: Approve the surrender of the Club’s lease and licence and grant a lease or LTO for some other term.

Option D: Decline the surrender request and not proceed with the exchange of Reserve status on the Greenview Heights section and the Club’s driving range.

Assessment of options

If Council decides it wants to proceed with the Reserve status exchange it needs to approve the surrender of the existing lease on Lot 33 and approve a variation to the lease or a new LTO. The Club has requested a lease for the maximum term permitted under the Reserve Act, however this is inconsistent with Council’s Community Assistance Policy which provides for an LTO with a maximum possible term of 30 years (15 + 15). It will also be necessary to publically notify an intention to grant a lease of the Reserve land to the Club. Organisations who have been provided use of Council’s land or facilities in recent years have been granted an LTO, not a lease.

However given that there is only around five years left on the current lease it makes sense for a new tenure for a longer term to be granted now rather than when the existing lease expires. This would also be an opportunity to include terms allowing for the possibility of using the golf course for disposing treated wastewater from the MCWWS.

Assessment of significance

In accordance with Council’s Significance and Engagement Policy (dated October 2014), the surrender of the existing lease and the grant of a new lease or LTO has been assessed against the thresholds for significance. This assessment is shown in the table below:

Threshold	Significant
Budgeted expenditure of \$3,000,000 or more	No - minimal expenditure
Unbudgeted expenditure of \$300,000 or more	No - as above
Increases individual rate levies by 10%	No effect on rates
Transfer ownership or control of a strategic asset to or from Council	Not included as a strategic asset
It alters significantly the intended level of service provision for any significant activity	No – the level of service will remain the same
Overall assessment - Not significant	

This decision is not a significant one under Council's Policy therefore it is not necessary to consult with the community on this decision because:

- Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter (s82(4)(b) Local Government Act 2002).

Recommended option

The recommended option is **Option B**.

Next step

Publically notify Council's intention to grant a new LTO.

Attachments

Attachment 1: DOC approval of the exchange and approved survey plan

Attachment 2: Email from the Mangawhai Golf Club

Submission

To: **Geoff Woodhouse, Operations Manager, Whangarei**

MOC Authorisation - Kaipara District Council - Exchange of Reserve Land Recreation Reserve – Mangawhai Golf Course, Molesworth Drive, Mangawhai

Proposal

That you authorise the exchange of a Kaipara District Council recreation reserve for Council land to be held as recreation reserve and to form part of the Mangawhai golf course.

Explanation

The Kaipara District Council is the administering body of a 650 m² recreation reserve, described as Lot 33 DP 185449 and located within a residential subdivision adjoining a KDC recreation reserve leased to the Mangawhai Golf Club.

Exchanges of reserve require authorisation by the Minister, delegated to Operations Manager level. In this particular case the MOC authorisation is not delegated to Council, as Council ownership of the subject reserve was originally derived from the Crown.

The Council obtained Lot 33 in 1998 by way of an exchange for other reserve land. Any land acquired by way of exchange automatically adopts the same status and interests to which the reserve land was subject; and in this case, title to the original reserve land was Crown derived.

Lot 33 is zoned residential, and was acquired by Council for the sole purpose of erecting accommodation for a golf club green keeper; but due to changing circumstances it is no longer required for this purpose, nor any other reserve purposes.

This being the case, Council has resolved to exchange Lot 33 for approximately 1.8560 ha of Council land adjacent to the southern boundary of the golf course. The exchange land is to be held as an addition to the golf course recreation reserve, and is currently occupied by a golf club driving range.

As a result of the exchange, Council will obtain an unencumbered fee simple interest in the subject Lot 33; and proposes to sell the section on the open market.

Authorisation of the exchange is given by way of a notice in the NZ Gazette; and the proposed exchange would subsequently take place by transfers under the Land Transfer Act 1952.

Description & Status

Reserve land

650 square metres, being Lot 33 DP 185449.

Part NZ Gazette 1998 page1050 (In2010) and part Computer Freehold Register NA116A/92. Recreation reserve vested in the Kaipara District Council.

Exchange land

1.8459 hectares, subject to survey, being part Lot 2 DP 450057, shown as Lot 2 on the attached scheme plan.

Part Computer Freehold Register 571497. Held in fee simple by the Kaipara District Council.

Land & locality plans attached

Legislation

Section 15(1) of the Reserves Act 1977 provides that the Minister may by notice in the Gazette authorise the exchange of the land comprised in any reserve for any other land to be held for the purposes of that reserve.

Section 15 subsections (5) & (6) provide that any reserve land given by way of exchange shall upon exchange be no long subject to any reservation; and that the land acquired by way of exchange shall automatically adopt the same status and interests to which the reserve land was subject.

Section 15(2) requires that the administering body give public notice of its intention to pass a resolution in support of the land exchange, and forward for the Minister's consideration a copy of any objections, together with its comments and subsequent resolution.

Public Notice & Objection

The proposed revocation was publicly notified in October 2016, and one objection received.

The objector, Helen Curren, raised several issues, and a copy of the objection, by email dated 17 October 2016, is attached as *Appendix 1*.

The objection may be summarised as being based on two key relevant issues, that -

- The subject reserve is one of the very few in the district, and as intensity of development is resulting in poor environmental outcomes, every piece of reserve should be retained.
- The area to be obtained by way of exchange is already occupied by the golf club driving range, and as it is owned by Council (held in public ownership) it should have, together with the balance of the Council land, years ago been made a recreation reserve – also questioning whether the exchange is simply a means of removing the reserve status in order to sell the subject Lot 33.

In response to the objection, Council minutes of a meeting held 13 February 2017 record that it determined *‘that after consideration of the objection it wishes to proceed with the exchange as it is appropriate that the Mangawhai Golf Club driving range, which is utilised for recreation purposes and forms part of the overall golf club facilities, has the status of a recreation reserve, whereas it is not necessary that the Greenview heights section retain its recreation reserve status as it is not utilised for this purpose.*

Role of the Minister – in considering the objection

The Minister's delegate is required to consider the content of any objection, and be able to conclude that the administering body has given fair and reasonable consideration to the subject matter; with particular regard having been given to the particular classification and purposes of the subject reserve.

Generally speaking, in the context of this process, it is the reserve administering body, rather than the Minister, which is better placed to assess and meet the needs of the community, particularly in regard to the provision of areas for reserves, open spaces and community facilities. In this case, the Kaipara District Council has decided that the existing reserve has little or no value for recreational purposes, and that the subject exchange area is required as an addition to the adjoining recreation reserve, occupied by the Mangawhai Golf Club.

Regarding the status of the Council's unencumbered fee simple land (the exchange land title); it is the prerogative of the Council to decide on its current and future uses; including whether or not to have the land reserved under the Reserves Act.

It is to be expected that economic considerations would be taken into account in considering the merits of an exchange, with the aim of achieving an equitable outcome.

No formal assessment of land values has been undertaken. However, the subject Lot 33 would be of considerably greater value than the Council's exchange land. In discussing the issue with John Burt, Property and Commercial Advisor, KDC, it was agreed that a condition to your authorisation of the exchange would be that the net proceeds of any sale of Lot 33, after allowing for all costs associated with the exchange, are to be paid into the Council's Reserve Account, to be used and applied in or towards the improvement of other reserves under the control of the Council, or in or towards the purchase of other land for reserves.

This authorisation condition is in line with the Minister's current policy in situations where a Crown derived reserve is to be disposed of by the Crown, and whereby the Council may apply to receive up to 100% of the net proceeds of sale.

Conclusion

On the basis of the evidence, I believe it is reasonable to conclude that Council has given due and proper consideration to the objection received under the public notification process, and that you can support the decision to not sustain the objection, subject to the above mentioned condition that any net proceeds of sale be paid into the Council's Reserves Account.

Treaty of Waitangi

The Kaipara District Council consulted with Te Uri o Hau (Environs Holdings Limited) and was advised that the Iwi has no issue with the proposed exchange.

Authority for Approval & Gazettal

Sections 15(1) of the Reserves Act 1977 and Instruments of Delegation from the MOC dated 8 September 2015; and the DG dated 9 September 2015.

Recommendation

It is recommended that you authorise the exchange of the above described areas, on condition that the net proceeds of any sale of Lot 33 DP 185449, after allowance for all of the Council's costs and expenses associated with the exchange, are to be paid into the Council's Reserve Account, to be used and applied in or towards the improvement of other reserves under the control of the Council, or in or towards the purchase of other land for reserves.

If the recommendation is approved an authorising notice for publication in the NZ Gazette will be sent to you for signature following legal survey of the area to be given in exchange for the reserve land.

B Ashbridge
Senior Advisor (Statutory Land Management)

Decision

RECOMMENDATION **APPROVED**



GEOFF WOODHOUSE
Operations Manager, Whangarei

Date

30/6/2017

APPENDIX 1 - Objection by Helen Curren

(COPY OF EMAIL)

From: Helen Curren [mailto:helen@fourwinds.org.nz]
Sent: Monday, 17 October 2016 8:39 p.m.
To: Council <Council@kaipara.govt.nz>
Subject: FW: Objection to the exchange of land

Re Notification of intention to exchange a recreation reserve for other land at Mangawhai advertised by KDC in the Mangawhai Focus.

I oppose this proposed “exchange” and have some comments to make.

The description of the proposal is not that clear, but if I read it correctly the Council wants to remove the recreation reserve status of the land Lot 33 at Greenview Drive (and presumably sell it) and to lease a bit of land (Lot 2) already owned by the community (which should have reserve status) to the Golf Club for a driving range they already have. **Any connection between these two proposals seems quite bizarre.**

Firstly. The council has for many years refused land when subdivision happens and instead demanded cash. (Since spent on the Dargaville Swimming Pool)
This little reserve is one of the very few in the district. As subdivisions become fully built up and tree cover removed it becomes apparent that the intensity of development is resulting in poor environmental outcomes. Every piece of reserve should be retained. In fact it would be very timely for council to start retrieving land from recreational reserves and foreshore where poor council oversight has resulted in the informal (or indeed formal) privatisation of land. All new subdivisions should give up reserve land rather than money.

Secondly. The land the Golf Club uses is in the park. It is already owned by the community. The only problem has been the failure of council over many years to ensure that this land has recreation reserve status. This has enabled dubious building and “development” to occur despite several community feedback occasions when the community asked for the park to be kept as wilderness, albeit with weed control.

Thirdly. Parks and reserves owned by the community via the Kaipara District Council have suffered from years of neglect and there is mounting criticism in public forums about this continuing lack of management (or rather mismanagement) and the rampant weeds in several of them. The Mangawhai Park would be the key culprit for “infection” of surrounding land with Asparagus weed.

Fourthly. Taken to the extreme I guess we can expect the sale of the Heads recreation reserve to “exchange” for a lease to the MAZ zone.

Fifth. I support the lease to the Golf Club, however the council making this conditional on the sale of a Recreation Reserve looks little short of blackmail.

Helen Curren
09 4315447



NOTE:
 THE RESERVE STATUS OF LOT 33, DP 185449 IS TO BE REMOVED, AND THE RESERVE STATUS IS TO BE ADDED TO THE 1.8459 HECTARES TO BE ADDED TO THE GOLD CLUB.

**SCHEME PLAN OF
 LOT 1-3 DP 190306
 & DP 450057**

NOTES: 1 - Any queries should be directed to Pacific Coast Surveys Ltd.

CLIENT: KAIPARA DISTRICT COUNCIL
 FILE: 1847 ALBANY 1
 DATE: JUNE 2016
 SCALE: 1:1500 © A3
 COUNCIL FILE

**OVERALL
 SITE PLAN**

PCS PACIFIC COAST SURVEYS
 0800 PACIFIC (0800 722 434)
 info@pacificcoastsurvey.com
 www.pacificcoastsurvey.com



Sourced from the LINZ Data Service and licensed



Lot 33
DP 185449

5027781
Lot 1
DP 190306
54.9138
46882, Mangawhai Golf Club Incorporated
118B/599, The Kaipara District Council
TRUST AS A RECREATION RESERVE

7662087
Lot 1
DP 450057
1.6699
727951, Mangawhai Bowls Incorporated
727952, Mangawhai Club Incorporated
571496, Kaipara District Council

7662088
Lot 2
DP 450057
32.5414
571497, Kaipara District Council

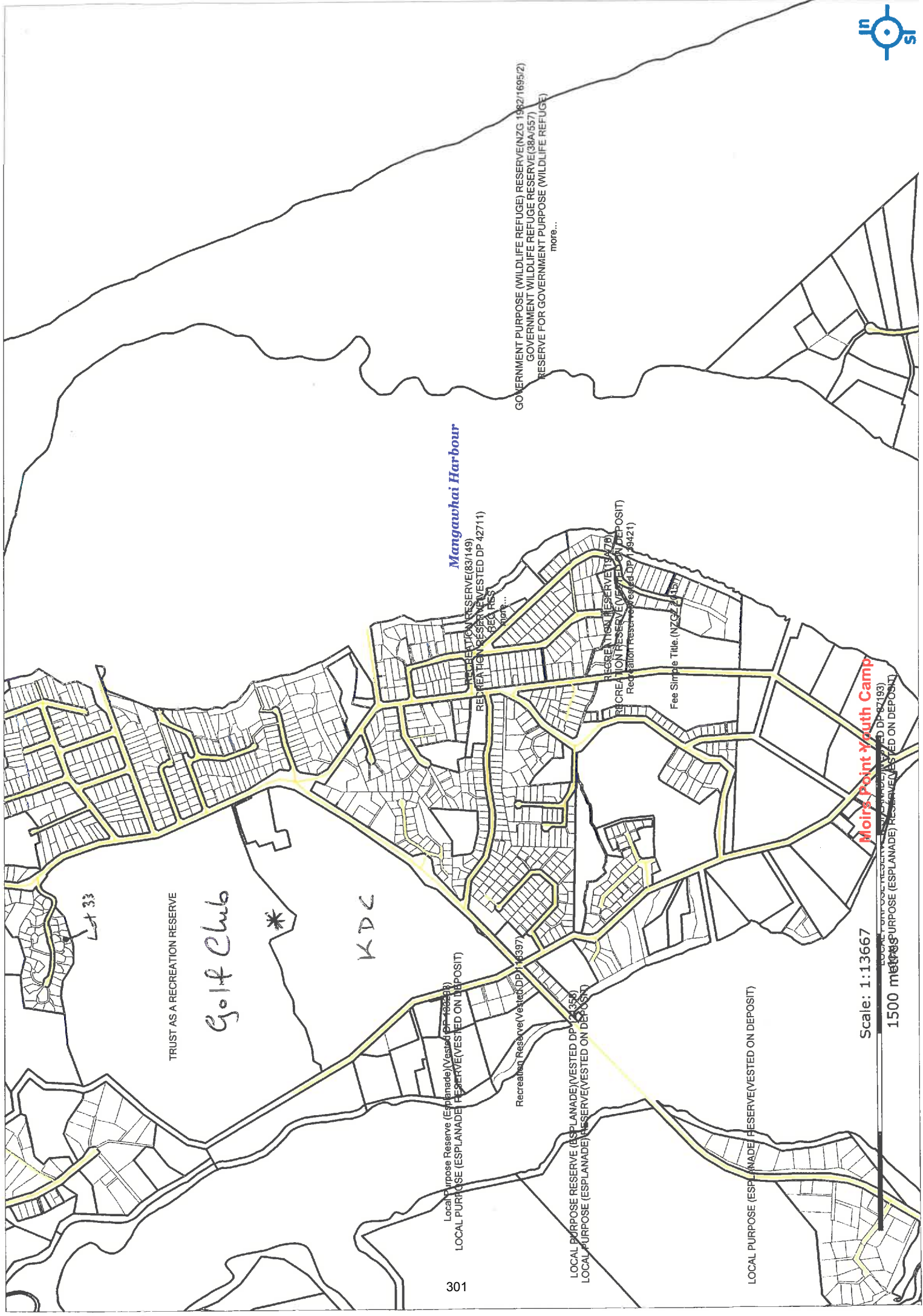
7442892
Lot 1
DP 462331
1.568
Walters Robin Leslie
Walters John Muru
Amanda Samantha Jane
Lot 1
DP 485724
1.3199
56, Taylor Corban James
56, 6618812
56, 6618812
Lot 2
DP 317264
0.781
Lot 3
DP 317264
1.413
67662, MZ Residential Limited
6618814
Lot 1
DP 317264
0.82
3, Harrold Tamara
3, Pelham Ross Henry
DP 317264
1.89261, Cundy Sarah Lynda
67664, Braughon Colin Ernest
67664, Flavell Tai Charles

5195571
Lot 9
DP 118397
2.5417

6749375
Lot 1
DP 341981
0.7863

454424, Kaipara District Council
Recreation Reserve (Vest DP 185449)
Scale: 1:5467
300





TRUST AS A RECREATION RESERVE

Golf Club

KDC

Local Purpose Reserve (Esplanade) (Vested DP) (83991)
LOCAL PURPOSE (ESPLANADE RESERVE VESTED ON DEPOSIT)

Recreation Reserve (Vested DP) (83997)

LOCAL PURPOSE RESERVE (ESPLANADE) (VESTED DP) (83998)
LOCAL PURPOSE (ESPLANADE) RESERVE (VESTED ON DEPOSIT)

LOCAL PURPOSE (ESPLANADE) RESERVE (VESTED ON DEPOSIT)

Mangawhai Harbour

RECREATION RESERVE (83/149)
RECREATION RESERVE (VESTED DP 42711)
RECREATION RESERVE (VESTED DP 42711)
more...

RECREATION RESERVE (83/149)
RECREATION RESERVE (VESTED DP 42711)
RECREATION RESERVE (VESTED DP 42711)
more...

Fee Simple Title (NZGS 2415)

Moira Point Youth Camp

GOVERNMENT PURPOSE (WILDLIFE REFUGE) RESERVE (NZG 1962/1695/2)
GOVERNMENT WILDLIFE REFUGE RESERVE (38A/557)
RESERVE FOR GOVERNMENT PURPOSE (WILDLIFE REFUGE)
more...



Title Plan - LT 519407

Survey Number LT 519407
Surveyor Reference 1847 - KDC
Surveyor Adam Paul Stanley Booth
Survey Firm Pacific Coast Surveys Limited (Mangawhai)
Surveyor Declaration

Survey Details

Dataset Description Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306
Status Initiated
Land District North Auckland
Submitted Date
Survey Class Class B
Survey Approval Date
Deposit Date

Territorial Authorities

Kaipara District

Comprised In

CT NA118B/599
CT 571497

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 519407	Fee Simple Title	54.8697 Ha	815951
Lot 2 Deposited Plan 519407	Fee Simple Title	1.6960 Ha	815952
Area A Deposited Plan 519407	Easement		
Area B Deposited Plan 519407	Easement		
Area C Deposited Plan 519407	Easement		
Area D Deposited Plan 519407	Easement		
Lot 3 Deposited Plan 519407	Fee Simple Title	30.8895 Ha	825014
Total Area		<u>87.4552 Ha</u>	

Schedule / Memorandum

Land Registration District

North Auckland

Survey Number

LT 519407

Territorial Authority (the Council)

Schedule of Existing Easements

Last Edited: 22 Jan 2018 11:08:29

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement</u>	<u>Creating Document Reference</u>
Right of Way	A, B, C	Lot 1	EC C634107.4
Water Supply	D	Lot 1	EC 874526.2



T 1/7

Title Plan
LT 519407
DRAFT

Surveyor: Adam Paul Stanley Booth
Firm: Pacific Coast Surveys Limited (Mang)

Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306

Land District: North Auckland
Digitally Generated Plan
Generated on: 16/02/2018 09:04am Page 3 of 9



T 2/7

Title Plan
LT 519407
DRAFT

Surveyor: Adam Paul Stanley Booth
Firm: Pacific Coast Surveys Limited (Mang)

Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306

Land District: North Auckland

Digitally Generated Plan

Generated on: 16/02/2018 09:04am Page 1 of 9



T 3/7

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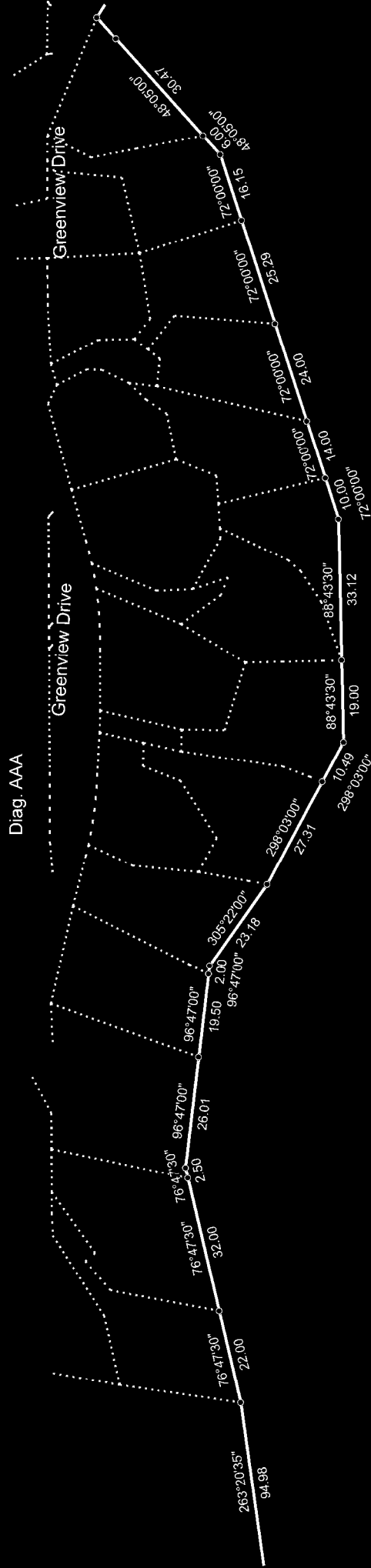
<p>Land District: North Auckland Digitally Generated Plan <small>Generated on: 16/02/2018 09:04am Page 5 of 9</small></p>	<p>Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306</p>	<p>Surveyor: Adam Paul Stanley Booth Firm: Pacific Coast Surveys Limited (Mang)</p>	<p>Title Plan LT 519407 DRAFT</p>
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Diag. AAA

GreenView Drive

GreenView Drive



1

54.8697Ha

T 4/7

Land District: North Auckland

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Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306

Surveyor: Adam Paul Stanley Booth
Firm: Pacific Coast Surveys Limited (Mang)

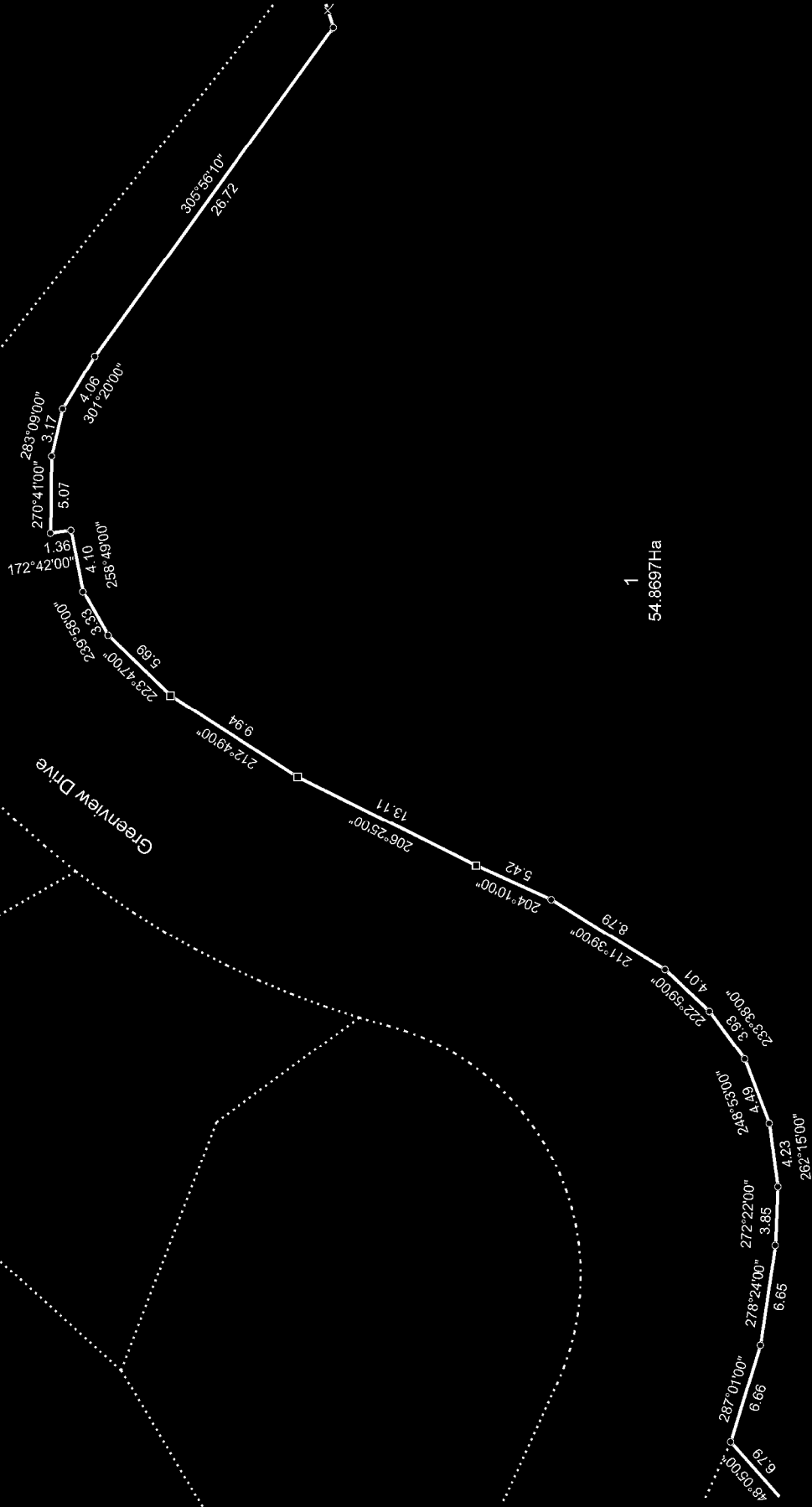
Title Plan
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Greenview Drive

Diag. AAB

Greenview Drive



T 5/7

Land District: North Auckland

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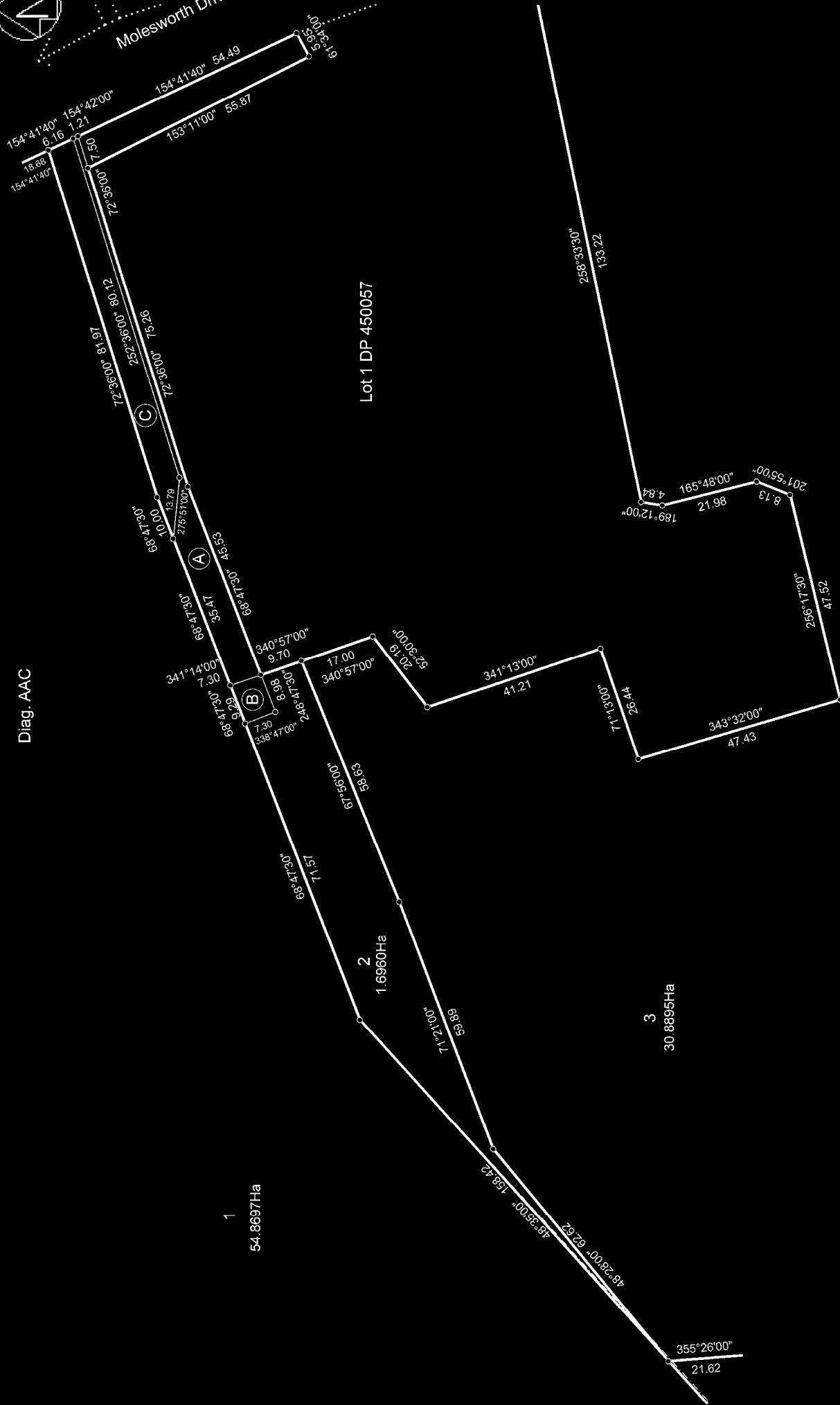
Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306

Surveyor: Adam Paul Stanley Booth
Firm: Pacific Coast Surveys Limited (Mang)

Title Plan
LT 519407
DRAFT



Molesworth Drive



Diag. AAC

Lot 1 DP 450057

1
54.8697Ha

2
1.6960Ha

3
30.8895Ha

T 6/7

Title Plan
LT 519407
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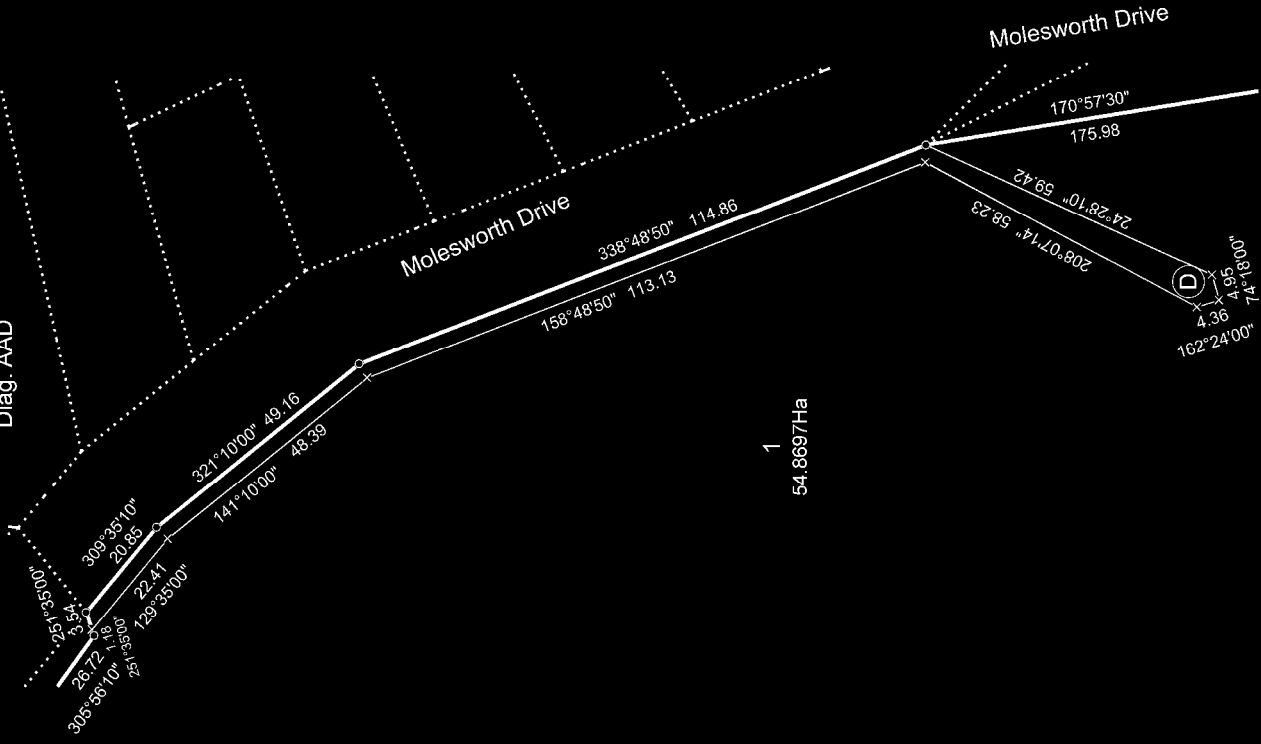
Surveyor: Adam Paul Stanley Booth
Firm: Pacific Coast Surveys Limited (Mang

Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306

Land District: North Auckland
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Generated on: 16/02/2018 09:04am Page 3 of 9



Diag. AAD



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Lots 1 - 3 Being a Subdivision of Lot 2 DP 450057 and Lot 1 DP 190306

Surveyor: Adam Paul Stanley Booth
Firm: Pacific Coast Surveys Limited (Mang

Title Plan
LT 519407
DRAFT

Lisa Hong

From: Steve Hinton <steve@mangawhaigolf.co.nz>
Sent: Wednesday, 20 June 2018 3:15 p.m.
To: John Burt
Subject: Lease Renewal

Hello John,

The Mangawhai Golf Club wishes to renew the peppercorn lease beyond the present expiry date of 2023. Our understanding from previous communication was that a 33 year renewal would be envisaged by KDC.

We have currently undertaken stage 1 of a 3-stage development plan on the golf course to further improve it's ranking nationally.

We also have plans to modernise parts of the club-house as well as adding a new building to house member's golf carts. This latter undertaking will allow golf club members to stay more active by extending their golfing involvement. As the club is without cash surpluses there is a need to fund the above undertakings with mortgages or by way of grants.

All of the above improvements are only viable with some surety of our right to occupy the existing premises in the medium to long term.

Additionally as a charitable trust we are obligated and regularly host local non-profit groups at the club, more especially in the club-house.

We look forward to your advice on the lease renewal in due course.

Yours faithfully,

Steve Hinton
(On behalf of the Board of Directors)

5 Information

5.1 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Recommended

That Kaipara District Council receives the Governance Advisor's Resolutions Register and Action Tracker dated 16 July 2018.

Kaipara District Council
Resolutions Register at 18 July 2018

Meeting Date	Agenda Item Number	Item Name	Agenda Resolution Number	Details	Assigned	Status	Comments	Due
13/02/2017	6.4	Establishment of Older Persons Committee	28	Will look at other ways of engaging with older members of the community.	GM GSD	In Progress	To be considered in third quarter of 2018	Sept 2018
26/06/2017	7.6	Kauri Coast Community Pool – Licence to Occupy and maintenance grant	34	Agrees to develop Terms of Reference for a joint Council/Trust Kauri Coast Community Pool Management Committee to investigate reducing operating costs, reviewing fee structure, seeking external funding for programmes, improving the range of programmes, improving dedicated times for the elderly and promoting the pool to achieve increased attendance	GM GSD (DL)	Completed	Terms of Reference have been agreed on and finalised with the Management Committee.	June 2018
			35	Delegates the Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust on the standard terms and conditions	GM GSD (DL)	In Progress	This is reported on the July Council agenda	July 2018
			37	Re-assesses its involvement in the Kauri Coast Community Pool after the 2017/2018 swimming season.	GM GSD (DL)	In Progress	This is reported on the July Council agenda	July 2018
11/07/2017	1.7.2	Notice of Motion 2	4 & 5	1) That the Chief Executive develop a policy for the appointment of independent commissioners; and 2) That the policy include: a) the process for Council appointment to, and removal from the list of commissioners; and b) standardising of commissioner remuneration; and c) the requirement for Council approval of appointments of commissioners for resource consent hearings, and a procedure for appointment including: i) an alphabetical acceptance and refusal process to remove bias; and ii) a public register recording the process followed in point a); and iii) a process allowing applicants to refer disputes over appointments decisions to Council for resolution; and iv) mechanisms to allow qualified elected members to sit on hearing panels if Council decides to do so.	GM PPR	In Progress	Terms of Reference for the Planning and Regulatory Working Group is under consideration by Councillors and included in the March 2018 Council agenda. The intention is that this Working Group review the policy. Working group met on 11 April 2018. Staff to create a policy based on guidance from this meeting.	Sept 2018
			6	3) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure	GM PPR	In Progress	As above	Sept 2018
			7	4) That any related current delegations be amended to reflect policy	GM PPR	In Progress	As above	Sept 2018
			8	5) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM PPR	In Progress	As above	Sept 2018
14/08/2017	6.7	Community Grants Policy Review and Recommendations	35	Creates a clear set of community activities they would like to support in the Long Term Plan 2018/2028	GM GSD	In Progress	To be considered as part of the finalising of LTP	June 2018

			36	Change the Committee's Terms of Reference to allow for delegation of decision-making on future Grants	GM GSD	Completed		
			39	Instructs the Chief Executive to create a separate budget for resource and building consent grants and adjust Forecast One accordingly.	GM GSD	Completed		
26/09/2017	6.6	Stopbank reinstatement - land known as Section 73 75 part 44 Block XV of the Tokatoka Survey District	21	Delegates responsibility to the interim Chief Executive to complete any associated works for the stopbank reinstatement of Raupo Drainage District flood protection based on feedback from community consultation and expert advice	COO (SP)	In Progress	Quotes have been received and reported back to the Raupo Drainage Committee. The Committee has requested follow-up actions.	July 2018
			22	Notes that the works are to be funded by Raupo Drainage Targeted Rate.	COO (SP)	In Progress	As above	July 2018
	6.8	Sale of Council Land : Section 1, SO 61790 , NA67C/989 (Mangawhai)	28	Declares that its property at Tomarata Road, Mangawhai described as Section 1, SO 61790 Certificate of Title NA67C/989 is surplus to its requirements	GM R,F&IT (JB)	Completed		
			29	Offers the land to all adjoining landowners at valuation for the purposes of s345(1)(a)(i) of the Local Government Act 1974	GM R,F&IT (JB)	Completed		
			30	Should the adjoining owners decline the offer to purchase the property, offer the land for sale generally to any other person(s)	GM R,F&IT (JB)	Completed		
			31	Delegates to the Chief Executive authority to negotiate terms and conditions and accept the best offer, provided that it is equal or greater than valuation.	GM R,F&IT (JB)	No Further Action	The agreement has been cancelled due to issues with the way the title was created back when Rodney County obtained it in 1989. They should have had consent from the Minister of Conservation but they did not obtain it and DOC has refused to grant consent retrospectively. Advice from Council's Solicitors(Brookfield's) was that it wasn't advisable to proceed with the sale because of the Risk to Council.	August 2018
14/11/2017	6.13	Northpower – Assignment of Lease	44	Approves the assignment of the grazing licence from Northpower to Highview Investments Limited	GM R,F&IT (JB)	Completed		
			45	Delegates to the Chief Executive responsibility for execution of the Deed or Assignment on Council's behalf.	GM R,F&IT (JB)	In Progress	As it's a Deed this needs to be executed by two elected Members. Still Waiting for Northpower and Highview to execute the Deed and return same to Council for Execution.	August 2018
11/12/2017	6.2	Forecast One 2017/2018	8	Approves the forecast as set out in the forecast sections in the above mentioned report and its attachments, and determines that no further action is required at this point in time	GM R,F&IT (RG)	Completed		
			9	Notes the revised forecast shows decreased operating revenues of \$0.4 million, reduced operating costs of \$0.5 million, increased capital funding of \$7.1 million and revision of the capital expenditure projects list	GM R,F&IT (RG)	Completed		
			10	Approves the revised capital expenditure schedules listed in Attachment 4 of the above mentioned report	GM R,F&IT (RG)	Completed		
			11	Approves the use of \$3.1 million of prior year surpluses and general reserves to reduce the district wide portion of the Mangawhai Community Wastewater Scheme debt	GM R,F&IT (RG)	Completed		

			12	Notes that the \$5.3 million of forestry asset sales will reduce the district wide portion of the Mangawhai Community Wastewater Scheme debt	GM R,F&IT (RG)	Completed		
			13	Instructs the Chief Executive to provide Council with a full briefing in February 2018 on all options on the use of proceeds from this specific asset sale	GM R,F&IT	Completed	Refer line 51 below	Sept 2018
	6.5	Mangawhai Museum Partial Surrender of Lease	20	Approves the Partial Surrender of the Lease by the Mangawhai Museum	GM R,F&IT (JB)	Completed		
			21	Approves the grant to the Mangawhai Museum of a non-exclusive licence to use the surrendered area for the use permitted in its lease	GM R,F&IT (JB)	In Progress	Location of the Arts Building has now been identified so this can be excluded from non-exclusive licence area.	Sept 2018
			22	Delegates to the Acting Chief Executive responsibility for the finalisation of the Deed of Partial Surrender of Lease	GM R,F&IT (JB)	In Progress	The Deed of Partial Surrender can be finalised now with updated plans However Museum have advised they now want to new lease rather than a partial surrender.	Sept 2018
25/01/2018	7.4	Reserve Contributions (use of) Policy: Adoption of reviewed Policy	31	Approves the reviewed Reserve Contributions (use of) Policy as amended at the Reserve Contributions Committee's meeting on 18 January 2018 (as Attachment 2 of the above mentioned report) and at this Council meeting on 25 January 2018	GM RPP	Completed		
			32	Consults on the reviewed Policy as part of the draft Long Term Plan process	GM RPP	Completed	Adopted at May 2018 Council Meeting	June 2018
			33	Prioritises the review of Reserves and Open Space Strategy (ROSS)	GM RPP	In Progress	To commence once LTP finalised	Dec 2018
	7.6	Recycling issues and costs	37	Approves the temporary stockpiling of the plastics that currently have no market for recycling at an estimated cost of \$2,500 + GST per year pending establishment of new markets	COO	Completed		
			38	Approves the additional costs to subsidise the transportation of the remaining plastic products that are currently able to be sent to market in Auckland for recycling without any resale value at an estimated cost of \$12,000 + GST per year	COO	Completed		
			39	Instructs the Chief Executive to monitor the situation and, if no new markets have been established within a two year period, to report back to Council with options	COO	In Progress	This is reported on the July Council agenda	July 2018
28/02/2018	7.1	Licence to Occupy Review	24	Delegates to the Community Grants Committee the authority to review and recommend amendments to the Community Assistance Policy to provide clear policy guidance for Licences to Occupy, including amendments to the standard Licence to Occupy template	GM R,F&IT (FD&DL)	In Progress	LTO review is in progress	Aug 2018
			26	Directs the Chief Executive to review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy	GM R,F&IT (CT)	Completed	Approved as part of the LTP	June 2018
	7.5	Road Stopping and Sale - Murray Road, Tangowahine	40	Approves the stopping of a 12.5ha parcel of unformed Murray Road in Tangowahine, (as identified in Attachment 1 to the above mentioned report) under s116 of the Public Works Act	GM R,F&IT (JB)	Completed	Valuation has been received for land and Forestry consultant has provided an estimate of tree value	Sept 2018

			41	Delegates to the Chief Executive responsibility for reaching agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement	GM R,F&IT (JB)	Completed	Adjoining landowner has provided consent to sale IAW Public Works Act- Now in discussion with them about possible Sale & Purchase	Sept 2018
			42	Notes that the purchaser will meet all costs associated with the transaction	GM R,F&IT (JB)	Completed	As above	
28/03/2018	6.1	Private Seal Extension Policy 2018: Adoption for Community Engagement	5	Adopts the draft 'Kaipara District Private Seal Extension Policy 2018', circulated as Attachment 1 to the above mentioned report, and seeks community feedback on the draft Policy with the following amendments: <input type="checkbox"/> to link to Rating Policy and re-worded for clarity to laypeople, in plain English; <input type="checkbox"/> add interest and maximum term of less than 10 years, and obligations of those that do not agree	COO (HvZ)	In Progress	Finalising additions to the draft policy. Seeking public feedback in May	July 2018
			6	Delegates the Chief Executive and Councillors Wethey and Geange to approve the final wording	COO (HvZ)	In Progress	As above	July 2018
	6.2	Baylys Beach Access, Beach Erosion Assessment Report update	9	Requests that this issue be reported back to the Council meeting on 26 April 2018 with further information including legal opinion regarding liability and information on the status of the land	COO (BP)	In Progress	This item has been deferred to June 2018 Council agenda.	July 2018
26/04/2018	4.1	Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18	2	That Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18 from Councillor Geange lie on the table pending the receipt from Council staff of a report assessing all impacts on Council of implementing the Motion as put, including any retrospective liabilities that might be incurred.	GM GSD	In Progress	This is reported on the July Council agenda	July 2018
	5.2	Forecast Two 2017/2018	14	Approves the forecast as set out in the forecast sections in the above mentioned report and its attachments, and determines that no further action is required at this point in time	GM R,IT&F	Completed		
			15	Notes that the revised forecast shows increased operating revenues of \$1.6 million, reduced operating costs of \$0.4 million, increased capital funding of \$0.3 million and reduced capital expenditure of \$1.7 million from the estimates in Forecast One	GM R,IT&F	Completed		
			16	Approves the revised capital expenditure schedules, listed in Attachment 4 of the above mentioned report, and the carry forwards to the Long Term Plan 2018/2028	GM R,IT&F	Completed		
			17	Notes that forecast debt is currently projected in the order \$48.2 million which is a reduction of \$13.9 million compared with the planned \$3.8 million reduction in the Annual Plan. The increased reduction is due to release of available general reserves, property sales and development contribution payments for the Mangawhai Community Wastewater Scheme (MCWWS)	GM R,IT&F	Completed		

			18	Approves the out of limit position in terms of clause 6.3 of the Treasury Management Policy (this to be reviewed in six months)	GM R,IT&F	Completed		
			19	Notes that the Chief Executive is to provide Council with a full briefing on all options on the proceeds from the forestry asset sale	GM R,IT&F	In Progress	Agreed to prepare a Council paper in second quarter of 2018 regarding use of Forestry sale proceeds	Sept 2018
23/05/2018	5.1	Draft Long Term Plan 2018/2028: Deliberations and decision making	6	Receives all Submissions, including Late Submissions, provided to inform the Draft Long Term Plan 2018/2028 and thanks all submitters for their time and effort	GM GSD	Completed		
			7	Requests the Chief Executive to respond to all those persons/organisations that provided feedback including the responses to feedback points as noted in Attachments 1 through 15 to the above mentioned report	GM GSD	In Progress	Letters to be sent by end of July 2018 to all those who offered feedback to the Consultation Document.	July 2018
	5.1.1	Issues and Options: Mangawhai Community Plan	9	Approves the commencement of implementation of the Mangawhai Community Plan in 2018/2019		Completed	Approved as part of the LTP	June 2018
			10	Approves funding the implementation of the Mangawhai Community Plan through debt		Completed	Approved as part of the LTP	
			11	Agrees that the cost of the debt, interest and principal, is shared 20% district wide general rate and 80% by Mangawhai ratepayers as a differential rate levied on all the land that is located within the Mangawhai Harbour Restoration area		Completed	Approved as part of the LTP	
			12	Approves the removal of the statements regarding NZ Transport Agency funding from pages 24, 25, 26, 27, 28 and 30 of the Mangawhai Community Plan		Completed	Approved as part of the LTP	
	5.1.2	Issues and Options: District Plan	14	Approves the allocation of \$2,500,000 in the first three financial years and \$4,820,000 for the remaining seven years of the Long Term Plan 2018/2028 to undertake a comprehensive review of the District Plan		Completed	Approved as part of the LTP	
			15	Notes that the budget allocated for reviewing the District Plan will be spread over the term of that Plan		Completed	Approved as part of the LTP	
	5.1.3	Issues and Options: Reserve Contributions	17	Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018		Completed	Approved as part of the LTP	
			18	Continues to fund the existing \$100,000 p.a. budgets (\$150,000 for Mangawhai Park for 2018/2019 year only) for each of the three priority parks from reserve contributions as a priority over other reserve projects (and without being required to participate in the contestable funding round), until an alternative funding source is arranged, subject to each governance committee providing a business plan that conforms to the funding criteria of the policy		In Progress	Approved as part of the LTP, but process is being worked through to start contestable funding process from July 2018	
19			Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy	GM GSD (DL)	In Progress	Contestable fund, with supporting information will be advertised in July 2018.	July 2018	

		20	Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes		In Progress	
5.1.4	Issues and Options: Forestry Targeted Rate	22	Approves the extension of the Forestry Targeted Rate set to raise \$397,800 for the 2018/2019 financial year, adjusted annually for inflation for each year of the Long Term Plan 2018/2028		Completed	Approved as part of the LTP
5.1.5	Issues and Options: Sporting Facilities	24	Approves a one-off grant of \$70,000 to Sportsville for the 2018/2019 financial year		Completed	Approved as part of the LTP
		25	Identifies Sportsville and Mangawhai Activity Zone (MAZ) as projects to be funded by the Northland Regional Council Regional Sporting Facilities rate		Completed	Approved as part of the LTP
		26	Continues to assist other sports, recreation and community facilities across the district where appropriate		Completed	Approved as part of the LTP
5.1.6	Issues and Options: Mangawhai Harbour Restoration Targeted Rate	28	Approves the Mangawhai Harbour Restoration targeted rate be set at \$80.00 inclusive of GST for the Long Term Plan 2018/2028		Completed	Approved as part of the LTP
5.1.7	Issues and Options: Mangawhai Community Wastewater Scheme	30	Approves the inclusion of \$20.05 million in the Long Term Plan 2018/2028 for the upgrade and extension of the Mangawhai Community Wastewater Scheme to accommodate new connections		Completed	Approved as part of the LTP
		31	Agrees that the \$20.05 million shall be funded through debt		Completed	Approved as part of the LTP
		32	Agrees that the growth portion of \$20.05 million debt servicing and financing be levied on future connections with the associated revenue raised from development contributions		Completed	Approved as part of the LTP
		33	Notes that investigations of future disposal options to provide additional disposal capacity will be undertaken concurrently and a preferred option recommended to Council for approval		In Progress	
5.1.8	Issues and Options: Transportation	35	Pursues funding through the Provincial Growth Fund for the Pouto Road and Kaiwaka Mangawhai Road bridge projects		In Progress	Applications submitted to the Provincial Growth Fund. No outcome yet
		36	Includes Transport budgets totalling \$140 million in operating expenditure, and \$129 million in capital expenditure, as per the Consultation Document in the Long Term Plan 2018/2028		Completed	Approved as part of the LTP
		37	Transfers \$200,000 per annum for Years 1 to 3 of the Long Term Plan from the Low Cost Low Risk work category to the Walking and Cycling, and New Footpaths work categories to allow the implementation of Council's Walking and Cycling Strategy, and New Footpaths programmes from Year 1 of the Plan		Completed	Approved as part of the LTP

5.1.9	Issues and Options: Flood Protection Te Hapai	39	Approves the inclusion of a targeted rate for the Te Hapai Drainage District to raise \$8,500 (incl GST) per year in the Long Term Plan 2018/2028		Completed	Approved as part of the LTP	
5.1.10	Issues and Options: Other Issues Raised	41	2 Requests that context be included in the draft Long Term Plan 2018/2028 on; a. Climate change and how Council is responding b. The inclusion of the Arts sector c. Benchmarking Council against other 'like' councils, and efficiencies d. Māori engagement and working with Māori e. Waste minimisation, and community recycling initiatives		Completed	Approved as part of the LTP	
		42	Approves the investigation of methods for the community to manage Ripiro Beach		Completed	Approved as part of the LTP	
		43	Approves the investigation of no cost options/ideas with Heritage New Zealand		Completed	Approved as part of the LTP	
5.1.11	Issues and Options: Tangowahine District Drainage Scheme	45	Approves the continuation of the Tangowahine Drainage District to raise \$2,875 (inclusive of GST) in revenue for the 2018/2019 financial year and adjusted for inflation for the remainder of the Long Term Plan 2018/2028		Completed	Approved as part of the LTP	
5.1.12	Issues and Options: A Thriving Kaipara (and Council Controlled Organisation)	47	Approves the investigation and support of internet and digital capabilities within the Kaipara region		Completed	Approved as part of the LTP	
		48	Approves investigating options of how Council can further support the Tourism sector and Sustainable Economic Development more generally within the Kaipara region		Completed	Approved as part of the LTP	
		49	Approves investigating the digital Community Hub for Dargaville		Completed	Approved as part of the LTP	
		50	Approves the implementation of the Dargaville Placemaking Programme		Completed	Approved as part of the LTP	
5.1.15	Issues and Options: Pensioner Housing	56	Approves the continued investigation of alternative options for the land it owns at Fagan Place in Mangawhai, including the possibility of working with external partners	GM RIF (JB)	Completed	Approved as part of the LTP	Dec 2018
		57	Requests the Chief Executive reports the results of the investigation to Council	GM RIF (JB)	In Progress	ET to develop project scope & identify project sponsor & Team	Dec 2018
5.2	Draft Long Term Plan 2018/2028 Adoption	60	Notes that the following policies and strategies are included in the Draft Long Term Plan 2018/2028: a. Financial Strategy; b. Infrastructure Strategy (2018/2048); c. Funding Impact Statement Rating Tools; d. Significance and Engagement Policy; e. Revenue and Finance Policy; f. Rates Postponement and Remission Policy; g. Early Payment of Current Year Rates Policy; h. Early Payment of Rates for Subsequent Years Policy; i. Maori Freehold Land Rates Postponement and Remission Policy	GM GSD	Completed	Approved as part of the LTP	June 2018

			61	Adopts, in principle, the Draft Long Term Plan 2018/2028 (Attachment 1 to the above mentioned report) for audit review, amended to include the decisions made at item 5.1 on this agenda (Council meeting 23 May 2018)	GM GSD	Completed	Approved as part of the LTP	
			62	Delegates the Chief Executive and Mayor to approve editorial changes to the Draft Long Term Plan 2018/2028 and changes to reflect the decisions made at item 5.1, above	GM GSD	Completed		
			63	Notes that the audited Draft Long Term Plan 2018/2028 will be reported to the 26 June 2018 Council meeting for formal adoption	GM GSD	Completed	Approved as part of the LTP	
26/06/2018	4.1	Fees and Charges 2018/2019: Annual review – adoption	3	Adopts the proposed Fees and Charges 2018/2019 as outlined in the draft schedule, appended as Attachment 1 to the aforementioned report, for the purpose of setting the Fees and Charges 2018/2019	GM RPP	Completed	Approved as part of the LTP	
	4.2	Long Term Plan 2018/2028 (final) – Adoption	8	Adopts the Long Term Plan 2018/2028 (circulated as Attachment 1 to the above mentioned report)	GM GSD	Completed	Approved as part of the LTP	
			9	Delegates the Chief Executive and Mayor to approve minor typographical changes that do not alter the intent of the information in the Long Term Plan 2018/2028	GM GSD	Completed	Approved as part of the LTP	
	4.3	Setting of Rates, Due Dates and Penalties Regime 2018/2019	11	Sets the rates, due dates for payment and penalties regime for the 2018/2019 financial year, as set out [in Council minutes 26 June 2018]	GM GSD	Completed	Approved as part of the LTP	
			12	Delegates authority to the Revenue Manager and the Revenue Operations Officer to apply penalties to unpaid rates according to the resolutions above	GM GSD	Completed	Approved as part of the LTP	
	4.4	Mangawhai Historic Wharf Trust - Request for Council representation	14	Appoints Councillor Wethey (Otamatea Ward), as Council's representative to the Mangawhai Historic Wharf Trust	GM GSD	Completed	Approved as part of the LTP	
	4.5	Taharoa Domain Governance Committee Terms of Reference – Amendment to include rotation of Chair	20	Adopts the new draft Taharoa Domain Governance Committee Terms of Reference (Attachment 2 to the aforementioned report), including the following clause: <input type="checkbox"/> 'The Chair of the Committee will rotate amongst members on an annual basis with a new Chair being selected at the first meeting following 01 July each year'	GM GSD	Completed	Approved at 26 June Council meeting.	
	4.6	Policy Citizens Awards 2018 - Adoption	23	Adopts the draft Citizens Awards Policy (Attachment 3 to the aforementioned report) with the following amendment: <input type="checkbox"/> Section 3, Paragraph 4 – to remove the words 'or organisation' to read 'It is not necessary to have the consent of the person being nominated for the Awards' [page 93 of the agenda]	GM GSD	Completed	Policy Analyst has been advised. The Citizens Awards will open for nominations in July.	
4.7	Customer Privacy Policy - Adoption	27	Adopts the Customer Privacy Policy as appended as Attachment 1 to the aforementioned report	GM P&C	Completed	Approved at 26 June Council meeting.		

5.2 Chief Executive's Report June 2018

Acting Chief Executive 2002.02.18/June

Recommended

That Kaipara District Council receives the Chief Executive's Report for the month of June 2018.



Chief Executive's Report

For the month of June 2018

Part One

- a) Chief Executive's overview**
- b) Activities report**
- c) Looking Forward**

Part Two

Financial Report to 31 June 2018

Part One

a) Chief Executive Overview – June

Customer Service Training

Customer Services has six experienced customer service representatives and three trainees, with trainees taking up to one year to become competent at handling all enquiries. In the four months from January to May, the Customer Service Team handled over 30,000 transactions. Transactions range from telephone enquiries to front counter reception and cashiering, as well as Council email across both Mangawhai and Dargaville sites.

As part of continuous improvement and in order for customer service staff to undertake full first resolution for public enquiries, the General Manager of Community and Customer Services, with the support of the Executive Team, will reintroduce a Customer Services Team training meeting every Wednesday morning from 8.00am to 9.00am.

From 8.00am to 9.00am each Wednesday, the After Hours Service will handle telephone enquiries with the office reopening at 9.00am. Publicity around this will be undertaken throughout August, with team meetings beginning in September.

Plan Change 4 (PC4)

PC4 mediation is going well. Meetings have been held with Iwi, Fire and Emergency New Zealand (FENZ) and s274 parties on proposed amendments with universal agreement being reached on most proposed changes. Matters still being discussed include rule provisions for commercial and industrial activities in the rural zone, and the design of risk assessment guidelines for use across the district with particular reference to papakainga and subdivision development.

Council is seeking a month's extension from the Environment Court to progress those issues not yet agreed. Council staff are pleased with their improved relationships with both FENZ and s274 parties.

Provincial Growth Fund

We continue to seek additional funding for the region however; we have not been successful to date. Feedback is that a number of our applications are currently being assessed with input being requested from the Department of Conservation and NZ Transport Agency.

Discussion was held regarding the provision of a resource/person funded to Kaipara so that the package of these projects can be developed to business case level to further support the applications.







Kaihu and Maungaturoto Raw Water Users



Staff continue to work with the affected property owners (18 properties (19 dwellings)). There are 11 properties that are at various stages of resolution.

Most properties in the Kaihu catchment have indicated a preference for a community fund (e.g. WINZ) if this is available. Council officers are working through this option with WINZ who have now requested a report for consideration for funding support.

Should this option prove unsuccessful then it is likely that most will proceed with the Council-loan option.

All property owners for the Maungaturoto catchment (seven properties) have indicated that they will self-fund.

All of Council - Key Performance Indicators (all \$ in 000's)								
	Indicators	What is being tracked	MTD Target	Actual	YTD Target	YTD Actual		Comment
1	Debt Level	Net Bank debt tracked on a year to date basis	N/A	N/A	June 2018 \$57,712	June 2018 \$42,359		Debt levels will track up over the next few months
2	Resident survey satisfaction	Overall performance as measured by Key Research Group	N/A	March 2018 Actual 64%	Increasing trend	March 2018 64%		Next survey results will be available in July for August report 2018
3	Surplus or deficit	Surplus/(Deficit) before loan payments and depreciation	N/A	N/A	June 2018 \$6,806	June 2018 \$7,862		As reported in the June 2018 financial report
4	Employee engagement	Overall perception	N/A	N/A	69%	Pulse Survey Feb 2018 63%		Next survey due in August
5	Legislative compliance	LGOIMA and LIMs responded to in statutory deadlines	N/A	28 received	N/A	660 received, 100%		All LIMs and current LGOIMAs responded to within deadlines
6	Building accreditation maintained and compliance with RMA	Blended result from resource and building consent along with BCA audits	June 2018 100%	June 2018 95%				BCA Audits were 100% again this month, Building consents 97% and Resource consents 87%

All of Council - Key Performance Indicators (all \$ in 000's)								
	Indicators	What is being tracked	MTD Target	Actual	YTD Target	YTD Actual		Comment
7	Activity profile performance metrics achieved	Tracking of performance measure to quarterly and annual targets	N/A	N/A	80%	75%		Fourth quarter to be reported as Annual Report
8	Capital works spend on track	Capital works spend within 5% + - of budget	N/A	N/A	\$20,773	\$19,294		Year end result remains 7% behind targeted projections from previous month.

Please note: Roading capital works spend reported in Section 3 below.

b) Activities Report

1 Parks and Reserves

The public toilets/campervan dump station project at Lake Waikare (Taharoa Domain) is progressing with tenders sent out to suppliers for pricing.

Northland Regional Council (NRC) has identified two Council reserves with Kauri Dieback. We are working with NRC and further testing is underway to see if it has spread. Council will be following NRC protocols to manage these sites. These sites were tested and we are waiting on the results, which will take up to two months. Signage has been installed and washing stations will be set up in an effort to minimise disease transmission at these sites.

We have been focusing on completing capital works for the end of the financial year. Not all projects were fully completed and we will look to carry these over for full completion in the 2018/2019 financial year.

We have received several requests to ban dogs from Pou Tu Te Rangi Harding Park. We are working with the Governance Committee on this matter with a view of having a recommendation go to Council.

We have been working with the Policy Team to review a number of public documents. These include the Reserves and Open Space Strategy (ROSS), Dog Bylaw, Cemeteries Bylaw as well as the Smokefree Policy.

Downer's mowing team are focusing on edge control and helping with the garden planting projects as the grounds are too wet to enable the mowers on some of the Parks/Reserves. The rest of the team are continuing with their routine tasks.

Mangawhai Community Park track construction has continued throughout the month when weather has permitted, with work also continuing on the landscaping around the Pioneer Village.

2 Community Activities for May/June

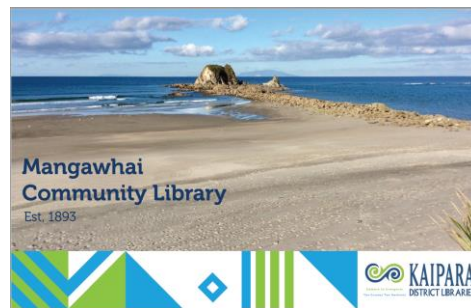
Community Team

- The Community Team continue to meet with the community across the district to work with them and bridge the gap between the community and Council to support them with community-led projects. Community groups worked with this month are:
 - Maungaturoto Residents Association;
 - Mangawhai Business Forum;

- Sportsville Board Meeting
 - RSA;
 - Kaiwaka Can;
 - Housing First;
 - Mangawhai Waka Ama;
 - Fairy Tern Society; and
 - Mangawhai Community Trust.
- Met with Progressive Paparoa to discuss current community projects and ideas for the coming year, including a traffic-calming landscaping project which is currently with NZTA for approval;
 - 40 applications have been received for the Community Grant fund. This is one of the highest number of applications ever received;
 - Mangawhai Heritage Group and staff met to scope the first of five proposed heritage path routes to identify permission levels, significant sites and land ownership throughout the Mangawhai Village area;
 - The Neighbourhood Connection in Montgomery Avenue was a success on Sunday 01 July with 25 residents attending;
 - All community library contracts for services have been completed;
 - Work continues on obtaining funding from the Provincial Growth Fund for the Kaihu Valley Rail Trail.

Libraries

Dargaville Library is working on a waste minimisation programme. Maungaturoto and Mangawhai libraries have designed new library cards and these will be available by the end of August.



3 Roads and Footpaths

The Roothing Team had a fantastic 2017/2018 result all round with 95% of the overall budget spent. For the minor improvement budgets and maintenance and renewals budgets, 100% expenditure was achieved. Emergency slip projects are currently being finalised and the carryover of the LED replacement project being underspent. The balance of the budget, with the exception of the road safety promotion, are ongoing projects, planned with the NZ Transport Agency (NZTA) to finish in the 2018/2019 financial year. The team have been working under pressure to deliver a new maintenance contract while finalising the old maintenance contract, pushing through the capital works projects and setting up the new financial year's capital projects to enable the team to hit the ground running.

The NZTA annual achievement report is being finalised and preparations are underway for an NZTA audit in the last week of July. The asset valuation and asset reconciliation processes are underway. These will be completed by the end of July.

Financials

The underspend in the capital categories of emergency slip works and LEDs, is a work in progress to be carried over to the 2018/2019 financial year as previously agreed with NZTA and still retaining the Funding Assistance Rate (FAR) of 85% for LEDs.

The road safety promotion underspend was due to an external provider project delays. The actual spend equates to 72.5% of the advised budget.

To ensure the achievement of the operational spend and due to shortages of aggregate supply within the Kaipara District, we had 15 truck and trailer units carting from Winstone's Quarry in Whangarei, onto our boundary roads towards the end of June. Through forward planning and good relationships with our contractors, we reserved sections of our network in preparation for the possibility that carting from Whangarei would be required. Aggregate spreading and grading activities ran concurrently, thereby helping with shape corrections on the unsealed network.

Programme	KDC FC2 2017/2018	Total Expenditure To date	% spent FC2	Remaining Actuals vs FC2
Local Road maintenance	\$9,989,469	\$10,085,113	100.95%	-\$95,644
Capital	\$10,486,765	\$10,029,705	95.64%	\$457,060
Network Asset Management	\$1,319,693	\$1,549,307	117.39%	-\$229,614
Grand Total	\$21,795,927	\$21,664,125	99.39%	\$131,802
Unsubsidised	\$782,510	\$773,180	98.80%	\$9,330

Operational and Maintenance

The new Road Maintenance and Renewals Contract (Con 888) started on 01 July with Broadspectrum being the successful tenderer. The new contract has a three-month embedding period to allow process refinement and testing before introduction of at-risk payments against key contract performance measures. Broadspectrum inspectors are already busy on the network collecting dispatch data and faults for programming of work activities, while routine repairs continue without disruption. Our KDC team have also started working within their new roles, with more definition of task expectations taking place through a series of alignment meetings within the Northland Transportation Alliance.

Capital

The new financial year has started well with the first tender for the 2018/2019 financial year having closed on 05 July. The tender is now in the evaluation process. Other tenders are being finalised for tendering in July.

The cost for the Tomarata Bridge repair is much higher than the \$650,000 budget. A review of all the engineering options and costs is underway before making a decision on the best way forward.

Road Safety

The road toll for the Kaipara network is currently nil. The most recent road death has been attributed to natural causes. The toll for the Kaipara State Highways stands at two.

4 Solid Waste

An illegal rubbish dump has been discovered on Tatarariki Spur Road. This site consists of a tomo that formed some years ago which has now been filled up with rubbish. Some research with Dargaville families has revealed that this tomo has historic significance with the local Dalmatian community. The tomo was originally a cave before it collapsed. It served as a cookhouse and church for the gumdigger settlement once at this location. There is also carvings on the walls, which need to be preserved during the clean-up process.

5 Four Waters

Pump station overflows have seen a significant reduction for the month of June with no recorded overflows for the month. The replacement of failing pumps is ongoing.

Upgrade work at the Maungaturoto Water Treatment Plant is complete with the site now compliant for Dangerous Goods in accordance with regulation. Dargaville Water Treatment Plant achieved renewed compliance in June.

Inflow to the Mangawhai Wastewater Treatment Plant for the month of May 2018 totalled 15,776m³, down approximately 0.35% on the same month the previous year. The June 2018 inflow volumes totalled 19,027m³ being an increase of approximately 14.9% from June 2017 volumes of 16,557m³. The plant is continuing to operate within resource consent limits.

Physical construction of both the Dargaville/Baylys watermain renewal and the Dargaville wastewater renewals commenced in March and are progressing well, with completion expected by the end of July 2018.

Three failing floodgates are on the programme for replacement in the 2018/2019 financial year.

6 Planning and Regulatory – June 2018

Planning	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Resource Consent Applications	43	31	76%	20.47	87%
224 Applications	11	6	100%	1	100%
Service Requests	162	125	90%		97%
<ul style="list-style-type: none"> Six additional lots, five in the Otamatea area and one in Dargaville. June has seen a drop in both resource consent applications received and decisions issued. There have been a number of complex consents, which are time consuming at the peer review and management level with an increased number of consents requiring some form of notification and then hearings. 					

Building	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Building Consent Applications	69	75	97%	11.64	97%
CCC Applications			100%	1	97%
Service Requests	162	127	84%		94%
<ul style="list-style-type: none"> There were 18 new dwelling BC applications received in June of which 12 were in Mangawhai with one commercial application. The combined value of building consent projects total \$7,137,625. 					
Regulatory	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Alcohol Applications	14	9		18.6	
Food Control Audits and Inspections	14	6	35%		74%
Service Requests	166	289	95%		97%
<ul style="list-style-type: none"> During June Food Control Audits were undertaken by a part time EHO however a full time EHO is due to commence in early July. There were five dog attacks reported of which four had insufficient evidence and one was resolved. 					
BCA Accreditation	Due	Completed		YTD % Completed	
		YTD	June		
BCA Audits	4	35	4	100%	
Competency Assessments	0	1		100%	
BCA Training	0	4		N/A	
<ul style="list-style-type: none"> Audits on track for the month. One outstanding competency assessment completed this month. 					

Policy

- Gambling Policy Review
- Northland Water storage project development
- Engagement with Te Roroa on policy, planning matters
- Facilitating the establishment of a climate change steering group within KDC
- Liaising with resource consent planners on guidance notes to interpret District Plan Rules

7 LIMs Overview

A Land Information Memorandum (LIM) is a property information report compiled by Council. This is typically obtained by a potential buyer when looking to purchase a property and must be issued within 10 working days of receipt. In June, all 19 LIM applications were processed on time, taking an average of seven working days.

8 Councillor queries

For the period 01 to 30 June there were eight Councillor queries received. Of these, two have been answered with further follow-up required on the remainder.

9 LGOIMA Overview – 01 June to 30 June

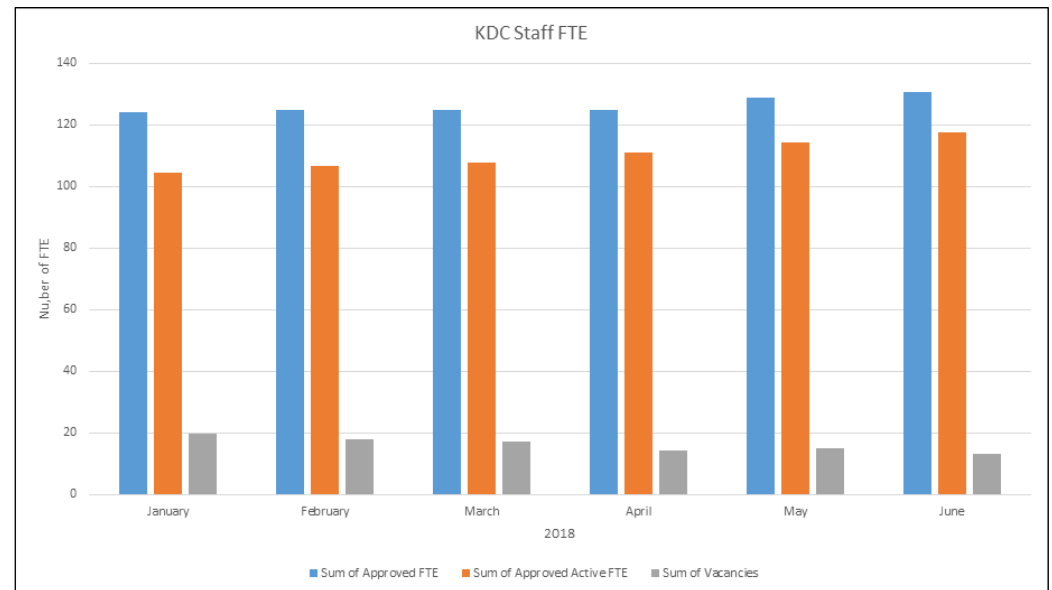
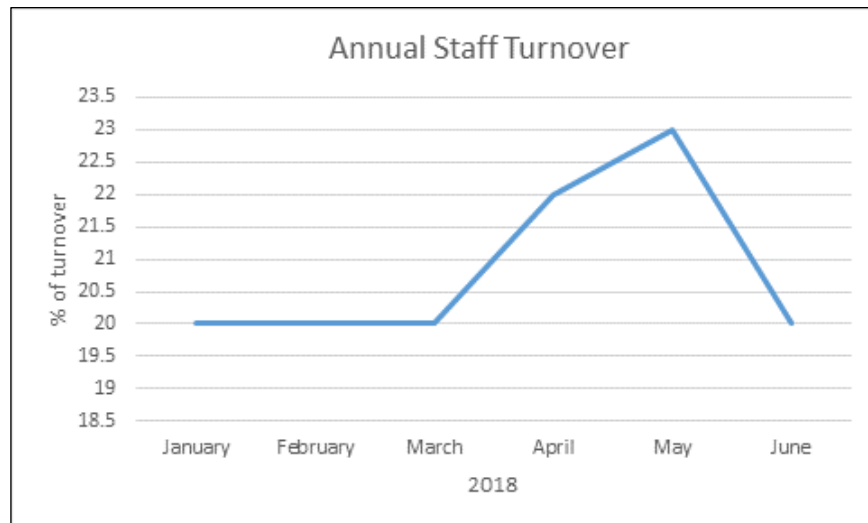
Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987 (LGOIMA). Information requested as a LGOIMA must be answered in 20 working days from the day of receipt. All requests were processed within statutory timeframes.

Name	Subject
Housing NZ	First Avenue (Dargaville) dog and noise complaints (first query)
Housing NZ	First Avenue (Dargaville) dog and noise complaints (second query)
Ethan Richards	Service request statistics
Debbie Goodsell	Confirmation of Methamphetamine levels

Name	Subject
Hamish Fraser- Parliament	Provincial Growth Fund Information
Andrea Vance	Council-owned public buildings and spaces
Kathryn Lamb	Contaminated land Graham Street, Te Kopuru
Hilary C	Emails between Council Staff /McGredy Winder Staff / Councillors
David Kelly	Complaint - processing RM170469

10 People and Capability

People and Capability update:



11 Health and Safety

Workplace Health and Safety Management Report (June 2018)

Lag Indicators (Reactive)

KDC Staff OH&S Events Table

There were no incidents reported during June

KDC Contractors OH&S Events Table

Incident type	Events for month
Near Miss	3
Property Damage	2
Occupational Illness	0
*First Aid Case	1
* Medical Treatment Injury	1
Lost time Injury	0
Notifiable Event	0
Environmental Incident	0

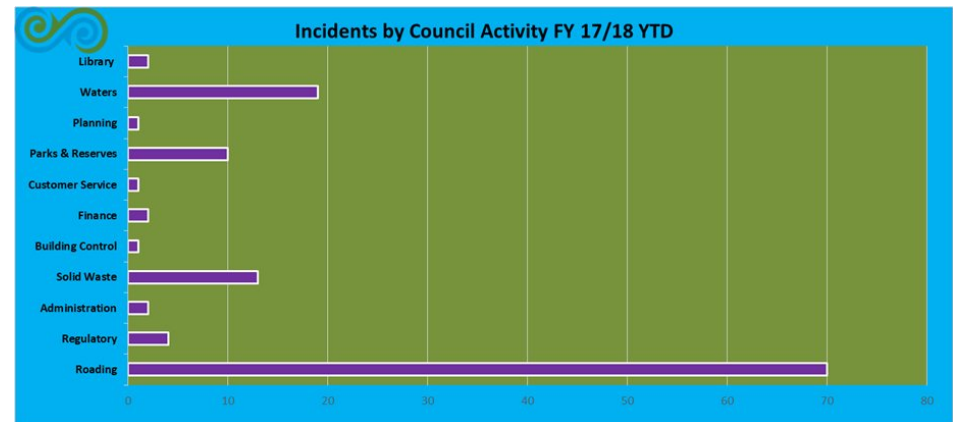
*FAC – Kaipara Refuse runner received grazes from a fall

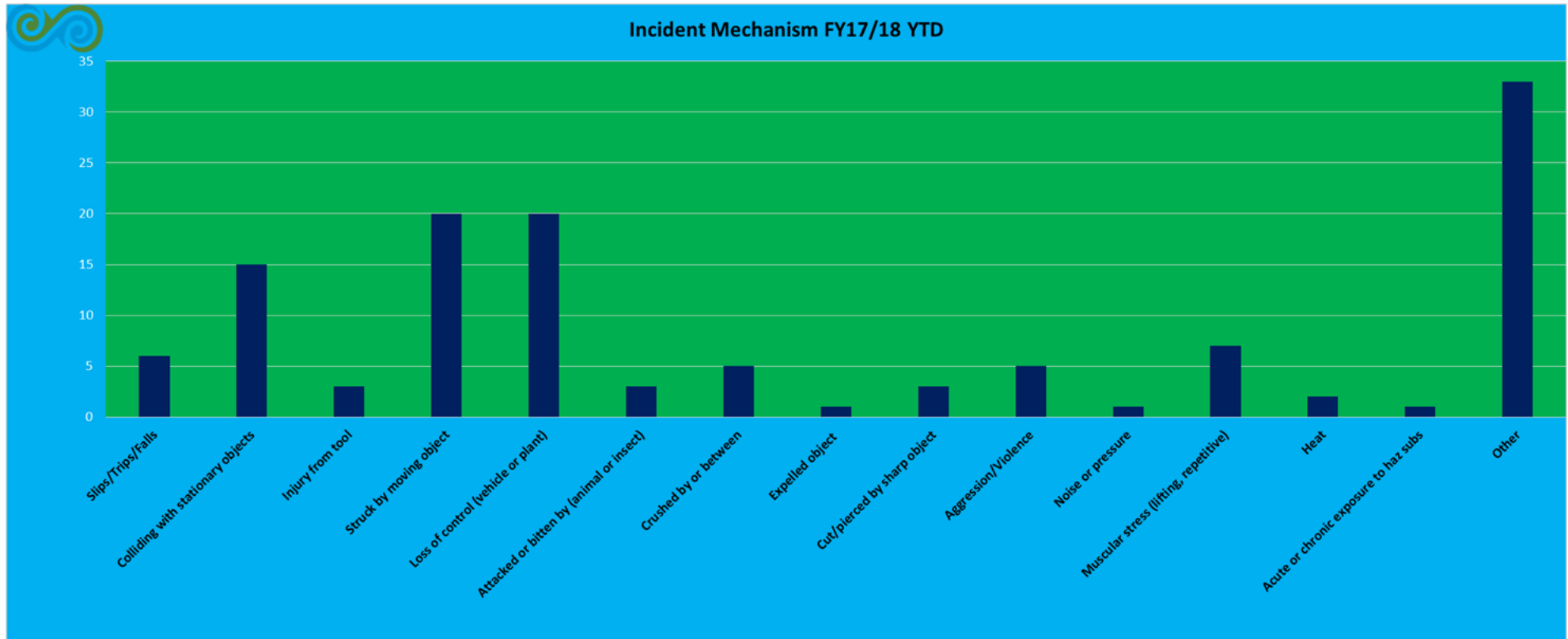
*MTI – BRS waters worker strained back from awkward posture while pulling rags out of pump station

KDC Public OH&S Events Table

There were no events reported during June.

YTD OH&S event trends





Note: Trend data is for staff and contractor events combined

Lead Indicators (Proactive)

KDC Hazards Raised

There were no hazards raised during June.

KDC Staff OH&S Training Table

Training Type	Number Trained
Staff OH&S Induction	1

KDC Contractor Audit Table

Audit Type	Number conducted
Roading - Mobile works	4
Roading – Traffic Management	3
Waters (de-sludge & Hydrotech)	1
Waters Fixed Facilities	0
Parks & Reserves (Downer)	1
Solid Waste Fixed Facilities	0
Regulatory	0
Planning	0

KDC Fleet Audit Table

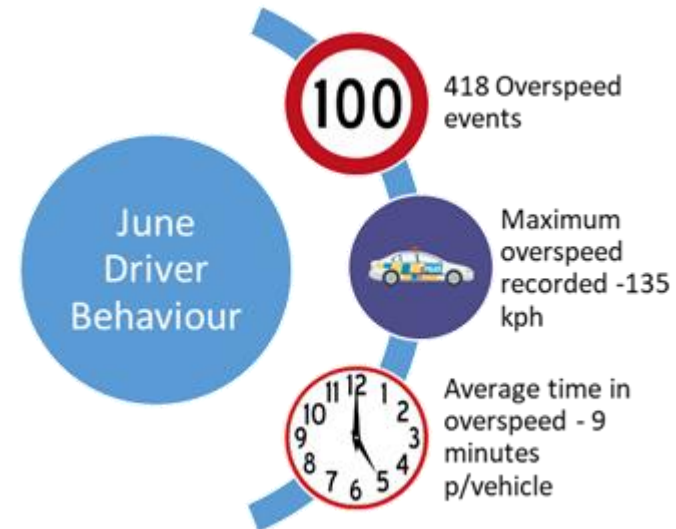
Fleet Type	Number conducted
KDC Fleet	22 of 26
Grey Fleet	0

KDC Facilities Inspection Table

Inspection Type	Number Conducted
Office Inspections	0

Critical Risk Monitoring

Occupational driving at a glance



Comment – These metrics need to be managed down.

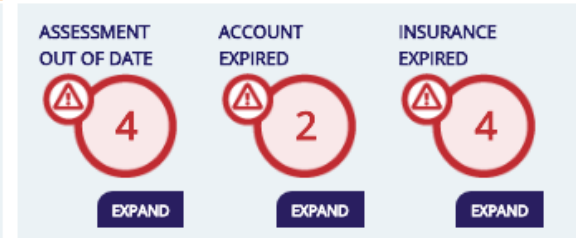
Contractor Management

COMPANY:

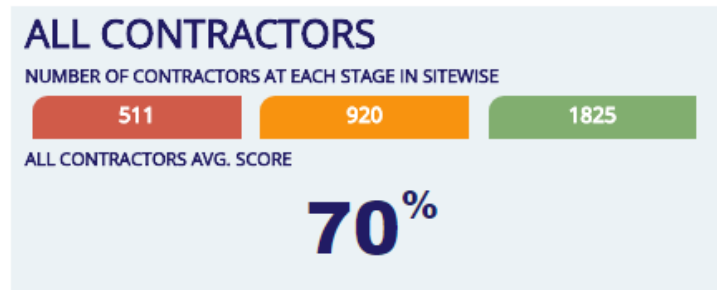
CONTRACTOR PIPELINE



ALERTS



CONTRACTOR ASSESSMENT SCORES



Comment - 40 contractors at SiteWise Green which is Council's target pre-qual rating level.

Other Events and Interventions for the Month

- Held Risk Workshop with Regulatory Team
- CIMs 4 Training attended
- Roading Maintenance Contract 682 meeting attended
- Worked with Taharoa Domain management to develop OH&S systems
- Compliance Software systems scoped with three demo's viewed.

d) Looking Ahead

August

09	Thursday	Taharoa Domain Governance	2.00pm	Northern Wairoa War Memorial Hall
16	Thursday	Raupo Drainage Committee	10.00am	Raupo Drainage Board Office, Ruawai
20	Monday	Mangawhai Community Park	10.00am	Mangawhai Council Office
23	Thursday	Ordinary Council meeting	9.30am	TBC
23	Thursday	Community Grants Committee	TBC`	TBC

September

05	Wednesday	Harding Park/Pou Tu Te Rangi	2.00pm	Lighthouse Function Centre, Dargaville
12	Wednesday	Audit, Risk and Finance	10.00am	Mangawhai Club, Mangawhai
27	Thursday	Ordinary Council meeting	9.30am	TBC
27	Thursday	Funding Committee (CCS)	3.00pm	TBC

Part Two

June 2018 Financial Report

Whole of Council Overview

Key Indicators for June are set out in the tables below:

	Year to Date June 2018			Indicator	Full Year	
	Actual \$000's	Forecast Two \$000's	Variance \$000's		Budget \$000's	Forecast Two \$000's
Total Rates	33,424	33,549	(125)	●	33,421	33,554 ↑
Operating Subsidies and Grants	4,774	5,044	(269)	●	5,895	5,044 ↓
Activity Revenue and Other Income	6,601	7,027	(427)	●	5,100	7,027 ↑
Total Operating Income	44,799	45,620	(821)	●	44,416	45,625 ↓
Employee Benefits	9,890	9,974	85	●	9,458	9,974 ↑
Contractors	8,963	9,061	97	●	10,835	9,061 ↓
Professional Services	5,374	5,059	(315)	●	4,479	5,059 ↑
Repairs and Maintenance	3,178	3,544	366	●	3,088	3,544 ↑
Finance Costs	2,736	2,861	125	●	3,167	2,861 ↓
Other Operating Costs	5,124	4,584	(540)	●	4,940	4,583 ↑
Total Operating Costs	35,266	35,083	(183)	●	35,966	35,082 ↓
Operating Surplus / (Deficit) before Depreciation	9,533	10,537	(1,004)	●	8,449	10,543 ↑
Capital Subsidies	8,773	8,976	(202)	●	8,287	8,976 ↑
Contributions	3,453	3,353	100	●	1,188	3,353 ↑
Other Capital revenue	5,396	4,713	683	●	150	4,713 ↑
Total Capital Revenue	17,622	17,041	581	●	9,625	17,041 ↑
Capital Expenditure	19,294	20,773	1,479	●	20,128	20,773 ↑
Total Capital Expenditure	19,294	20,773	1,479	●	20,128	20,773 ↑
Subtotal Capital	(1,671)	(3,732)	2,060	●	(10,504)	(3,732) ↑
Surplus / (Deficit) before Loan Payments and Depreciation	7,862	6,806	1,056	●	(2,054)	6,812 ↑

KEY

- Favourable
- Unfavourable within 10% of Budget
- Unfavourable over 10% of Budget

Statement of Operating and Capital Performance

Comments on major variances

REVENUE

Operating Subsidies and Grants (amber):

\$269,000 (5.3%) below Forecast Two. NZTA received subsidy is lower due to deferred LED lighting work and reduced emergency work.

Activity Revenue and Other Income (amber):

Actual \$427,000 (6.0%) below Forecast Two.

This was impacted negatively by the \$754,000 gain on sale of forestry assets not recognised yet in actual other income as at 30 June 2018. The gain on sale of forestry assets will be recognised as part of the financial year 2017/2018 financial statements finalisation. However, this was partially compensated through growth across:

- Fees and Charges (consents plus \$88,000);
- Penalties and Infringements (plus \$71,000) ;
- Other and Sundry Income (plus \$144,000); and
- Petrol tax (plus \$24,000).

EXPENDITURE

Professional Services (amber):

\$315,000 (6%) over Forecast Two due to:

- higher planning (plus \$82,000, resource management);
- higher recruitment services (plus \$38,000);
- higher engineering services (plus \$94,000, water supply);
- higher management services (plus \$251,000 mainly roading projects); and
- lower legal costs (less \$155,000).

Other operating Costs (amber):

Actual \$540,000 (11%) higher than Forecast Two due to lower internal charges recovery towards capital costs.

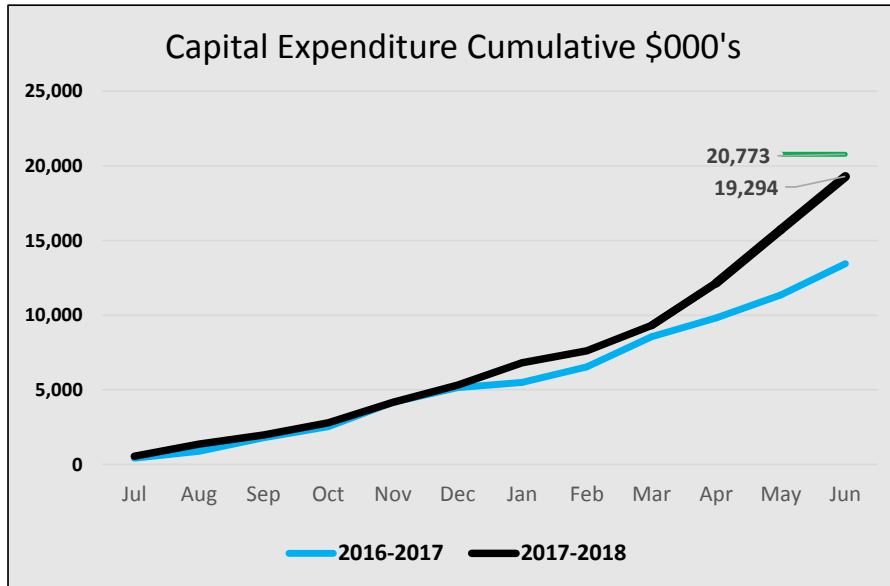
Public Debt and Requirements			
	Actual Jun-17 \$000's	Actual Jun-18 \$000's	Budget Jun-18 \$000's
Debt			
Debt	62,127	46,000	58,295
Cash in bank (overnight deposits)	- 11,874	- 3,641	- 583
Net debt	<u>50,253</u>	<u>42,359</u>	<u>57,712</u>
Reserves (future obligations)			
General reserve funds committed	5,157		-
Targeted rates, council created and restricted reserves credit balances	14,884		13,360
Total	<u>20,041</u>		<u>13,360</u>
Debt Requirements			
Debt	62,127		58,295
Future obligations	20,041		13,360
Gross Debt Requirement	82,168		71,655
Less cash in bank	- 11,874		- 583
Net Debt Requirement	<u>70,294</u>		<u>71,072</u>

Public Debt at 30 June 2018

Public debt position: \$46.0 million.

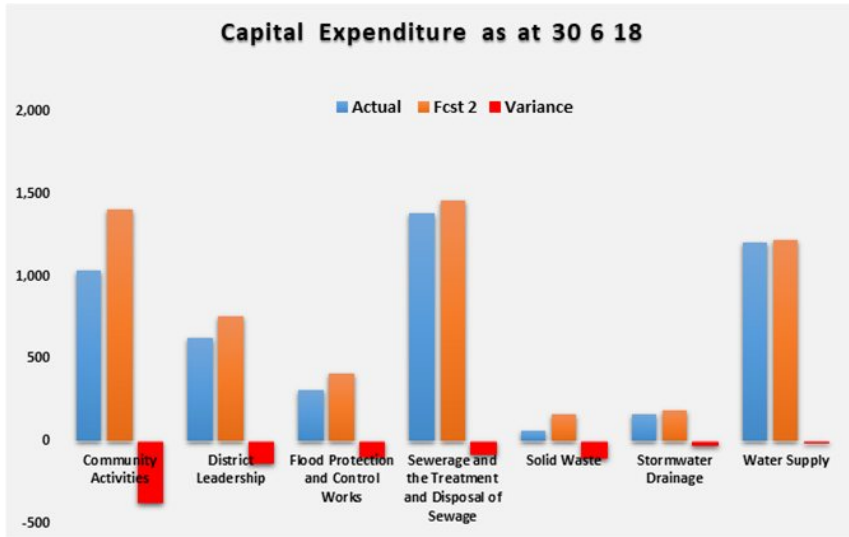
Net debt position (debt less cash in bank): \$42.4 million.

Note: Short term debt will slightly increase during July (plus \$4.0 million) due to high (but expected) creditors payments by 20 July. This will be partially counter balanced through the NZTA subsidy payment of \$2.8 million at the end of July 2018



The above chart is for the whole of Council.

FY 17/18 Capital Expenditure					
Activity	Actual	Fcst 2	Variance	Variance %	Comment
Community Activities	1,035	1,411	-376	-27%	Parks and Reserves(Alamar Cres Walkway & Gen Park improvements)
District Leadership	626	757	-131	-17%	IT Services (most carried forward to F18/19)
Flood Protection and Control Works	314	410	-96	-23%	Flood gate replacement
Sewerage and the Treatment and Disposal of Sewage	1,383	1,464	-82	-6%	Wastewater Dargaville/Managwhai (carried forward to F18/19)
Solid Waste	62	164	-102	-62%	Awakino consent & Hakaru Leachate carry forward to F18/19
Stormwater Drainage	166	189	-23	-12%	Stormwater Managwhai (Quail Way carried forward to F18/19)
The Provision of Roads and Footpaths	14,504	15,158	-654	-4%	LED lighting and some minor emergency work
Water Supply	1,205	1,219	-14	-1%	Water Supply Dargaville (AC 300mm Renewal - Beach Rd - 406m)
Grand Total	19,294	20,772	-1,478	-7%	



File number: 4201.02 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 26 July 2018**
Subject: Recycling Stockpiling and Subsidy - Review of Options
Date of report: 17 July 2018
From: Donnack Mugutso, Waters and Waste Manager
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

In January 2018 Council passed the following resolutions:

- “3) Approves the temporary stockpiling of the plastics that currently have no market for recycling at an estimated cost of \$2,500 plus GST per year pending establishment of new markets; and
- 4) Approves the additional costs to subsidise the transportation of the remaining plastic products that are currently able to be sent to market in Auckland for recycling without any resale value at an estimated cost of \$12,000 plus GST per year; and
- 5) Instructs the Chief Executive to monitor the situation and, if no new markets have been established within a two-year period, to report back to Council with options.”

Considering the feedback in the press regarding the bleak future of recycling opportunities for plastics, Council has asked to reconsider the current practice of storing the plastics for future recycling, and report back to Council on options.

Recommendation

That Kaipara District Council:

- 1 *Receives the Waters and Waste Manager’s report ‘Recycling Stockpiling and Subsidy - Review of Options’ dated 17 July 2018; 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 *Continues with the current agreed subsidy for processing, stockpiling and transportation to market of recyclable plastics, but changes the method of the funding of subsidy payments from Ratepayer funded to Waste Minimisation Levy funded.*

Reason for the recommendation

The landfilling of the plastic that is currently being stockpiled would be seen as a step backwards by both Council staff and Kaipara-wide residents. Not only does it contribute towards undoing all the good work that has been done in the past against environmental pollution, it may also potentially stop people recycling in the future as they will not trust that Council will actually recycle their items.

Reason for the report

Due to recent publicity around the recycling crisis and the potential bleak outlook for solutions, Council requested that the above subsidy for stockpiling be reconsidered with a report on options to be placed on the agenda for Council's July 2018 meeting.

Background

There has been a significant change in the international recycling industry over the past 10 months. China, who is one of the primary destinations for raw recycled materials, has introduced a significant tightening in the importation of recycled plastic, mixed paper and metal materials. Importation of grades 1-7 plastics into China has ceased, and this is having a ripple-down effect on recycling services in New Zealand.

In January 2018 Council approved a subsidy to be paid to Kaipara Refuse Ltd. This has allowed them to continue to process and stockpile recycling materials that there are currently no sustainable markets for. It has also allowed for some transportation subsidy for some recycling to be sent to Auckland with no income to the contractor.

The Ministry for the Environment has advised that they are working hard to develop onshore processing for plastics grades 1 and 2 which is starting to pay off with some markets becoming available. There is a working group meeting at the end of July 2018 to consider the current situation and look for medium term options (likely to be one to two years).

To date there have been no significant improvements in the situation, however Kaipara Refuse Ltd's manager has potentially found a market that will take some of the stockpiled materials. A test load will be sent away and all going well it will be of a high enough standard for the remainder to be sent off. This will still require a subsidy because the \$90 per tonne that will be paid will not cover the costs to process and transport to Auckland (confirmation of savings will not be available until mid-August 2018, however it is expected to be in the vicinity of a \$90 per tonne saving).

Northland Waste Limited, who holds the contract to manage and operate the Hakaru Transfer Station, has advised that, whilst their mixed recycling is still going to market, the cost is rising to the point that it is becoming unsustainable. To date they have not asked for financial assistance from Council. It is assumed that this is likely due to the contract they have with Whangarei District Council (WDC), and the small amount of recycling collected at Hakaru is mixed with WDC recycling before it goes to market, effectively WDC targeted rates are subsidising this.

At this stage there has been no requests for subsidies for any other recyclable materials. There have been some minor issues with cardboard, paper and glass but these appear to have been resolved for the immediate future.

Issues

Kaipara Refuse Ltd has for some time only taken grades 1-2 plastics at collection points, and also through the kerbside collection service (the issue with kerbside collection is that all plastics are being put in bags, ranging from grades 1-7, and the contractor cannot control this but has to deal with the end product). Please see below the current position on plastics:

- a) Grade 1 PET Clear – there is a market for PET Clear products, this requires subsidy as income does not cover costs.

- b) Grade 1 PET Coloured – this is the market that is perhaps opening up provided the trial is successful otherwise product being stockpiled, if successful will need subsidy as income will not cover expenses.
- c) Grade 2 HDPE Janitorial – as for b) Grade 1 PET Coloured above.
- d) Grade 2 milk bottles – markets available, processing and transportation costs covered by income received.
- e) Grades 3 – 7 plastic – mostly not viable and has not been for some time, majority currently being landfilled at contractor's expense, some Grade 4 plastics i.e. shopping bags, clear plastic wrap etcetera are recycled.

Factors to consider

Community views

Feedback to Council staff suggests that the community is slowly becoming aware of the current recycling issues. The community in general would expect Council to maintain and improve its current recycling regime and in general is unlikely to support disposing of plastics to landfill.

Policy implications

There are no known Policy implications.

Financial implications

At the January 2018 Council meeting, Council agreed to the temporary stockpiling of the plastics that currently have no market for recycling at an estimated cost of \$2,500 plus GST per year pending establishment of new markets; and approved the additional costs to subsidise the transportation of the remaining plastic products that are currently able to be sent to market in Auckland for recycling without any resale value at an estimated cost of \$12,000 plus GST per year. Subsidy expenditure for the January – June 2018 period is:

\$1,349 – processing for storage/stockpiling

\$1,566 – transportation subsidy.

The total of \$2,915 for the six months to June 2018 will likely increase during the summer season.

The Ministry for the Environment has advised that potentially Council could use Waste Levy Grant funding to cover the cost of the subsidy. They also advise that at this stage there are no current opportunities to apply for additional funding to cover these costs.

Legal/delegation implications

There are no known legal implications.

Options

The current options are:

Option A: Status Quo i.e. Continue to landfill plastics Grades 3 – 7 (with exception of some plastic bags and wrappers, Grade 4), continue to subsidise stockpiling and transportation of plastic recycling, Grades 1 and 2. Utilise the balance (approximately \$10,000-\$15,000) of the Waste Levy fund currently received by Council to cover subsidies, rather than ratepayer funds.

Option B: With the exception of milk bottles and clear soft drink bottles, cease to recycle plastic, advise and educate public to put everything else in the general refuse blue bag.

Option C: Continue to collect as normal and send directly to landfill.

Assessment of options

Option A would still involve collecting plastic recycling (business as usual), processing it to a stage where it is baled and ready to be sent to market, and then stockpiling. There is a potential new market (selected Grades 1 and 2 plastics), and if trials are successful this will reduce the amount of subsidy paid for processing and transporting of product. Confirmation of savings will not be available until mid-August 2018, however it is expected to be in the vicinity of a \$90 per tonne saving. The revised cost estimate would be \$220 per tonne pending the success of the trial.

This would allow the current recycling regime to continue and the obvious benefit being the non-pollution of the environment due to plastic being landfilled.

The risk is that if no new viable markets are established in the future then stockpiled products will have to be disposed of to landfill, and the cost to do this would need to be subsidised at \$115 plus GST per tonne.

Option B is the cheapest option, as Council would no longer collect these plastics as recycling and they would go directly to landfill via the general refuse blue bags. This would have a negative impact on recycling progress and the environment, is not ideal, and would not be supported by the Ministry for the Environment.

Option C would involve collecting the plastics as normal (i.e. recycling collection), however instead of being processed they would be sent directly to landfill. This would be misleading to the public as they would be recycling the plastics in good faith believing that they are doing the right thing, and would likely have a negative impact on Council's reputation. Council would also have to subsidise the cost to dispose the plastics to landfill. This would be at approximately \$115 plus GST per tonne.

If Option A or Option C is chosen by Council, some compensation for processing and disposal would need to be paid to Kaipara Refuse Ltd and potentially Northland Waste.

Assessment of significance

Not significant in relation to the Significance and Engagement Policy as:

- It does not involve more than \$3,000,000 or more budgeted expenditure;
- It does not involve \$300,000 or more unbudgeted expenditure;
- The decision will not impact by increasing individual rate levies by 10%;
- There is no transfer of ownership or control of a strategic asset to or from the Council; and
- The level of service will remain the same.

Recommended option

The recommended option is **Option A**.

Next step

With regards to recycling collection continue as we are now, change funding option to Waste Levy rather than ratepayer funding, promote some publicity around Grades 3 – 7 plastic to attempt to reduce the amount that is put into yellow kerbside bags.

6 Public Excluded Council agenda items 26 July 2018

Recommended

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

- *Confirmation of Public Excluded Council minutes 26 June 2018;*
- *Notice of intention to cancel lease and potential termination of lease;*
- *Baylys Beach Camp Ground Lease Extension; and*
- *Baylys Beach Access update.*

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:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Confirmation of Public Excluded Council minutes 26 June 2018</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable 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>Notice of intention to cancel lease and potential termination of lease</i>	<i>Section 7(2)(i) enable 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>General subject of each matter to be considered:</i>	<i>Reason for passing this Resolution</i>	<i>Ground(s) under Section 48(1) for the passing this resolution:</i>
<i>Baylys Beach Camp Ground Lease Extension</i>	<i>Section 7(2)(i) enable 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>Baylys Beach Access update</i>	<i>7(2)(g) maintain legal professional privilege</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>

7 Open Council agenda 26 July 2018

Closure

**Kaipara District Council
Dargaville**