

I hereby give notice of the following Ordinary meeting:

<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Wednesday 28 February 2018
<b>Time</b>	9.00am
<b>Venue</b>	Northern Wairoa War Memorial Hall (Dargaville Town Hall), 37 Hokianga Road, Dargaville

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## **Open Agenda**

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### **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

Linda Osborne  
**Administration Manager**

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\* These papers will be circulated under a separate cover.

**The Ordinary meeting of Kaipara District Council  
28 February 2018 in Dargaville**

**1 Opening**

**1.1 Karakia**

**1.2 Present**

**1.3 Apologies**

**1.4 Confirmation of Agenda**

The Committee to confirm the Agenda.

[Secretarial Note: Item 2.1, presentation 'Ultrafast broadband rollout in Kaipara district', will be taken out of order to facilitate the travel arrangements of the presenter, commencing 11.00am or later.]

**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.

**1.6 Resolution Register and Action Tracker**

**Kaipara District Council  
Resolutions Register at 21 February 2018**

Meeting Date	Item Number	Item Name	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 second quarter of 2018	June 2018
04/04/2017	6.1	Baylys Beach Community Centre/Public Toilets Encumbrance	7	Recommends that the encumbrance registered on the title of 52 Seaview Road, Dargaville, permitting Council to develop public toilets, is removed	GM GSD	In Progress	Baylys Beach Community Centre Trust undertaking the registration	TBA
08/05/2017	6.1	Annual Plan 2017/2018 – Consultation Document, reporting of feedback and recommended responses	12	That Kaipara District Council approves the rates increase should remain at 2.65% as per the Consultation Document for the Annual Plan 2017/2018 and instructs the Chief Executive to finalise the Annual Plan for adoption at the 26 June 2017 Council meeting on that basis.	CEO & GM R,F&IT	Completed	In LTP Consultation Document	-
26/06/2017	7.2	Ruawai Stopbank Cycleway Memorandum of Understanding	17	Agrees in principle with the Memorandum of Understanding between Ruawai Promotions and Development Group Inc and Council to support this community led walking and cycling initiative, and delegates signing to the Chief Executive once the document has been converted to Council's Licence to Occupy Agreement format.	GM GSD (DL)	In Progress	Draft License to Occupy has been developed and are currently awaiting project plan from Ruawai Promotions and Development Group to be included and then is ready for signing. Signing Feb 18	June 2018
	7.3	Northlink (Formerly Rodney North Harbour Health Trust) Assignment of Lease	20	Approves the assignment of the lease from The Rodney North Harbour Health Trust Incorporated (now Northlink) to Rodney Health Charitable Trust Incorporated	GM R,F&IT (JB)	In Progress	Deed currently with Northlink for execution	March 2018
			21	Delegates to the Chief Executive responsibility for execution of the Deed of Assignment on Council's behalf.	GM R,F&IT (JB)	In Progress	Deed currently with Northlink for execution	March 2018
	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)	In Progress	Currently with the Trust's lawyer, who is reviewing	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		June 2018
			37	Re-assesses its involvement in the Kauri Coast Community Pool after the 2017/2018 swimming season.	GM GSD (DL)	In Progress		June 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 GSD	In Progress	Terms of Reference for the Regulatory Working Group is under consideration by Councillors	June 2018	
			6	3 ) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure	GM GSD	In Progress	Terms of Reference for the Regulatory Working Group is under consideration by Councillors - <b>this is on hold pending more urgent matters</b>	June 2018	
			7	4 ) That any related current delegations be amended to reflect policy	GM GSD	In Progress	Not yet developed		
			8	5 ) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM GSD	In Progress			
	1.7.6	Notice of Motion 6	14	1 ) That Council reviews its Reserves Contributions Fund Policy	GM PPR (PH)	Completed		January 2018	
			15	2 ) That the Chief Executive work with Councillor Larsen (Chair), Wade and Del la Varis Woodcock on reviewing the policy	GM PPR (PH)	Completed	A Reserve Contributions Committee was established with Councillors Larsen, Wade and Del la Varis-Woodcock and recommendation was made in January 2018	January 2018	
			16	3 ) That the amended policy be presented to the 26 September 2017 Council meeting for approval.	GM PPR (PH)	Completed	Presented at the Council meeting in January 2018	January 2018	
	7.3	Private Seal Extension Policy Options	48	3 Provides feedback and confirms its preferred option for private seal extensions to allow staff to formulate a policy for Council's consideration.	COO	In Progress	Revenue & Financing Policy required to be revised to include targeted rate funding source for seal extensions. To be undertaken as part of 2018/28 LTP development.	June 2018	
	14/08/2017	6.7	Community Grants Policy Review and Recommendations	33	Adopts the Community Assistance Policy (Attachment 1 of the above mentioned report)	GM GSD	Complete		
				34	Reviews the Rates Remission Policy before 2018	GM GSD	Complete		
35				Creates a clear set of community activities they would like to support in the Long Term Plan 2018/2028	GM GSD	In Progress	Will be included in LTP 2018	June 2018	
36				Change the Committee's Terms of Reference to allow for delegation of decision-making on future Grants	GM GSD	Complete			
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	6.2	Mangawhai Community Plan Draft	9	Approves the Draft Mangawhai Community Plan for public consultation	GM PPR (NR)	Complete		
			10	Approves the continued guidance by the sub-committee for the Draft Mangawhai Community Plan until it is adopted by Council.	GM PPR (NR)	Completed	Part of the LTP consultation process	
	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	Council is currently waiting on scope from Engineers which is with Hammonds Law to approve	June 2018
			22	Notes that the works are to be funded by Raupo Drainage Targeted Rate.	COO (SP)	In Progress	Scoping report sent to Opus on Council options for remediation - this is due early 2018	June 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	Offer has been made	
			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	Offer has been made	
			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	No response to offer from adjoining landowner so has been listed with local agents	March 2018
			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)	In Progress	No response to offer from adjoining landowner so has been listed with local agents	March 2018
14/11/2017	6.1	Northland Regional Council's Regional Recreational Facilities Rate – Kaipara's Projects	5	Commits in the draft Long Term Plan 2018/2028 to supporting Sportsville at Memorial Park, Dargaville and Mangawhai Activity Zone at Mangawhai Community Park	GM GSD (DL)	Completed	In draft LTP budgets	
			6	Endorses the Kaipara District Council proposal to the Northland Regional Council Regional Recreational Facilities Rate for Sportsville at Memorial Park and Mangawhai Activity Zone at Mangawhai Community Park.	GM GSD (DL)	Completed	In draft LTP budgets	
	6.5	Northland Regional Council: Regional Plan - Kaipara District Council Submission 2017	19	Endorses the Kaipara District Council submission to Northland Regional Council's Proposed Regional Plan (as per Attachment 1 of the above mentioned report)	GM PPR (NR)	Completed		
			20	Nominates Councillors Wethey, Geange and Curnow to speak to this submission at the Hearings.	GM PPR (NR)	Completed	Noted by Acting Policy Manager	
	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		May 2018
			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	Deed currently with Northpower and Highview for execution	May 2018
	6.14	Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville	46	That this item, 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' lie on the table, to be brought back to Council with a review of all Licences to Occupy.	GM GSD (DL)	In Progress	Currently working through a review of all leases and Licences to Occupies, with report to go to Council in February 2018 regarding the Dargaville Arts Association's Licence to Occupy variation	March 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 (RG)	In Progress	agreed to prepare a Council paper in second quarter of 2018	July 2018
	6.4	Mangawhai Community Plan Final	17	That the item 'Mangawhai Community Plan Final' lie on the table until Council's January 2018 meeting, pending full financial detail on funding streams per project.	GM PPR (NR)	In Progress	Part of the LTP consultation	June 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	Working with Community Team to identify location of the Arts Building so this can be excluded from non-exclusive licence area.	May 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	Once the above has been completed, the Deed of Partial Surrender can be finalised.	May 2018
	6.6	Significance and Engagement Policy	25	Delegates to the Acting Chief Executive to make any minor amendments to the draft Policy	GM GSD	Completed	Undertaking public consultation, to be presented at Council's February meeting	February 2018
			25	Seeks consultation on the Draft Significance and Engagement Policy from December 2017 through to February 2018 and will provide a final version for adoption to the February 2018 Council meeting	GM GSD	Completed		February 2018
	6.7	Aranga Coast Road Risk Mitigation	29	Delegates authority to the Chief Executive to contribute \$30,000 + GST to the Earthquake Commission towards the cost of mitigating the risk to the at risk portion of Aranga Coast Road as a result of an adjacent landslip, to be funded from existing budgets	COO	Completed	Awaiting invoice	
25/01/2018	3.2	Acting Chief Executive Appointment 04 September 2017	5	Formally approves the appointment of Peter Tynan as Acting Chief Executive of Kaipara District Council from 04 September 2017 and confirms the appropriate delegations associated with being the Chief Executive including authority to execute loan documents and any Section 118 certificates	CE	Completed		



7.1	Contract 878 'Beach Road/Baylys Coast Road Watermain Construction 2017/2018' authorisation to award CON878	19	Approves an increase of the 2017/2018 Dargaville Water budget of \$270,000 to be debt funded with the repayment of the debt consulted on through the Long Term Plan	COO	In Progress		
		20	Approves the award of CON878 'Beach Road/Baylys Coast Road Watermain Construction, 2017/2018' to United Civil Construction Limited for the contract value of \$1,055,878.59 + GST	COO	In Progress	To commence mid-March 2018	June 2018
7.2	Fees and Charges 2018/2019: Annual Review	23	Amends the Dog Registration Fee to non working dog to \$66.00 and Working Dog to \$44.00 plus a subsequent change to the Late Payment Fee	GM RPP	Completed		
		24	Adopts the proposed draft Fees and Charges 2018/2019 as outlined in the schedule included in the Agenda for this Council meeting held 25 January 2018, circulated with the above mentioned report 'Fees and Charges 2018/2019: Annual Review' as Attachment 1, with the above resolution 3 amendment, for the purpose of incorporating these into the draft Long Term Plan 2018/2019 and allowing community comments to be received through the special consultative procedure	GM RPP	Completed		
7.3	Long Term Plan 2018/2028 : Approval of source documents for the preparation of the LTP	27	Adopts as source documents for the Long Term Plan 2018/2028 Consultation Document as required by s.93 of the Local Government Act 2002 as amended by the Local Government Amendment Act 2014, the following as attached to the above-mentioned report or tabled: <input type="checkbox"/> Vision and Community Outcomes; <input type="checkbox"/> Nine Activity Profiles (Community Activities, District Leadership, Flood Protection and Control Works, Planning and Regulatory Management, Roads and Footpaths, Solid Waste, Stormwater Drainage, Wastewater, Water Supply) excluding financial details; <input type="checkbox"/> Financial Contributions Policy  And defers adoption of the following documents, until clarification of content: <input type="checkbox"/> Significant Forecasting Assumptions <input type="checkbox"/> Eight Asset Management Plans for Roads and Footpaths, Wastewater, Water Supply, Solid Waste, Stormwater, Community Activity, Raupo Land Drainage and Northern Area Land Drainage; <input type="checkbox"/> Development Contributions Policy	GM R,IT&F	Completed	All adopted without Financials	
		28	Subject to Auditors' written approval with authority delegated to the Council and Acting Chief Executive to make any changes in response to Auditors' feedback	GM R,IT&F	Completed		

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	In Progress		June 18
		33	Prioritises the review of Reserves and Open Space Strategy (ROSS)	GM RPP	In Progress		Sept 18
7.5	Kaipara District Council Raw Water Supply Funding Options	34	That this item 'Kaipara District Council Raw Water Supply Funding Options' lie on the table until more comprehensive funding options come before Council at a meeting in early February 2018	COO	In Progress	Back to Council Feb 18	
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		

## **2 Deputations, Presentations and Petitions**

### **2.1 Ultra Fast Broadband rollout in Kaipara district**

Gerard Linstrom, Stakeholder Community Manager, Chorus

## **3 Minutes**

### **3.1 Confirmation of Council minutes 25 January 2018**

Administration Manager                      1601.22

#### **Recommended**

*That the unconfirmed minutes of the meeting of Kaipara District Council held 25 January 2018 be confirmed as a true and correct record.*

## Kaipara District Council

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# Minutes

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<b>Meeting</b>	Kaipara District Council
<b>Date</b>	25 January 2018
<b>Time</b>	Commenced 09.07am Closed 2.49pm
<b>Venue</b>	Northern Wairoa War Memorial Hall (Dargaville Town Hall), 37 Hokianga Road, Dargaville
<b>Status</b>	Unconfirmed

### Membership

Chair: Councillor Peter Wethey (Deputy Mayor)

Members: 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

Linda Osborne  
**Administration Manager**  
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**Minutes of the Ordinary meeting of Kaipara District Council**
**Thursday 25 January 2018, Dargaville**
**1 Opening**
**1.1 Karakia**

Councillor del la Varis-Woodcock opened the meeting with a karakia.

**1.2 Present**

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

The Chief Executive introduced James Bews-Hair, who was acting as Council's Governance and Procedural Advisor.

Name	Designation	Item(s)
Peter Tynan	Acting Chief Executive	All
Curt Martin	General Manager Infrastructure	All
Fran Mikulicic	General Manager Planning and Regulatory	All
Duncan McAulay	General Manager Strategy and Performance	All
Robert Nelson	Acting General Manager Finance	All
Paula Hansen	Policy Analyst	Presentation only
Ben Hope	External Communications Manager	All
Michaela Borich	Project Manager/Business Analyst	Item 7.3
James Bews-Hair	Governance and Procedural Advisor (in the absence on leave of Governance Services Manager)	All
Yvonne Hancock	Document Production Officer	All (Minute-taker)

**1.3 Apologies**

**Moved** Wethey/Curnow

*That the apology of Cr Joyce-Paki be received.*

**Carried**

**1.4 Confirmation of Agenda**

The item "Acting Chief Executive appointment 04 September 2017" be included in the agenda (as per Standing Order 9.4).and be addressed under item 3.2.

It was decided that item 8.2 "Recycling Issues and Costs" would be moved from Public Excluded session and heard as Item 7.6 in in Open meeting.

**1.5 Conflict of Interest Declaration**

Nil.

## 1.6 Resolutions Register and Action Tracker

The meeting considered the resolution register and action tracker and provided feedback. This will be a formal agenda item for each meeting.

## 2 Deputations, Presentations and Petitions

### 2.1 Caitlin Metz, Rural Connectivity Group

On behalf of Rural Connectivity Group, Caitlin Metz spoke to a PowerPoint presentation that updated Council on Rural Broadband initiatives in the Kaipara district.

## 3 Confirmation of Minutes

### 3.1 Council Minutes 11 December 2017

Democratic Services Manager 1601.22

Moved Geange/Curnow

*That the unconfirmed minutes of the meeting of Kaipara District Council held on 11 December 2017 be confirmed as a true and correct record.*

Carried

### 3.2 Acting Chief Executive Appointment 04 September 2017

Acting Chief Executive 1203.01

Moved del la Varis-Woodcock/Curnow

*That Kaipara District Council:*

- 1 *Receives the Acting Chief Executive's report 'Acting Chief Executive appointment 04 September 2017' dated 23 January 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 *Formally approves the appointment of Peter Tynan as Acting Chief Executive of Kaipara District Council from 04 September 2017 and confirms the appropriate delegations associated with being the Chief Executive including authority to execute loan documents and any Section 118 certificates; and*
- 4 *Authorises the Deputy Mayor to take the steps necessary to confirm the effect of these recommendations.*

Carried

## 4 Performance Reporting

### 4.1 Chief Executive's Report November/December 2017

Acting Chief Executive 2002.02.18/January

An Ordinary meeting of Council to be held Friday 23 February 2018 at Dargaville to swear in newly elected Mayor of Kaipara.

**Moved Curnow/Jones**

*That Kaipara District Council receives the Acting Chief Executive's Report for November/December 2017, circulated under separate cover from the Agenda.*

**Carried**

## 5 Committee Minutes

### 5.1 Confirmed Kaipara District Council Committee Minutes

Administration Assistant 1601.22/25 January 2018

These minutes will in future come before Council as they are confirmed by the relevant Committee.

**Moved Larsen/Curnow**

*That the confirmed minutes of the following Kaipara District Council Committee meetings be received, for information:*

- 1 *Taharoa Domain Governance Committee meeting held on 10 August 2017; and*
- 2 *Mangawhai Community Park Governance Committee meeting held on 21 August 2017; and*
- 3 *Raupo Drainage Committee meeting held on 07 September 2017; and*
- 4 *Audit, Risk and Finance Committee meeting held on 11 September 2017; and*
- 5 *Harding Park and Pou Tu Te Rangi Joint Management Committee meeting held on 20 September 2017; and*
- 6 *Reserve Contributions Committee meeting held on 25 September 2017; and*
- 7 *Mangawhai Endowment Lands Account Committee meeting held on 25 September 2017; and*
- 8 *Community Grants Committee meeting held on 06 November 2017.*

**Carried**



## 6 Information Papers

### 6.1 Crown Manager Report

Democratic Services Manager 1203.01

Moved Geange/Wade

*That Kaipara District Council receives the Democratic Services Manager's report 'Crown Manager Report' dated 11 January 2018 and receives the attachment to the above-mentioned report 'Report of the Kaipara District Council Crown Manager' dated December 2017.*

Carried

## 7 Decision Papers

### 7.1 Contract 878 'Beach Road/Baylys Coast Road Watermain Construction 2017/2018' authorisation to award CON878

General Manager Infrastructure 4107.878

Moved Wade/Geange

*That Kaipara District Council:*

- 1 *Receives the General Manager Infrastructure's report 'Contract 878 'Beach Road/Baylys Coast Road Watermain Construction 2017/2018' authorisation to award CON878' dated 10 January 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 an increase of the 2017/2018 Dargaville Water budget of \$270,000 to be debt funded with the repayment of the debt consulted on through the Long Term Plan; and*
- 4 *Approves the award of CON878 'Beach Road/Baylys Coast Road Watermain Construction, 2017/2018' to United Civil Construction Limited for the contract value of \$1,055,878.59 + GST.*

Carried

## 7.2 Fees and Charges 2018/2019: Annual Review

General Manager Planning and Regulatory 2301.07

**Moved Geange/Curnow**

*That Kaipara District Council:*

- 1 *Receives the General Manager Planning and Regulatory's report 'Fees and Charges 2018/2019: Annual Review' dated 08 January 2018, and the tabled information paper 'Fees and Charges 2018/2019: Additional information requested for Dog Registrations'; 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 *Amends the Dog Registration Fee to non-working dog to \$66.00 and Working Dog to \$44.00 plus a subsequent change to the Late Payment Fee; and*
- 4 *Adopts the proposed draft Fees and Charges 2018/2019 as outlined in the schedule included in the Agenda for this Council meeting held 25 January 2018, circulated with the above-mentioned report 'Fees and Charges 2018/2019: Annual Review' as Attachment 1, with the above resolution 3 amendment, for the purpose of incorporating these into the draft Long Term Plan 2018/2019 and allowing community comments to be received through the special consultative procedure.*

**Carried**

## 7.3 Long Term Plan 2018/2028 : Approval of source documents for the preparation of the LTP

General Manager Strategy and Finance 2302.22

**Moved Geange/Jones**

*That Kaipara District Council:*

- 1 *Receives the General Manager Strategy and Performance's report 'Long Term Plan 2018/2028 : Approval of source documents for the preparation of the LTP' dated 19 January 2018 plus tabled replacement tables for pages 13 and 14 of the Development Contributions Policy (pages 250 and 251 of the Council agenda); and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

3 Adopts as source documents for the Long Term Plan 2018/2028 Consultation Document as required by s.93 of the Local Government Act 2002 as amended by the Local Government Amendment Act 2014, the following as attached to the above-mentioned report or tabled:

- Vision and Community Outcomes;
- Nine Activity Profiles (Community Activities, District Leadership, Flood Protection and Control Works, Planning and Regulatory Management, Roads and Footpaths, Solid Waste, Stormwater Drainage, Wastewater, Water Supply) excluding financial details;
- Financial Contributions Policy.

And defers adoption of the following documents, until clarification of content:

- Significant Forecasting Assumptions
- Eight Asset Management Plans for Roads and Footpaths, Wastewater, Water Supply, Solid Waste, Stormwater, Community Activity, Raupo Land Drainage and Northern Area Land Drainage;
- Development Contributions Policy; and

4 Subject to Auditors' written approval with authority delegated to the Council and Acting Chief Executive to make any changes in response to Auditors' feedback.

**Carried**

#### 7.4 Reserve Contributions (use of) Policy: Adoption of reviewed Policy

Policy Planner 2304.17

Moved Larsen/Wade

That Kaipara District Council:

- 1 Receives the Policy Planner's report 'Reserve Contributions (use of) Policy: Adoption of reviewed Policy' dated 19 January 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 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; and
- 4 Consults on the reviewed Policy as part of the draft Long Term Plan process; and
- 5 Prioritises the review of Reserves and Open Space Strategy (ROSS); and

**Carried**

## 7.5 Kaipara District Council Raw Water Supply Funding Options

General Manager Infrastructure 4817.0

**Moved Geange/Curnow**

*That this item 'Kaipara District Council Raw Water Supply Funding Options' lie on the table until more comprehensive funding options come before Council at a meeting in early February 2018.*

**Carried**

Item 8.2 of the Public Excluded agenda was deemed suitable to be discussed in the open meeting, as Item 7.6.

## 7.6 Recycling issues and costs

Waters and Waste Manager 4201.02

**Moved Curnow/Jones**

*That Kaipara District Council:*

- 1 *Receives the Waters and Waste Manager's report 'Recycling issues and costs' dated 15 January 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 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; 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 + 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.*

**Carried**

A 'No' vote was recorded by Councillor Larsen.

## 8 Public Excluded Council Minute Items 25 January 2018

Council went into Public Excluded session at 2.47 pm.

**Moved Geange/Larsen**

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

- *Confirmation of Public Excluded Council minutes 11 December 2017; and*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
Confirmation of Public Excluded minutes 11 December 2017	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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**

## 9 Open Council Minutes 25 January 2018

Council went back into Open session at 2.48pm.

**Moved**                    **Geange/Curnow**

*That the public be re-admitted to the meeting and the resolution made whilst in Public Excluded be confirmed in Open Meeting.*

**Carried**

### 9.1 Public Excluded Council Minutes 11 December 2017

**Democratic Services Manager**                    **1601.22**

**Moved**                    **Geange/Curnow**

*That the Public Excluded section of the unconfirmed minutes of the meeting of Kaipara District Council held on 11 December 2017 be confirmed as a true and correct record.*

**Carried**


### **Closure**

The meeting closed at 2.49pm.

**Confirmed** .....

**Chair** .....

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

 <b>KAIPARA DISTRICT</b> <small>THE OCEAN THE HARBOUR</small>	<b>Title of Policy</b>	Reserve Contributions (use of) Policy		
	<b>Sponsor</b>	Commissioner Winder	<b>Adopted by</b>	Council
	<b>Author</b>	J McPherson	<b>Date adopted</b>	16 December 2014
	<b>Type of Policy</b>	xx	<b>Last review date</b>	16/12/2014
	<b>File Reference</b>	2304.17	<b>Next review date</b>	16/12/2017

Document Control			
Version	Date	Author(s)	Comments
1 <sup>st</sup> Commenced	16/12/2014	J McPherson	
1.0	27/11/2017	P Hansen Policy Analyst	Amended through scheduled review
2.0	25/01/2018	P Hansen Policy Analyst	Amended Policy Adopted by Council for Consultation?

## 1. Background

### 1.1 Financial contributions

Financial contributions are a type of levy applied to offset the effects of growth. Council has a Financial Contributions Chapter in its District Plan. This outlines how much can be imposed on land developers when a resource (land use or subdivision) consent is approved. The District Plan relies on the provisions of the Resource Management Act to define how financial contributions can be spent. **Reserve contributions** are a subset of financial contributions.

Section 108(10)(a) of the Resource Management Act 1991 (the Act) allows Council to require financial contributions for reserves, where necessary, to achieve one or more of the following purposes:

- a) Creating open space (including recreation areas, visual buffers and amenity areas) through reserve contributions.
- b) Adding capacity to or otherwise enhancing existing open spaces (including recreation areas, visual buffers and amenity areas) through reserve contributions.
- c) Giving public access to coastal areas, reserves, bush areas or areas of special character through reserve contributions.

### 1.2 Reserves contributions

Council may require a financial contribution in cash or land towards the establishment and/or upgrading of reserves and public open space areas as a condition of land use consent or subdivision consent.

**In the Kaipara District Plan section 22.6.6 details the purpose of reserve contributions:**

*“By requiring developments to pay their fair and reasonable share of the costs of purchasing land for reserves or upgrading existing reserves.*

*New developments generate an increase in demand for, and usage of, reserves, open space and public recreation facilities. All new developments will be required to contribute towards the costs of acquiring new, or upgrading existing reserves, open space or facilities, in accordance with Council’s Reserves and Open Space Strategy.*

*Financial contributions for reserves will only be used for the purchase and development of new reserves or for the improvement and development of existing ones. The maintenance of reserves and recreational facilities is funded through rates.”*

**In section 22.10.6 of the District Plan describes what purposes a reserve contribution will be put:**

Any **reserve contribution** required as a condition of land use consent or subdivision consent may be in the form of:

- a) Land to be set aside and vested in Council for reserve or public open space purposes; or
- b) A cash contribution to Council for it to carry out works relating to developing or upgrading reserves or public open spaces in the district.

In addition under Section 108 of the Act, Council can require as a resource consent condition works on any reserve or public open space. Such works may include but are not limited to:

- a) Fencing;
- b) Landscaping including grassing and tree planting;
- c) Provision of play equipment and other recreational facilities (including tables/chairs); and
- d) Provision of footpaths and walking tracks.

When the contributions are taken as land vested in Council;

- a) There must be a demonstrable current or foreseen future shortage of open space in a particular area; and
- b) The land must be suitable for the intended purpose.

## **2. Objectives of this Policy**

The objectives of this Policy are:

- a) For Council or a committee of Council to define the priorities it has for the use of reserve contributions;
- b) To use these priorities to determine projects of greatest benefit to the community; and
- c) To allow community input and participation through a discretionary contestable process.

## **3. Definitions**

**Reserve contributions:** a mechanism in the District Plan that allows for the collection of levies from developers, so that Council can develop or upgrade reserves and other public open spaces.

**Open space:** recreational areas, visual buffers and amenity areas (as described in the Act).

**Local:** the district has been divided up into four catchments described as Dargaville and Surrounds; Maungaturoto, Paparoa, Tinopai and Surrounds; Kaiwaka and Surrounds; Mangawhai and Surrounds. The catchment areas are depicted in Appendix A.

## **4. Existing parks and reserves**

For information on the existing parks and reserves refer to the Reserves and Open Space Strategy.



## 5. Eligibility criteria

### 5.1 Criteria for eligibility for use of reserves contributions

When assessing proposals for the use of reserve contributions, Council will have regard to the following criteria:

- a) Creating public open spaces (including recreation areas, visual buffers and amenity areas).
- b) Adding capacity to or otherwise enhancing existing public open spaces (including recreation areas, visual buffers and amenity areas). This can include:
  - bringing existing reserves up to a minimum standard for public use e.g. supplying public toilets in recreation reserves;
  - landscaping; and
  - providing equipment e.g. seats, barbecues, playgrounds.
- c) Giving public access to coastal areas, reserves, bush areas or areas of special character. This is typically through:
  - the development of walking tracks; and
  - the purchase of land that connects two public areas otherwise not accessible to the public.
- d) Within each catchment, consideration will be given to the amount of funds collected in the locality of a proposed project.
- e) Consideration will be given to projects that add amenity to the parks and reserves that are lacking in amenities.

All allocations will be judged against their fit with these criteria. The funds will not be used for normal asset management (maintenance, repairs and renewals).

## 6. Distribution of reserve contributions

Council will generally apply funds in the locality in which they are generated, and may apply up to 20% of the funds in other parts of the district.

## 7. Public contestable funding round

A public contestable funding round will be held on an annual basis for catchments where sufficient funds have accumulated to make the process worthwhile. Where there are sufficient funds Council will typically aim to distribute them within three years of collection.

During each round projects initiated by Council, and community groups within the catchment will be considered by the Reserve Contributions Committee. The Reserve Contributions Committee will then make recommendations to the full Council for approval.

All decisions on whether and how to distribute the funds will be at the sole discretion of Council and are final.

**a) Contestable fund distribution**

There is a need for a high level of transparency and accountability for the spending of reserves contributions. To enable this standard to be met, accountability arrangements will be documented in a formal Contract between the community organisation receiving support and Council. The Agreement will be appropriate to reflect the nature and level of support given.

Funding will be implemented through a Contract which will outline:

- The project for which the funding was provided for;
- The conditions attached to the funding;
- Accountability requirements, including the methods to report back on the use of the funds; and
- The steps Council will take if progress is not as planned.

**b) Timing of applications**

The timing of reserve contribution grants will be matched with the planning and budgeting cycles of the Council. In the first year of operation of this Policy Council will call for applications in February and release decisions by the end of May. In subsequent years, Council will call for applications in June, and release decisions by the end of October. Should there be sufficient reserve contributions collected during the year Council may consider opening up a second funding round.

Decisions on reserve contributions distribution will be recommended to Council by the Reserve Contributions Committee, who has been given delegated authority from Council to make recommendations on applications. Council will then make the final decision. All grants entered into during the year will be reported in the Annual Report for that year.

Application forms will be made available on Council's website and at Council offices when the funding round opens.

**c) General assessment criteria**

Council will consider the following when assessing applications received for reserve contributions. These are general criteria which community organisations applying for support need to demonstrate in their applications.

**d) Consistency with the Reserve Contributions (use of) Policy**

Any application will need to be consistent with the eligibility criteria of section 5 of the Reserve Contributions (use of) Policy.

**e) Not-for-profit**

With the exclusion of any Council application, Council assistance will only be provided to legally constituted not-for-profit entities, and there should be a volunteer component to any non-Council applications.

**f) Financial reporting**

All applications must be accompanied by an audited or reviewed Statement of Financial Position for the previous financial year and a budget projection for the next financial year.

**g) Central government funding**

Community organisations that can receive funding from central government will be considered for grants, however no central government agency may apply for funding.

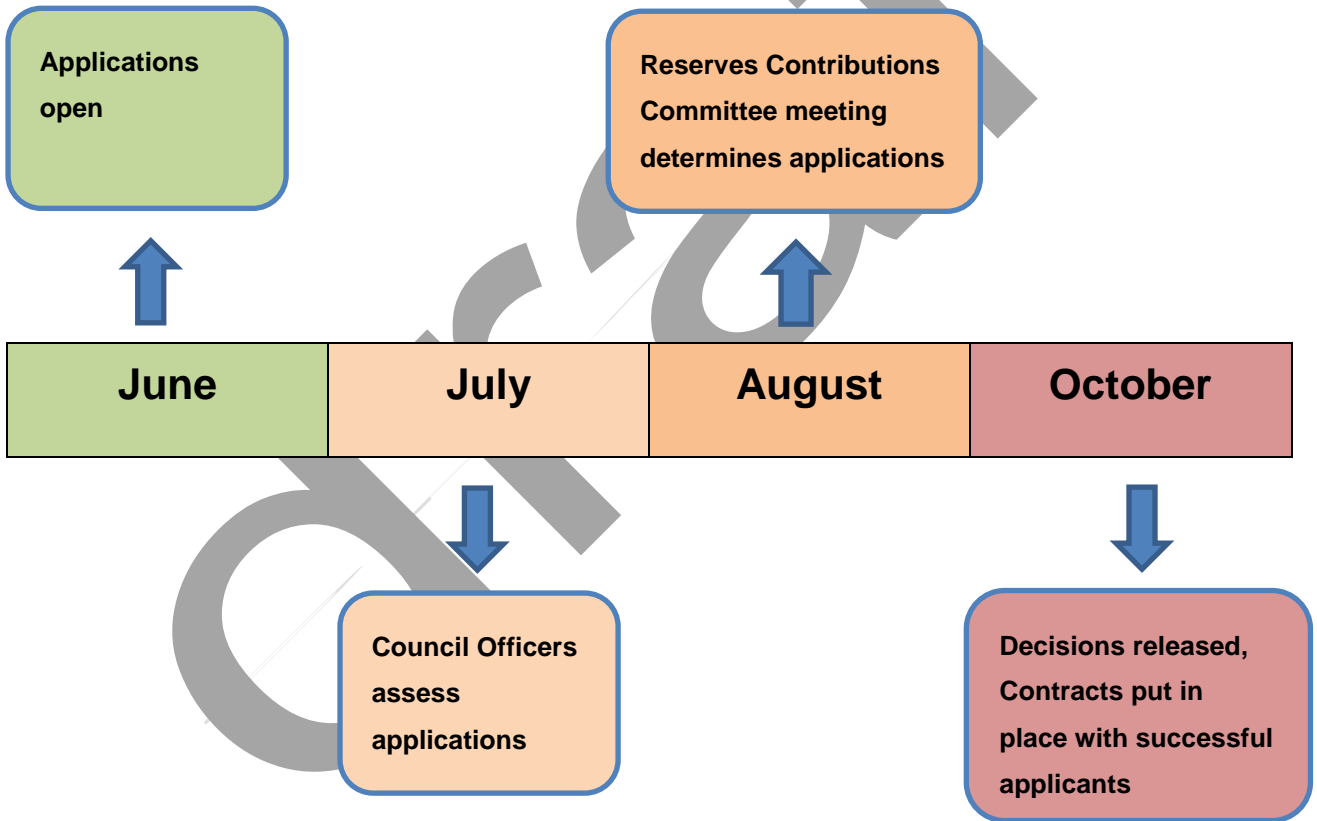
**h) Health and safety**

Applicants must comply with all health and safety legislative requirements.

**i) Accountability requirements**

All recipients under this Policy are required to enter into an Agreement or Contract with Council that outlines the terms and conditions of the approved assistance. Funds will not be provided until both parties have signed the Agreement or Contract, which will outline, among other obligations:

- The purpose and conditions of the assistance; and
- Accountability requirements, as determined by the level of assistance required.



### 3.2 Committee minutes (Confirmed) January and February 2018

Administration Manager 1601

#### Recommended

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

- 1 *Reserve Contributions Committee meeting held 03 November 2017; and*
- 2 *Community Grants Committee meeting held 14 November 2017; and*
- 3 *Mangawhai Community Park Governance Committee meeting held 27 November 2017;  
and*
- 4 *Audit, Risk and Finance Committee meeting held 01 December 2017; and*
- 5 *Taharoa Domain Governance Committee meeting held 11 December 2017.*

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## Minutes

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<b>Meeting</b>	Reserve Contributions Committee
<b>Date</b>	Friday 03 November 2017
<b>Time</b>	Meeting commenced at 1.10 pm Meeting concluded at 3.10 pm
<b>Venue</b>	Centennial Hall – 44 View Street, Maungaturoto
<b>Status</b>	Confirmed

### Membership

Chair: Councillor Jonathan Larsen

Members: Councillor Victoria Del la Varis-Woodcock, Councillor Andrew Wade

Staff and Associates:

General Manager Community, Policy Planner (Minute-taker)

Linda Osborne  
**Administration Manager**

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Confirmed

**Minutes, Reserve Contributions Committee**
**Friday 03 November 2017, Maungaturoto**
**1 Opening**
**1.1 Present**

Councillors Jonathan Larsen (Chair), Victoria Del la Varis-Woodcock and Andrew Wade

**In Attendance**

Name	Designation	Item(s)
Peter Wethey	Deputy Mayor	All
Venessa Anich	General Manager Community	All
Paula Hansen	Policy Analyst	All (Minute-taker)

**Adjournments**

Nil.

**1.2 Apologies**

Nil.

**2 Confirmation of Agenda**

The Committee confirmed the Agenda.

**3 Conflict of Interest Declaration**

Nil.

**4 Confirmation of Minutes**
**4.1 Reserves Contribution Committee Minutes: 25 September 2017**

Democratic Services Manager                      1615.02

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

*That the unconfirmed minutes of the Reserves Contribution Committee meeting held on 25 September 2017 be confirmed as a true and accurate record.*

**Carried**

## 5 Policy

### 5.1 Information for Reserve Contributions (use of) Policy Review

Policy Planner 2304.17

Moved Del la Varis-Woodcock/Wade

*That the Reserve Contribution Committee receives the Policy Planner's report 'Information for Reserve Contributions (use of) Policy Review' dated 02 November 2017 and Attachments 1 - 3 of the above-mentioned report and the information contained therein.*

Carried

## 6 Closure

The meeting concluded at 3.10 pm.

Confirmed 18 January 2018

Chair Councillor Larsen

Kaipara District Council  
Dargaville

Confirmed



### Community Grants Committee

<b>Meeting</b>	Community Grants Committee
<b>Date</b>	Tuesday 14 November 2017
<b>Time</b>	Meeting commenced at 8.30 am Meeting concluded at 8.33 am
<b>Venue</b>	Interview Room, Kaipara District Council offices, 42 Hokianga Road, Dargaville
<b>Status</b>	Confirmed

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## Minutes

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#### Membership

**Chair:** Councillor Geange

**Members:** Councillor Jones, Councillor Joyce-Paki

#### Staff and Associates:

General Manager Community,

Parks and Community Manager,

Democratic Services Manager (Minute-taker)

**Seán Mahoney**  
Democratic Services Manager

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Confirmed

**Minutes of the Ordinary Meeting of Community Grants Committee  
Tuesday 14 November 2017 in Dargaville**

**1 Present**

Councillor Julie Geange (Chair), Councillor Libby Jones, Councillor Karen Joyce-Paki

**In Attendance**

Name	Designation	Item(s)
Venessa Anich	General Manager Community	All
Darlene Lang	Parks and Community Manager	All
Sean Mahoney	Democratic Services Manager	All (minute-taker)

**2 Apologies**

Nil.

**3 Confirmation of Agenda**

The Committee confirmed the agenda.

**4 Conflict of Interest Declaration**

Nil.

**5 Confirmation of Minutes**

**5.1 Community Grants Committee Minutes: 06 November 2017**

Democratic Services Manager                      1615.02

**Moved        Jones/Geange**

*That the unconfirmed minutes of the Community Grants Committee meeting held on 06 November 2017 be confirmed as a true and accurate record.*

**Carried**

## 6 Applications

### 6.1 Community Grants 2017 Applications – Further Information

Administration Assistant 2109.01.02.05

Moved Jones/Joyce-Paki

*That the Community Grants Committee:*

- 1 *Receives the Administration Assistant's report 'Community Grants 2017 Applications – Further Information' dated 09 November 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 *Awards grants to the following applications:*

<i>Northern Wairoa Maori, Maritime &amp; Pioneer Museum Society Inc.</i>	<i>\$ 10,488.72</i>
<i>Dargaville Community Development Board</i>	<i>\$ 31,955.95</i>
<b><i>Total granted*</i></b>	<b><i>\$ 42,444.67</i></b>

*\* Total available was \$42,444.67. This is the total Grant Budget of \$59,000 less \$16,555.33, which was granted at the Committee's meeting on 06 November 2017.*

**Carried**

## 7 Closure

The meeting closed at 8.33 am.

Confirmed 09 February 2018  
Chair Councillor Geange

**Mangawhai Community Park Governance Committee**

meeting held

<b>Date</b>	Monday 27 November 2017
<b>Time</b>	Meeting opened at 10.00 am Meeting closed at 11.32 am
<b>Venue</b>	Meeting Room, Kaipara District Council offices – 6 Molesworth Drive, Mangawhai
<b>Status</b>	Confirmed

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**Minutes**

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**Membership**

Chair: Councillor Anna Curnow

Members: Messrs Maurice Langdon and Jim Wintle, Councillor Peter Wethey

Staff and Associates:

Parks and Community Manager, Parks Officer, Administration Assistant (Minute-taker).

Linda Osborne  
**Administration Manager**  
[losborne@kaipara.govt.nz](mailto:losborne@kaipara.govt.nz)

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Confirmed

**Minutes Mangawhai Community Park Governance Committee  
Monday 27 November 2017, Mangawhai****1 Opening****1.1 Present**

Councillor Anna Curnow (Chair), Messrs Maurice Langdon and Jim Wintle

**In Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Darlene Lang	Parks and Community Manager	All
Hamish Watson	Parks Officer	All
Natalie Edwards	Administration Assistant	All (Minute-taker)

**Adjournments**

Nil.

**Absences**

Nil.

**1.2 Apologies**

Nil.

**1.3 Confirmation of Agenda**

The Committee confirmed the Agenda.

**1.4 Conflict of Interest Declaration**

Nil.

**1.5 Deputations and Presentations**

Nil.

## 2 Confirmation of Minutes

### 2.1 Mangawhai Community Park Governance Committee minutes 21 August 2017

Democratic Services Manager 1611.04

Moved Curnow/Wintle

*That the minutes of the meeting of Mangawhai Community Park Governance Committee held on 21 August 2017 be confirmed as a true and correct record.*

Carried

## 3 Operational

### 3.1 Mangawhai Community Park Master Plan Operations Update: September to October 2017

Parks and Community Manager 4702.13.06

Moved Curnow/Wintle

*That the Mangawhai Community Park Governance Committee:*

- 1 *Receives the Parks and Community Manager's report 'Mangawhai Community Park Master Plan Operations Update: September to October 2017' dated 16 November 2017; and*
- 2 *Delegates the Parks and Community Manager to send an acknowledgement in response to the letter from Mangawhai Activity Zone dated 31 August 2017 (Attachment 1 to the afore-mentioned report).*

Carried

### 3.2 Mangawhai Community Park Master Plan Review

Parks and Community Manager 4702.13.06

Moved Curnow/Wintle

*That the Mangawhai Community Park Governance Committee:*

- 1 *Receives the Parks and Community Manager's report 'Mangawhai Community Park Master Plan Review' dated 17 November 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves an update of the Mangawhai Community Park Master Plan.*

Carried



#### 4 Closure

The meeting closed at 11.32 am.

Confirmed 19 February 2018

Chair Councillor Curnow

Kaipara District Council

Dargaville

Confirmed

<b>Meeting</b>	Audit, Risk and Finance Committee
<b>Date</b>	Friday 01 December 2017
<b>Time</b>	The meeting commenced at 10.00 am The meeting concluded at 12.11 pm
<b>Venue</b>	Meeting Room – Mangawhai Club, Molesworth Drive, Mangawhai
<b>Status</b>	Confirmed

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## Minutes

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### Membership

Chair: Stana Pezic

Members: Councillor Del la Varis-Woodcock  
Councillor Geange  
Councillor Larsen  
Councillor Wade  
Councillor Wethey

### Staff and Associates:

Acting Chief Executive, Acting General Manager Finance, Democratic Services Manager  
(Minute-taker).

**Seán Mahoney**  
**Democratic Services Manager**

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Confirmed

**Minutes of the Audit, Risk and Finance Committee**
**Friday 01 December 2017 in Mangawhai**
**1 Opening**
**1.1 Present**

Stana Pezic and Councillors Del la Varis-Woodcock, Geange, Wade and Wethey

**In Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Peter Tynan	Acting Chief Executive	All
Robert Nelson	Acting General Manager Finance	All
Curt Martin	General Manager Infrastructure	All
Fran Mikulicic	General Manger Planning and Regulatory	All
Duncan McAulay	General Manager Strategy and Performance	All
Peter Marshall	General Manager Corporate Services	All
Robert Maassen	Health and Safety Advisor	3.5
Peter Gulliver	Deloitte	All
Sean Mahoney	Democratic Services Manager	All (Minute-taker)

**Adjournments**

Nil.

**Absences**

Nil.

**1.2 Apologies**
**Moved Wethey/Gent**
*That the apology of Councillor Larsen be received.*
**Carried**
**1.3 Confirmation of Agenda**

The Committee confirmed the Agenda.

## 1.4 Conflict of Interest Declaration

Nil.

## 2 Confirmation of Minutes

### 2.1 Audit and Risk Committee minutes of 11 September 2017

Democratic Services Manager 1610.06/September 2017

**Moved Wethey/Geange**

*That the minutes of the Audit and Risk Committee meeting held 11 September 2017, as amended, be confirmed as a true and correct record.*

**Carried**

## 3 Papers

### 3.1 Forecast One 2017/2018

Financial Services Manager 2303.24

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

*That the Audit, Risk and Finance Committee:*

- 1 *Receives the report from the Financial Services Manager 'Forecast One 2017/2018' dated 15 November 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 provisions of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends approval by Council of 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; and*
- 4 *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; and*
- 5 *Recommends approval by Council of the revised capital expenditure schedules listed in Attachment 4 (of the above-mentioned report); and*
- 6 *Recommends approval by Council the use of \$3.1 million of prior year surpluses and general reserves to reduce debt; and*

- 7 Notes that forecast debt is currently projected in the order \$48.7 million which is a reduction from the Annual Plan of \$13.4 million compared with the planned \$3.8 million. The increased repayments are due to release of available general reserves, property sales and development contribution payments for the Mangawhai Community Wastewater Scheme (MCWWS).

**Carried**

### 3.2 Treasury Management

**Assistant Accountant 2304.15**

**Moved Geange/Wethey**

*That the Audit, Risk and Finance Committee receives the Assistant Accountant's report 'Treasury Management' dated 15 November 2017 and the information contained therein.*

**Carried**

[NB: Council officers were instructed to clarify:

- The \$1.2 million drop in Roading Financial Assistance;
- Kai Iwi Lakes and Taharoa Domain Governance Committee's spending in 2017/2018; and
- The details of outstanding financial, development and reserve contributions.]

### 3.3 Treasury Management Policy Amendments

**Acting General Manager Finance 2304.15**

This item was circulated separately.

**Moved Wethey/Geange**

*That the Audit, Risk and Finance Committee:*

- 1 *Receives the acting General Manager Finance's report Amendments to Treasury Management Policy dated 28 November 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that the General Manager Finance will update the Treasury Management Policy as per the Committee's recommendations, to be brought back to the Committee's next meeting for further consideration.*

**Carried**

[NB: Council officers were asked to amend the Treasury Management Policy and circulate it to the Committee prior to its next meeting in February 2018.]

### 3.4 Audit Action Update

**Financial Services Manager 2304.15**

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

*That the Audit, Risk and Finance Committee receives the Financial Services Manager's 'Audit Action Update' dated 23 November 2017 and the information contained therein.*

**Carried**

### 3.5 Health and Safety Report

**Health and Safety Advisor 2209.12**

This item was circulated separately.

**Moved Geange/Wethey**

*That the Audit, Risk and Finance Committee notes the information presented in the Health and Safety Advisor's report and its attachments.*

**Carried**

[NB: Council officers were instructed to source relevant governance training.]

Confirmed

#### 4 Public Excluded Audit, Risk and Finance Committee Minute Items

01 December 2017

The meeting went into Public Excluded session at 11.21am.

Moved Geange/Wade

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

- Risk Register
- Contract Monitoring and Reporting: Infrastructure, Community and Regulatory

*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 Section 48 (1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this resolution</b>	<b>Ground(s) under Section 48 (1) for the passing this resolution:</b>
<i>Risk Register</i>	<i>Section 7(2)(g) maintain legal professional privilege  Section 7(2)(i) enable any 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>Contract Monitoring and Reporting: Infrastructure, Community and Regulatory</i>	<i>Section 7(2)(g) maintain legal professional privilege  Section 7(2)(i) enable any authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

Carried



## 5 Open Minutes Audit, Risk and Finance Committee 01 December 2017

Meeting returned to Open session at 12.10pm

**Moved Geange/Wethey**

*That the public be re-admitted to the meeting and resolutions made whilst in Public Excluded be confirmed in Open meeting.*

**Carried**

### 5.1 Risk Register

**General Manager Strategy and Performance 2304.15**

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

*That the Audit, Risk and Finance Committee receives the General Manager Strategy and Performance's Report 'Risk Register' and its Attachments 1-3, dated 22 November 2017 and the information contained therein.*

**Carried**

### 5.2 Contract Monitoring and Reporting: Infrastructure, Community and Regulatory

**General Manager Infrastructure**

**General Manager Community**

**General Manager Planning and Community 4107.01**

**Moved Wade/Wethey**

*That the Audit, Risk and Finance Committee:*

- 1 *Receives the General Manager Infrastructure's, General Manager Community's, General Manager Planning and Regulatory's report 'Contract Monitoring and Reporting: Infrastructure, Community and Regulatory' dated 17 November 2017; and*
- 2 *Notes the comments and information provided (Attachments 1-6 of above-mentioned report) in respect of the term contracts being reported on:*
  - *CON705 Parks, Reserves and Public Toilets;*
  - *CON682 Roding Network Maintenance;*
  - *CON789 3-Waters Operations and Maintenance;*
  - *CON706 Solid Waste;*
  - *MCWWS Operating Deed; and*
  - *CON824 Animal Management and Compliance Services.*

**Carried**

**6 Closure**

The meeting closed at 12.11pm.

Confirmed      Stana Pezic  
Chair            14 February 2018

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

Confirmed

**Taharoa Domain Governance Committee**

meeting held

<b>Date</b>	Monday 11 December 2017
<b>Time</b>	Meeting commenced at 2.04 pm Meeting concluded at 3.55 pm
<b>Venue</b>	Auditorium, Northern Wairoa War Memorial Hall, 37 Hokianga Road, Dargaville
<b>Status</b>	Confirmed

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**Minutes**

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**Membership**

Chair: Councillor Andrew Wade  
Members: Messrs Alan Nesbit and Ric Parore  
Councillor Karen Joyce-Paki

**Staff and Associates:**

Chief Executive, General Manager Community, Parks and Community Manager, Domain Manager,  
Financial Services Manager, Administration Assistant (Minute-taker).

**Linda Osborne**  
**Administration Manager**  
[losborne@kaipara.govt.nz](mailto:losborne@kaipara.govt.nz)

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**Minutes of Taharoa Domain Governance Committee**
**Monday 11 December 2017**
**1 Opening**
**1.1 Karakia**

Alan Nesbit opened the meeting with a karakia.

**1.2 Present**

[Note: At its meeting on 14 November 2017, Kaipara District Council resolved to confirm 'the appointment of Councillor Joyce-Paki to the Taharoa Domain Governance Committee' (refer to Council minutes 14 November 2017, Item 6.2).]

Councillors Andrew Wade (Chair) and Karen Joyce-Paki, Messrs Alan Nesbit and Ric Parore

**In attendance**

Name	Designation	Item(s)
Deputy Mayor Wethey	Councillor (Ex-Officio)	1 to 4.1
Penny Smart	Councillor, Northland Regional Council	All
Peter Tynan	Acting Chief Executive	All
Venessa Anich	General Manager Community	All
Darlene Lang	Parks and Community Manager	All
Andrew Howells	Domain Manager	All
Layne Wadsworth	Contractor (Night Manager)	All
Lisa Hong	Administration Assistant	All (minute-taker)

Public	Company	Item(s)
Penny Smart	NRC Councillor	All
Will Trusewich	Presentation NRC	
Tony Phipps	Presentation NRC	
Warwick Savage	Presentation	

**1.3 Apologies**

Nil.

**1.4 Confirmation of Agenda**

The Committee confirmed the Agenda.

## 1.5 Conflict of Interest Declaration

Name	Conflict
Councillor Joyce-Paki	Department of Conservation employee

## 2 Deputations and Presentations

### 2.1 Birdlife at the Kai Iwi Lakes

Warwick Savage spoke in the public forum.

[Secretarial Note: At the Taharoa Domain Governance Committee's meeting held 08 February 2018, Alan Nesbit noted that this item was not notified in the agenda.]

### 2.2 Northland Regional Council : Freshwater Improvement Fund

Will Trusewich, Northland Regional Council

Will Trusewich spoke in the public forum.

### 2.3 Northland Regional Council : Kai Iwi Lakes Navigation Safety Bylaw 2017 and consultation on options for five-knot speed limit area

Tony Phipps, Northland Regional Council

Tony Phipps spoke in the public forum.

**Moved Nesbit/Parore**

*That the Taharoa Domain Governance Committee:*

- 1 *Receives the report "Kai Iwi Lakes Navigation Safety Bylaw 2017 and consultation on options for five-knot speed limit area" dated 28 November 2017, from Tony Phipps, Group Manager Customer Service and Community Resilience, Northland Regional Council; and*
- 2 *Receives the presentation from Northland Regional Council staff on the Kai Iwi Lakes Navigation Safety Bylaw 2017 speed limit options proposal.*

**Carried**

## 3 Confirmation of Minutes

### 3.1 Taharoa Domain Governance Committee Minutes 10 August 2017

Democratic Services Manager 1606.17

**Moved Wade/Parore**

*That the Minutes of the Taharoa Domain Governance Committee meeting on 10 August 2017 be confirmed as a true and correct record.*

**Carried**

## 4 Operational

### 4.1 Northland Regional Council Kai Iwi Lakes Operations Report

Parks and Community Manager 4702.24.08

Moved Joyce-Paki/Parore

*That the Taharoa Domain Governance Committee receives the Parks and Community Manager's report 'Northland Regional Council Kai Iwi Lakes Operations Report' dated 24 November 2017' and the information contained therein.*

**Carried**

### 4.2 Taharoa Domain Operations Update: July to October 2017

Parks and Community Manager 4702.24.02.02

Moved Joyce-Paki/Nesbit

*That the Taharoa Domain Governance Committee:*

- 1 *Receives the Parks and Community Manager's report 'Taharoa Domain Operations Update: July to October 2017' dated 22 November 2017 and the information contained therein; 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 *Instructs Council officers to report back to the Committee with a health and safety plan for the Lakes; and*
- 4 *Allows the Manager's cabin to be hired out when it is not required as accommodation for the Camp Ground Manager.*

**Carried**

### 4.3 Financial report for four month period ending 31 October 2017

Financial Services Manager 4702.24.02.01

Moved Parore/Nesbit

*That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Financial Report: Four month period ending 31 October 2017' and the information therein.*

**Carried**

## 5 Closure

### 5.1 Next meeting

Thursday 08 February 2018

The meeting closed at 3.55 pm.

Confirmed: Councillor Wade

Chair: 08 February 2018

Kaipara District Council  
Dargaville

Confirmed



### **3.3 Northland Regional Council Regional Transport Committee minutes 06 December 2017**

#### **Recommended**

*That Kaipara District Council receives the unconfirmed minutes of the Northland Regional Council's Regional Transport Committee's meeting held 06 December 2017, for information.*

## NORTHLAND REGIONAL COUNCIL

### REGIONAL TRANSPORT COMMITTEE

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Minutes of the Regional Transport Committee meeting held in the Council Chamber,  
36 Water Street, Whangārei, on Wednesday 6 December 2017  
commencing at 10.00am

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**Present:**

**Northland Regional Council**

Cr J Bain, Chairman

Cr P Dimery

**Kaipara District Council**

Cr J Geange *(Arrived 10.06am)*

**Far North District Council**

Cr A Court

**Whangarei District Council**

Cr P Halse

**New Zealand Transport Agency**

pp NZTA System Manager – J Hori-Hoult

**In Attendance:**

**Full Meeting**

NRC Chairman B Shepherd *(Departed 12.01pm)*

NRC Group Manager Customer Service & Community Resilience – T Phipps

NRC Transport Manager – C Powell

NRC Transport Strategic Planning Officer – S Selkirk

NRC Policy Analyst – J Trewin

NRC Minute Taker – T Capp

NRC Economist- D Jones *(Departed 10.45am)*

FNDC Group Manager Infrastructure and Assets – A Finch

WDC Rooding Manager – J Devine

KDC General Manager Infrastructure – C Martin

KDC Rooding and Solid Waste Manager – H Van Zyl

NZTA Senior Programme Advisor – M Taylor

NTA Manager – P Thomson

NZ Police- Inspector W Ewers

Northland Inc. General Manager Investment & Infrastructure– V Cooper  
*(Arrived 10.20am)*

Northland Inc. Business Analyst – C Mc Intyre *(Arrived 10.20am)*

New Zealand Road Transport Forum CEO- K Shirley *(Departed 10.45am)*

Northland Freight Group Chairman– D Turner *(Departed 10.45am)*

National Road Carriers – P Rogers *(Departed 10.45am)*

Northern Advocate – K Edge

Resident – S Westgagte

The Chairman declared the meeting open at 10:00am.

## **Apologies (Item 1.0)**

### **Moved (Dimery/Halse)**

That the apologies from Mr P Clarke, New Zealand Transport Agency, and Cr G Martin, Whangarei District Council, for non-attendance; and the apology from Cr J Geange, Kaipara District Council, for lateness be received.

**Carried**

## **Declaration of Conflicts of Interest (Item 2.0)**

The Chairman invited members to make declarations item-by-item as the meeting progressed. There were no declarations of conflict.

## **Draft Government Policy Statement 2018 Update (Item 3.1)**

ID: A1007695

**Presentation by Jacqui Hori-Hoult, New Zealand Transport Agency**

Jacqui Hori-Holt provided a verbal update on the Draft Government Policy Statement 2018.

### **Moved (Geange/Court)**

1. That the presentation 'Draft Government Policy Statement 2018 Update' by Jacqui Hori-Hoult, New Zealand Transport Agency and dated 28 November 2017 be received.

**Carried**

## **The Importance of Providing Efficient Freight Transportation (Item 3.2)**

ID: A1007694

**Presentation by Ken Shirley, Chief Executive Officer, New Zealand Road Transport Forum**

Ken Shirley provided a presentation on the importance of efficient freight transportation.

### **Moved (Bain/Dimery)**

1. That the presentation 'The Importance of Providing Efficient Freight Transportation by Ken Shirley, Chief Executive Officer, New Zealand Road Transport Forum and dated 28 November 2017 be received.

Carried

## Confirmation of Minutes- 4 October 2017 (Item 4.1)

ID: A1007775

Moved (Geange/Dimery)

1. That the minutes of the Regional Transport Committee meeting held on 4 October 2017 be confirmed as a true and correct record.

Carried

## Northland Regional Land Transport Plan 2015-2021 – Funding Uptake (Item 5.1)

ID:A1006289

Report from Chris Powell, Transport Manager, Northland Regional Council

An explanation was given to the new presentation of the Quarterly Expenditure Report by Chris Powell, including expenditure to date against budget and how it progresses throughout the year.

Moved (Halse/Geange)

1. That the report 'Northland Regional Land Transport Plan 2015-2021 – Funding Uptake' by Chris Powell, Transport Manager, Northland Transportation Alliance dated 23 November 2017, be received.

Carried

*Secreterial Note:*

- *The Committee requested that a "Comments Column" be included in the spreadsheets to provide details of project progress.*

## Northland Regional Land Transport Plan 2015-2021 – Three Year Review (Item 6.1)

ID: A1006340

Report from Chris Powell, Transport Manager, Northland Regional Council

Moved (Bain/Dimery)

1. That the report 'Northland Regional Land Transport Plan 2015/2021 – Three Year Review' progress report by Chris Powell dated 24 November 2017, be received.
2. That the Regional Transport Committee approve that there be no change to the existing Significance Policy as detailed in the Northland Regional Land Transport Plan 2015/2021 – Three Year Review.

3. That the Regional Transport Committee approve the content of the Draft Northland Regional Land Transport Plan 2015/2021 (updated for the 2018-2021 period) for release for public consultation on 15 December 2017.
4. That the Regional Transport Committee consider adopting the proposed simplified hearings process as detailed in this paper;
5. That all Regional Transport Committee elected representatives or their approved alternate, attend all Regional Land Transport Plan 2015/21 – Three Year Review public information sessions during the week of 15 – 19 January 2017.
6. That the Regional Transport Committee delegates to the Group Manager of Customer Service & Community Resilience the authority to make minor formatting, typographical and administrative changes to the Draft Regional Land Transport Plan 2015/21- Three Year Review.

Carried

*Secretarial Note:*

- *There was a typing error on Page 2 of 6 of Item 6.1 in the agenda. There is no Recommendation 7, this text should follow on from Recommendation 6.*
- *There were two typing errors on Page 5 of 6 of Item 6.1 in the agenda. 'The draft RLTP will be released for public consultation on 15 December 2017' (not 1 December 2017), and 'submissions will be summarised as usual and considered by the full committee in late February 2018' (not 2017).*
- *It is to be noted that Cr Ann Court voted against the recommendations above.*

## **Regional Walking and Cycling Strategy Update and Enhancement Proposal (Item 6.2)**

ID: A1007836

Report from Jon Trewin, Policy Analyst, Northland Regional Council

Moved (Dimery/Geange)

1. That the report 'Regional Walking and Cycling Strategy Update and Enhancement Proposal' by Jon Trewin, Northland Regional Council dated 24 November 2017, be received.

Carried

## **Northland Road Safety Update (Item 7.1)**

ID: A1006162

Report from Chris Powell, Transport Manager, Northland Regional Council

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ID: A1013907

Inspector Wayne Ewers- New Zealand Police, provided a presentation on Speed and Road Safety in Northland.

**Moved (Halse/Dimery)**

1. That the report 'Northland Road Safety Action Plan Update' by Chris Powell, Northland Regional Council dated 23 November 2017, be received.

**Carried**

## **CONCLUSION**

The meeting concluded at 12.08pm.

## **4 Performance Reporting**

### **4.1 Chief Executive's Report January 2018**

Chief Executive: 2002.02.18/February

#### **Recommended**

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



# **Chief Executive's Report**

**For the month of January 2018**

## **Part One**

- a) Chief Executive's overview**
- b) Activities report**
- c) Contract acceptances**
- d) Looking forward**

## **Part Two**

**Financial Report to 31 January 2018**



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## Part One

### a) Chief Executive Overview – December/January

It has been a summer of contrasts with torrential rain and flooding during some weeks while high temperatures and high wind affected others. Many areas experienced large population increases through an influx of holidaymakers and non-residents including Mangawhai and the Kai Iwi lakes. Council has largely continued to operate satisfactorily during these periods. Below is an update on current key issues/topics.

#### Long Term Plan

We have reached the adoption stage for material needed to issue the Long Term Plan (LTP) consultation document. It remains paramount that we hit all our decision points with Council in order to make the timetable.

#### Kaihu (and Maungaturoto) raw water users

We continue to work with Kaihu residents on solutions going forward. An assessment plan has been formulated for Maungaturoto and a residents meeting is to be held in the next few weeks. Our primary concern remains the health and welfare of these residents.

#### Feasibility of a community hub in Dargaville (with digital capability)

Work on the feasibility study is ongoing. We have re-engaged with the Northern Regional Council to see if we can work on this jointly.

#### Raupo Stopbank and Baylys Beach Sandbags

The Raupo stopbank onsite geotechnical investigations have been completed with results expected shortly. The final engineering and options report for the Baylys Beach entrance area is also due shortly

#### Provisional Growth Fund

Minister Jones is overseeing this \$3B fund. Northland Chief Executives have been working in a collaborative way to prepare applications for this fund. There appears to be two horizons to look at, a short window, which closed last week, and a round two window that we see opening up in the next few weeks. Council made applications at short notice to the fund based on our understanding of the criteria, and what Council had prepared in readiness. A more thorough briefing paper will be provided to Council.

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### **Iwi Leaders and Government Agencies Chief Executive forum (ILGACE)**

Council is part of this forum, which is a pre-cursor to a more formal Northland Councils approach to Iwi relations. A Memorandum of Understanding (MOU) is in draft as to how this group will operate. Council has largely been a silent player to date. The group could well become more active in bidding for funding from the Provincial Growth Fund mentioned above.


### **Northern Transport Alliance**







The shared service operation established under Commissioners is only half way through its three-year business plan. The key and critical activities are the reorganisation of the operating model in order to gain greater synergies and cost savings via the tendering of the roading contracts. Both of these projects are underway

### **Chicken Farm application**

Submissions are open for the planned chicken broiler farm at Arapohue. A citizen-led meeting was held at the Arapohue Hall on Thursday 15 February. Neither staff from Council or Tegel were invited to attend. Officers believe that Tegel will look to hold an open meeting for the community in the future, to address any concerns directly about the farm. NRC and Council received the joint Resource consent. This is now open for public comment/submissions

### 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	Jan 2018 \$41,640		Debt levels will track up over the next few months
2	Resident survey satisfaction	Overall performance as measured by Key Research Group	N/A	N/A	Increasing trend	Jan 2018 62%		Result down 8% on previous quarter
3	Surplus or deficit	Surplus/(Deficit) before loan payments and depreciation	N/A	N/A	Jan 2018 (\$ 662)	Jan 2018 \$11,688		As reported in January 2018 financial report
4	Employee engagement	Overall perception	N/A	N/A	69%	59%		Interim survey currently underway and will close 23 February
5	Legislative compliance	LGOIMA and LIMs responded to in statutory deadlines	N/A	44 received	N/A	371 received, 100%		All LIM's and current LGOIMA's responded within deadlines
6	Building accreditation maintained and compliance with RMA	Blended result from resource and building consent along with BCA audits	Jan 2018 100%	Jan 2018 91%	Jan 2018 100%	Jan 2018 95%		Improved results for January for activity
7	Activity profile performance metrics achieved	Tracking of performance measure to quarterly and annual targets	N/A	N/A	80%	78%		Same result in second quarter as the first quarter of the financial year of 78%
8	Capital works spend on track	Capital works spend on a year to date basis	\$2,635	\$1,496	\$10,159	\$6,992		Month and year to date capital works tracking behind
9	Councillor queries	Answered for the month		49		49		From 16/01/18 to 16/02/18

Council Projects			
Indicators	What is being tracked/outcome of project		Commentary
Long Term Plan 2018/2028	Consultation document to be adopted in February 2018, with final document adopted in June 2018		Key deadlines and risks to be briefed to Council regularly
Website Rebuild	Project to provide a up-to-date, relevant, secure website with functionality (e.g. payments and online queries) for a better user experience		Project on hold
Skype for Business (SfB)	This system is needed to replace the failing current telephone system. It will also give staff greater mobility		Statistics being generated regularly. This project is now complete.
Customer Interaction Centre (CIC)	System needed in conjunction with Skype for Business (SfB). Will offer better customer relations and reporting		Statistics being generated regularly. This project is now complete.
Electronic Data and Records Management System (EDRMS)	Will bring Council in line with best practice industry standards in regards to records management		Staff currently building EDRMS sites – project placed on hold late November – staff resourcing needed for next phase of project
District Plan (DP) Changes	Due to RMA requirements, NRC's Regional Policy Statement (NRC-RPS) prescribes that some DP changes must be made. Other DP changes are driven as part of continuous improvement of the operative plan		The decision on Plan Change 4 was released on 20 December 2017. The appeal date closes on 22 February 2018 and to date no appeals have been received. In addition there are three more plan changes proposed in 2018 to give effect from NRC-RPS

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## **b) Activities Report**

### **1 Community Activities for January**

- Approximately 170 responses received for the Mangawhai Community Park community consultation/feedback survey to help with the Mangawhai Community Park master plan update. This information was provided to the Governance Committee at their 19 February meeting.
- The Kauri Coast Department of Conservation (DOC) office has agreed to Council undertaking a feasibility study for the Dargaville to Donnelly's Crossing Rail Trail project, as some portion of the old rail corridor is in DOC ownership;
- Community Team are supporting the Library Manager to review the Community Library Contract for Service Agreements;
- Community Team facilitating a temporary ice rink to be set-up in both Dargaville and Mangawhai. This event will also allow different community groups to put up fundraising stalls;
- Creative Communities opened for funding applications on 12 February 2018 and will close at 5.00 pm 19 March 2018. Advertising is in the Kaipara Lifestyler, Mangawhai Focus, Council's website and Facebook page;
- Ruawai toilet dispersal field has been cleared and upgraded with planting to be done when the weather allows;
- UV system has been installed to the water system at Lake Waikare;
- Water quality testing at Lakes is continuing;
- There was a fatality at Kai Iwi Lakes. This has been referred to the Coroner to determine cause of death;
- Bookings at both campgrounds at Taharoa Domain were at capacity for most of January;
- Easter weekend is now fully booked up at both campgrounds; and
- Upcoming events at Taharoa Domain include the Kumara Triathlon and a Paddle Board Festival.

#### **Policy**

- The decision on Plan Change 4 (Fire Safety) was released on 20 December. The appeal period will run until 22 February 2018;
- A review of the Reserves Contribution Policy was received by Council in January 2018 and will be consulted on as part of the LTP; and
- A presentation was given to Council in January on a Great Walks Proposal, which staff have submitted to the DOC.

## 2 Roads and footpaths

The new Network Maintenance, Operations and Renewals Contract 888 was tendered on 14 December 2017. The tender process included interactive meetings held on 30 and 31 January. These were to provide tenderers an opportunity to ask questions in a “commercial in confidence” environment to clarify any aspects of the specifications. There was a positive turn out from four of the five tenderers, the exception being HEB Construction who have now withdrawn from the process. The tender closes on 05 March 2018 with physical works starting on 01 July 2018.

As a result of weather lows moving down from the tropics the network has been hit with wet weather creating the opportunity for maintenance grading with a number of priority roads being brought back up to specification.

Due to the recent rain, the sealed pavement repairs are now behind the programme by two weeks and are due for completion by the end of March.

Capital Works Programme		
Contract	Name	Comment
682	Heavy metalling 2017/2018	57% complete. Second stage to commence in Autumn 2018
725	Reseals 2017/2018	31% Complete
834	Settlement Road seal extension	Work just starting
835	Kaikohe Bridge replacement	Start date to be confirmed
837	Baldrock RP 500-520 slips	Physical works completed
839	Pukehuia RP 9,650 slip	Physical works in progress
857	Bridge structures and components	In progress
870	Waihue Road rehabilitation	Physical works complete
873	Tara Road footpath	Tender in progress – closes 1 February
876	Mangawhai Road slips	Physical works in progress
881	LED streetlighting materials	LED light fittings ordered
883	Kaiwaka-Mangawhai Road slip	Awarded to The Rintoul Group
884	Bickerstaffe Road slip	Tender being evaluated
889	LED Streetlighting install	Awarded to McKay

## Road safety

There were no road fatalities for the Kaipara district in January. The road toll is on a calendar year basis.

Road Toll	Total for all 2012	Total for all 2013	Total for all 2014	Total for all 2015	Total for all 2016	Total for all 2017	End of January 2018	F/YTD 2018
Whangarei	6	9	10	11	9	14	0	5
Kaipara	4	3	1	2	9	5	1	0
Far North	4	9	7	10	9	22	3	1
<b>Totals</b>	<b>14</b>	<b>21</b>	<b>18</b>	<b>23</b>	<b>27</b>	<b>41</b>	<b>4</b>	<b>6</b>

## 3 Solid Waste

The holiday season is all but over with no major issues around kerbside collections or transfer station operations therefore the extended period for litterbin clearing is still underway and will remain this way until demand allows it to return to normal collections.

The trial period for recycling bins placed out in the community is nearly at an end with Kaipara Refuse reporting a good result with very little issues. We expect a report from Kaipara Refuse within the next month with the statistics around this trial.

## 4 Four Waters

The Dargaville/Baylys Water Supply catchment levels dropped sufficiently to require the Rotu raw water take (Kaihu River) to come on line. All things ran smoothly with water usage decreasing presumably, as people went away on holiday. Kaihu River's water levels dropped steadily and were lower than the same period last year due to the dry spell and staff continued to monitor the river levels against consent limits as they were approaching the level, which requires the implementation of restrictions.

Early January was busy around the district with the weather events that came through. Broadspectrum (BRS) on call staff dealt with these efficiently while the majority of the crews were still on leave. Aside from this weather event the remainder of January passed relatively quietly and smoothly apart from the services (water, wastewater and stormwater) that were hit by Northdrill during the fibre installation which kept BRS staff busy.

All water quality samples were taken on time with no transgressions observed.

Inflow to the Mangawhai Wastewater Treatment Plant for the month of January 2018 totalled 22,945m<sup>3</sup>, up 21% for the corresponding month last year. Dual CASS tank operation continued through January to account for the peak flows encountered during Auckland Anniversary weekend and the anticipated peak flows expected on Waitangi weekend. Irrigation occurred for most of the month except when adverse weather was present.

The design of the upgrade of Dargaville’s main wastewater pump stations 1 and 2 and rising main (programmed to commence construction next financial year) is currently in progress. Council awarded the second stage of the Dargaville/Bayllys watermain renewal and the Dargaville wastewater renewals contracts with anticipated construction start date March 2018.

## 5 Planning and Regulatory – January 2018

Planning	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Resource Consent Applications	41	33 ↓	72%	17.84	92%
224 Applications	4	6 ↑	100%	1	100%
Service Requests	163	130 ↓	98%		98%
<ul style="list-style-type: none"> <li>• Six additional lots created, all located in the Otamatea area.</li> <li>• January was a challenging month for meeting statutory targets, down to 72% within statutory timeframes, due primarily to staff leave over the holiday period and a number of complex consents progressing through to sign off.</li> <li>• 25 resource consents were granted during the month, including 15 subdivision consents.</li> </ul>					
Building	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Building Consent Applications	39	41 ↑	100%	12.42	98%
CCC Applications			97%	1.53	99%
Service Requests	124	104 ↓	95%		95%
<ul style="list-style-type: none"> <li>• Building Consent targets were met for the month of January. 1 CCC went over 20 days due to an oversight</li> <li>• The combined value of building consent projects total \$8,869,954</li> </ul>					



Regulatory	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Alcohol Applications	14	17 ↑		7.7	
Food Control Audits and Inspections	25	38 ↑	55%		76%
Service Requests	155	325 ↑	98%		98%
<ul style="list-style-type: none"> <li>The remote DLC hearing practice for unopposed Alcohol applications continues to prove to be an effective and efficient method of procedure resulting in the average number of working days to process applications reducing markedly.</li> <li>There were five dog attacks on other animals reported. Those matters unresolved are under investigation.</li> <li>The Environmental Health Officer has continued to assist the Monitoring Officer's response to nuisance complaints during January.</li> </ul>					
BCA Accreditation	Due	Completed		YTD % Completed	
		YTD	January		
BCA Audits	1	18	1	95%	
Competency Assessments	1	1		86%	
BCA Training	0	0		100%	
<ul style="list-style-type: none"> <li>The new TLBC is now able to assist BCM and QAM with the audit procedure</li> </ul>					

## 6 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 January 60 LIM applications were processed on time, taking an average of eight working days.

## 7 Councillor queries

For the period 16 to 31 January, there were 24 Councillor queries received. Of these, 18 have been answered with further follow up required on the remainder.

## 8 LGOIMA Overview – 08 January to 31 January 2018

Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987. Information requested as a LGOIMA must be answered in 20 working days from the day of receipt. All requests were processed within statutory timeframes.

Name	Subject
John Blackwell	Mr Rogan's outstanding rates
Jeanette Burt	Complaint regarding vehicle crossing
John Blackwell	Severance and redundancy payments
Helen Black	Pest control operations
Taxpayers Union	Average residential costs
Taxpayers Union	2-7 staffing and remuneration
Taxpayers Union	Council spending and control
Whakapirau Residents and Ratepayers	Dairy Factory Building
Andrea Vance - TVNZ	Asbestos in Water Infrastructure
Steve Best	Dog registration and destruction
Gordon Palmer	Current state of affairs on payment of rates
Margaret Catley	Wages to staff and contractors
Kaysha Brownlie	Freedom Camping Bylaw
Steven Green	Staff employed under the community banner
Taxpayers Union	Residential costs, sick days and membership to external groups
Paul Bricknell	Maintenance of Opouteke Road
Taxpayers Union	Rates, Absenteeism, Membership to external groups

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## 9 People and Capability

- FTE end of January – 104.4;
- Sick leave taken during January - 250 hours;
- Turnover rate for 12 months to 31 January 2018 – 19%
- Interim engagement survey in field

## 10 Health and Safety

### Health and Safety

- Three minor Council staff OHS events:
  - discomfort and pain in achilles from high top boots;
  - tripped on IT cables running along the floor; and
  - encounter with member of public who became aggressive.
- Three Council Contractor OHS events:
  - two fender bender property damage events, and
  - an asbestos cement pipe, which was not wrapped consistent with standard operating procedure.
- Nine audits were conducted on contractors for January - eight roading mobile works and one Parks and Reserves;
- One hazard reported – air conditioning unit leaking into an internal wall has wet the carpet causing it to go mouldy;
- Two near misses reported related to transmission failures in 2014 Suzuki S Cross 4 vehicles; and
- Two new staff health and safety inductions

## 11 Contract Acceptances

Contract Number	Name	Commentary
877	Wastewater Renewals Dargaville 2017/2018	Awarded to HydroTech Ltd for the tender price of \$314,237.68 (excl GST). The tender price is within approved terms of Council's 2017/2018 Water Services budget.
878	Beach Road/ Baylys Coast Road Watermain Construction 2017/2018	Awarded to United Civil Construction Ltd for the tender price of \$1,055,878.59 (excl GST). United Civil Construction Ltd were the lowest price tenderer, however the tender price was over and above the 2017/2018 budget, a request for additional funding using a portion of the 2018/2019 budget was passed at the December 2017 Council meeting.

## 12 Looking ahead

### March

07	Wednesday	Harding Park Pou Tu Te Rangi	2.00pm	Lighthouse Function Centre, Dargaville
28	Wednesday	Ordinary Council Meeting	9.00am	Northern Wairoa War Memorial Hall, Dargaville

### April

26	Thursday	Ordinary Council Meeting	9.00am	to be confirmed
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## Part Two

### January 2018 Financial Report

#### Whole of Council Overview

Key Indicators for January are set out in the tables below.

	Year to Date January 2018			Indicator	Full Year	
	Actual \$000's	Budget \$000's	Variance \$000's		Budget \$000's	Forecast \$000's
Total Rates	20,142	19,495	646	●	33,421	33,437 ↑
Operating Subsidies and Grants	2,914	3,439	(525)	●	5,895	4,712 ↓
Activity Revenue and Other Income	4,273	3,012	1,262	●	5,100	5,905 ↑
<b>Total Operating Income</b>	<b>27,329</b>	<b>25,946</b>	<b>1,383</b>	●	<b>44,416</b>	<b>44,054 ↓</b>
Employee Benefits	5,842	5,517	(324)	●	9,458	9,970 ↑
Contractors	4,671	6,336	1,665	●	10,835	9,260 ↓
Professional Services	2,751	2,613	(138)	●	4,479	4,598 ↑
Repairs and Maintenance	1,805	1,801	(4)	●	3,088	3,504 ↑
Finance Costs	1,628	1,847	219	●	3,167	3,079 ↓
Other Operating Costs	3,002	3,136	134	●	4,940	5,075 ↑
<b>Total Operating Costs</b>	<b>19,699</b>	<b>21,251</b>	<b>1,553</b>	●	<b>35,966</b>	<b>35,485 ↓</b>
<b>Operating Surplus / (Deficit) before Depreciation</b>	<b>7,631</b>	<b>4,695</b>	<b>2,936</b>	●	<b>8,449</b>	<b>8,569 ↑</b>
Capital Subsidies	2,747	3,019	(272)	●	8,287	8,798 ↑
Contributions	2,736	693	2,043	●	1,188	2,499 ↑
Other Capital revenue	5,383	150	5,233	●	150	5,420 ↑
<b>Total Capital Revenue</b>	<b>10,865</b>	<b>3,862</b>	<b>7,004</b>	●	<b>9,625</b>	<b>16,716 ↑</b>
<b>Total Capital Expenditure</b>	<b>6,808</b>	<b>9,218</b>	<b>2,410</b>	●	<b>20,128</b>	<b>22,422 ↑</b>
<b>Subtotal Capital</b>	<b>4,057</b>	<b>(5,356)</b>	<b>9,414</b>	●	<b>(10,504)</b>	<b>(5,706) ↑</b>
<b>Surplus / (Deficit) before Loan Payments and Depreciation</b>	<b>11,688</b>	<b>(662)</b>	<b>12,350</b>	●	<b>(2,054)</b>	<b>2,863 ↑</b>

#### KEY

- Favourable
- Unfavourable within 10% of Budget
- Unfavourable over 10% of Budget

<b>Public Debt and Requirements</b>			
	Jun-17	Jan-18	Jun-18
	\$000's	\$000's	\$000's
<b>Debt</b>			
Debt	62,127	43,200	58,295
Cash in bank (overnight deposits)	- 11,874	- 1,560	- 583
<b>Net debt</b>	<u>50,253</u>	<u>41,640</u>	<u>57,712</u>
<b>Reserves (future obligations)</b>			
General reserve funds committed	5,157		-
Targeted rates, council created and restricted reserves credit balances	14,884		13,360
<b>Total</b>	<u>20,041</u>		<u>13,360</u>
<b>Debt Requirements</b>			
Public 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>

## Statement of Operating and Capital Performance

### Rates Revenue

Targeted rates continue ahead of budget for the year to date January due to higher water billings mainly in Dargaville. Higher commercial use with is indicative of the reason. In addition, penalties are ahead of budget for the year to date, however these will come closer to budget at year-end when statute barred and abandoned land penalties are written back.

### Operating Subsidies and Grants

Roading subsidies are below budget due to the lower contractor spend.

### Activity Revenue and Other Income

User fees and charges remain ahead of budget for the year to date due to continued high levels of activity within regulatory. Activity revenue for the year to date includes \$129,000 of use of money interest from the Inland Revenue Department and other income gain of \$405,000. This is part of the final receipts of an historic GST claim made in 2014.

## Operating Costs

Overall costs are below budget for the month.

Contractor costs are below budget for the month of January and year to date. This mainly relates to the roading programme changes. Costs in regulatory are also below budget but offset by higher professional services costs.

Professional services are close to budget for the month and ahead of budget for the year to date January. The higher expenditure has been partially offset by lower costs in the three waters. Contract staff filling in for permanent positions and LTP work impact district leadership cost.

Repairs and maintenance costs were close to budget for the month and year to date January. There are higher costs within community activities for ground maintenance. Also extra works undertaken within the waters activities, especially stormwater due to the wet winter and water supply in Dargaville.

Finance costs remain below budget due to lower inter-period loan balances.

Overall, total operating costs are below budget for January with other costs 31% below, contractors 29% below professional services below 9% and repairs and maintenance below 6%.

## Capital Revenue

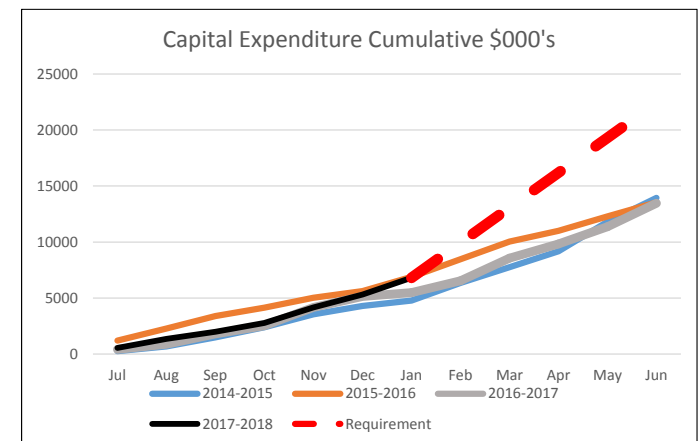
Development contributions for the year to date stand at \$1,303,000. Of this \$1,106,000 is for the Mangawhai Wastewater Scheme and the balance roading. The total annual budget was \$648,000.

Financial contributions for the year to date are \$1,432,000 compared to the whole year budget of \$540,000.

The proceeds of the Opanake Road (Dargaville) sale of \$660,000 were received in January. Total sales are now \$5.4 million for the year to date January.

## Capital Expenditure

Capital expenditure was \$1.5 million for the month and now is \$6.8 million for the year to date compared to the budget to the end of January of \$9.2 million. Activity managers continue to advise that much of the work is let and contractors commenced or about to start works. The graph below (left) shows the steep line of expenditure required to meet budget. This includes \$2.3 million of capex carried over at year-end, which is also scheduled to be completed in the year. The monthly average spend for the balance of the year is now required to be in excess of \$3.0 million, a value never achieved before in the district.



## Public Debt

The public debt position at 31 January is \$43.2 million and the net debt position (debt less cash) is \$41.6 million.

### Northland Transportation Alliance January 2018 Financial Report

Description	Forecast 1	NZTA Budget	Spend to date	% of total NZTA
<b>Operational</b>				
Sealed pavement	\$1,565,837	\$1,565,840	\$836,773	53.44
Unsealed pavement	\$2,452,998	\$2,454,000	\$1,361,169	55.47
Routine drainage	\$550,920	\$521,457	\$400,425	76.79
Structures	\$265,847	\$265,850	\$ 86,073	32.38
Environmental	\$516,513	\$516,516	\$277,090	53.65
Traffic services	\$745,417	\$746,425	\$ 281,266	37.68
Level crossing warning devices	\$10,223	\$10,225	\$3,624	35.44
Network and asset management	\$1,481,624	\$1,462,175	\$798,863	54.64
<b>Capital</b>				
Emergency works	\$3,157,449	\$2,919,200	\$643,832	22.06
Unsealed heavy metalling	\$2,399,778	\$2,396,055	\$1,204,800	50.28
Sealed road surfacing	\$2,340,772	\$2,400,000	\$783,376	32.64
Drainage renewals	\$380,925	\$409,852	\$222,192	54.21
Seal road pavement rehabilitation	\$894,972	\$950,000	\$872,680	91.86
Structures component replacement	\$436,686	\$436,267	\$105,874	24.27
Traffic services	\$171,591	\$189,572	\$89,427	47.17
Road safety promotion	\$157,580	\$181,005	\$73,255	40.47
Minor improvements	\$4,355,336	\$4,420,369	\$1,205,844	27.28



#### 4.2 Quarterly Performance Measures: Second Quarter Ending 31 December 2017

Administration Manager                      2002.02.18/February

##### **Recommended**

*That Kaipara District Council receives the Administration Manager's report 'Quarterly Performance Measures: Second Quarter Ending 31 December 2017', for information.*



# **Quarterly Performance Measures**

**Second Quarter Ending 31 December 2017**

## Quarterly Performance Measures – for the second quarter ending 31 December 2017

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## 1 Introduction

This Quarterly Performance Report measures Council's performance on its activities as adopted in Council's Long Term Plan 2015/2025. The report is based on the level of service statements, planned improvements and changes as per year three of the Long Term Plan (LTP). It also includes highlights and risks associated with each of the activities.

Performance measures were identified in 2015 when setting the LTP. These apply over the 2015/2018 year period. Not all the measures fit within a quarterly report, although they remain relevant for an Annual Report. They are presently being reviewed as part of the Long Term Plan 2018/2028 process.

Within this Report there are 114 measures. Of these 89 (78%) were achieved. The coloured circle in the annual target column indicates progress. Green is either achieved or on target to be achieved by the end of the financial year. Amber is not measured to date or a survey has not yet been completed, or it is looking like it may not be achieved. Red is not achieved or highly unlikely to be achieved. There are 21 (18.3%) measures recording amber and 4 (3.7%) recording red. Some measures will only be available annually while others are based on statutory obligations.

A summary of the 'not achieved' measures to date is as follows:

Building	0	Community Housing	0	Community Planning	0
District Plan	0	Footpaths	0	Governance	0
Mana Whenua Forum	2	Reserve Management Plans	1	Water Supply	1

The Long Term Plan 2015/2025 bases the measures on an annual target. The Quarterly Performance Report measures progress quarterly. For those measures that are based on figures or percentages, as this is the second quarter, the current performance either combines quarter one and two or averages quarter one and two.

The Residents Survey is undertaken on four occasions throughout the year with the first preliminary survey undertaken in October 2017.

## Summary of Operating and Capital Performance

### Whole of Council Overview

	Actual \$000's	Year to Date September 2017		Indicator	Full Year Budget \$000's
		Budget \$000's	Variance \$000's		
Total Rates	14,346	13,925	420	●	33,421
<b>Total Operating Income</b>	<b>19,558</b>	<b>18,449</b>	<b>1,108</b>	●	<b>44,416</b>
<b>Total Operating Costs</b>	<b>14,442</b>	<b>15,347</b>	<b>905</b>	●	<b>35,966</b>
<b>Total Capital Revenue</b>	<b>8,605</b>	<b>2,427</b>	<b>6,179</b>	●	<b>9,625</b>
<b>Total Capital Expenditure</b>	<b>4,155</b>	<b>5,662</b>	<b>1,507</b>	●	<b>20,128</b>

Key ● Favourable      ● Unfavourable – within 10% of budget      ● Unfavourable – over 10% of budget

## 2 Report by Activity

### Community Activities

#### What has changed?

**Halls and Community Housing** – The asset renewal programme and the asset maintenance programme are underway, with the asset condition survey completed.

**Libraries** – The feasibility study into a community hub including a library in Dargaville has commenced.

It is planned that all libraries will go live with a new Library Management System called Kotui on 15 March 2018.

**Reserves and Open Space** – Street tree planting in Kaiwaka is underway as part of Kaiwaka Township Plan. The Dargaville River Path contract work is nearing completion. The Mangawhai Pioneer Village work continues at Mangawhai Community Park. An assessment has been received for the Notable Trees in Pahi and further work is being undertaken. Construction of the Sportsville building at Memorial Park has started and the Parks and Reserves Maintenance Contract is being finalised.

### Highlights

**Community Assistance** – Fourteen applications were received for the Community Assistance Grants and six were approved. There were ten applications for the Rural Travel Fund and all were approved. Eleven Community Halls were offered subsidised insurance; seven have taken up this opportunity. Review of the Mangawhai Endowment Lands Account (MELA) has been completed to ensure the policy and criteria is more user friendly for the community.

**Reserves and Open Space** – The Cycle Strategy presented to the Regional Transport Committee was well received and the Community Garden Day at Pou Tu Te Rangi Harding Park was well attended.

**Library** – All Kaipara libraries are participating in an adult and children’s summer reading programme.

Plans are underway to redesign the interior of Dargaville Public Library to align with Health and Safety.

**Community Housing** – The community housing continues to be well-managed.


### Risks and Issues



**Community Assistance** – While a review of MELA has been completed, to some the criteria can seem broad and will need to be carefully managed by the Committee.

**Reserves and Open Space** – The draft Reserves Contribution Policy is likely to impact the timeframes and funding of the proposed Opex and Capex programmes and due to the annual contestable nature of the proposed policy there will be no certainty to plan and implement work. If reserve contributions within the respective project’s catchment are insufficient to fund a project this will result in delays as alternative funding sources may be required.






**Library** – Crowding remains an issue at the Dargaville Library and during busy times there is often not enough room for all users.


**Community Housing** – Maintenance requirements are increasing due to the age of the units.






<b>Community Assistance</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
Implementing the Community Assistance Policy including Grants, Contract for Service, Licence to Occupy and the Mangawhai Endowment Lands Account (MELA).	Contract for Service, Operational and Capital Grants, MELA applications called for and processed within timeframes.	New measure from 2015/2016	100%	100% 	100%	The Community Assistance Policy is being implemented as business as usual.

<b>Reserves and Open Space</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
To provide and enhance open spaces, linkages and facilities to promote community well-being and enjoyment.	Percentage of residents who are very/fairly satisfied with their local parks and sports fields		97%	85% 	97%	Preliminary survey received in October shows a marked improvement from last year.
	Percentage of residents who are very/fairly satisfied with their public conveniences		87%	65% 	87%	Preliminary survey received in October shows a marked improvement from last year.






<b>Reserves and Open Space</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	User satisfaction with cleanliness and lack of litter and graffiti		79%	70% 	79%	Preliminary survey received in October shows 10% improvement from last year.
	Parks Maintenance Contract measures are met	New measure 2015/2016	100%	90% 	100%	Achieved.
	An active sports park within a 40 minute drive of all residents (not all belonging to Council) with toilet and changing facilities	New measure 2015/2016	100%	Achieved 	100%	Achieved.
	Coastal access and esplanade reserves in urban areas already developed or zoned for residential development in the District Plan, with carparking areas	New measure 2015/2016	Achieved	Achieved 	Achieved	Achieved – we continue to develop areas that are vested in Council and areas that have been identified as high use areas.
	A local purpose reserve within 15 minute walk of residents in urban areas already developed or zoned for residential development in the District Plan	New measure 2015/2016	Achieved	Achieved 	Achieved	Achieved.

Reserves and Open Space						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	A public toilet in shopping areas servicing an urban population over 2,000	New measure 2015/2016	100%	100% 	100%	Achieved.

Community Housing						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
To provide housing suitable for the elderly who have difficulty providing it themselves.	Percentage of tenants satisfied with standard of accommodation and services	Annual Tenant Survey	No measure as yet	95% 	No measure as yet	Tenant survey will be undertaken early 2018.
	Percentage of tenants who rate response to request for service as excellent/good	Annual Tenant Survey	No measure as yet	90% 	No measure as yet	Tenant survey will be undertaken early 2018.
		Nil net cost to ratepayers for Council's housing services	On track	Zero 	On track	All costs are within budget.
		Annual occupancy rate	98%	90% 	98%	Achieved.
		Compliance with the Memorandum of	New measure 2015/2016	100%	100% 	100%

<b>Community Housing</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	Understanding (MOU) with Housing New Zealand for the management (not necessarily by Council) of Dargaville, Ruawai and Mangawhai community housing					the units. The management of the Dargaville and Ruawai units were handed over to the Dargaville Community Development Board in 2015.

<b>Libraries</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Accessibility</b> To provide accessible library services to the residents of Kaipara.	Percentage of households that have used the district's libraries in the past 12 months		0%	60% 	82%	Achieved. Preliminary results from first quarter.
<b>Quality</b> To provide a range of quality resources and material relevant to the residents of Kaipara.	Percentage of library users who are very/fairly satisfied with Kaipara district's library services		0%	81% 	77%	Achieved. Preliminary results from first quarter.
		To comply with Library and Information Association of New Zealand Aotearoa	Achieved	Achieved 	Achieved	Dargaville Public Library meets guidelines.

<b>Libraries</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
		(LIANZA) guidelines for populations of 5,000 or more, the Public Library in Dargaville is open for 43 hours per week including Saturdays.				

## Regulatory Management

### What has changed?

**Building Control** - Online shared service viability with both WDC and FNDC stalled in 2017 due to different systems. Much of the BCA's policies and procedures as well as public information is intrinsic to this system and is continuously developing. Furthermore, despite the attempts by Kaipara to present the advantages of adopting the same system, WDC has elected to develop another one while FNDC, although indicating strong interest, has not advanced. However, KDC will still be willing to consider any proposal if this would lead to genuine improvement and effective customer service.

There has been some work done to investigate the possibility of a shared website with commonly agreed services.

Development initiatives are also shared between the BCAs.

**Resource Consents** – Legislative changes to the RMA came into force in October 2017 and as a result a number of new processes and reporting templates have been developed and are operational. A new Graduate Planner joined the team in late November.

**Regulatory** – The sanitary (water) survey carried out in the Kaihu district last quarter has resulted in insanitary notices being issued to property owners. As a result bottled water is being delivered to those property owners. Surveys of other areas are planned for next year.

Discussions with other northland councils around online shared services have continued. This quarter hazard substances, rural water supplies, noise control and recreational water have been discussed.

**Fees and Charges** – Fees and Charges have been reviewed by all departments and an initial draft is due to be adopted by Council in January.

## Highlights

**Building Control** – A new Team Leader has started and is making excellent progress.

**Resource Consents** – A duty planner system will be rolled out in January 2018 to improve service.

Two workshops have been held during the quarter, the first with key stakeholders in the building and planning sectors and the second being an information/training session on coastal hazards with attendees invited from all councils in the northland region. Collaboration with other northland councils will continue to be a focus into 2018.

**Regulatory** – The cross-skilling training and multi-skilling team members' programme has worked as a short term measure. However, this cannot continue should the level of proposed and known legislation changes, the complexity, and the customer requests for action, continue at the current rate.

## Risks and Issues

**Building Control** – The new natural hazard mapping undertaken by the Northern Regional Council (NRC) has highlighted additional potential impacts from flooding and inundation as a result of future rising sea levels. There is potential risk implications with homeowner insurance, land and building values and Council reputation.

Departments are working together to co-ordinate procedural and process changes.





From 01 July 2017 the Amendment to Earthquake-Prone Buildings came into force. The business community needs to be informed of the respective responsibilities under this Act, including consequences and implications as there are potential serious valuation/ insurance risks for affected building owners. A strategy and implementation plan is being prepared for moving this matter forward.





**Resource Consents** – The team continues to struggle with increased consent volume and complexity, particularly in the area of rural subdivisions, with consent numbers for the 2017 calendar year ending at over 550, up on 2016's numbers (430). The use of multiple consultants and contractors, complexity of consents and attempts to improve processes, is making quality control and timeliness difficult. Improving the quality of applications and information requirements is an ongoing process which is being met with some resistance at times, however it is recognised that open communication with key stakeholders is the key to moving forward.

Recruitment is becoming increasingly difficult, especially at a senior level, which means a large number of consultants and contractors are required for the service to function.





**Regulatory** – There is a greater need and requirement to carry out monitoring in the Regulatory Team, as the level of complex issues including legalities increase. Auditing of wastewater systems in the Pahi area continues. Problematic on-site wastewater systems district wide are causing issues.




The food team although not reaching their current performance targets have plans to get back on track.

<b>Building Control Inspections, Compliance and Enforcement</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Customer Benefits</b> Ensure effective response to customer enquiries about building standards.	Percentage of customers who rate Request for Service responses as excellent/good		0%	85% 	0%	Annual survey not yet undertaken.
<b>Responsiveness</b> To process applications in accordance with statutory timeframes.		Percentage of Building Consents processed within 19 working days	92%	95% 	91%	Not achieved. However, 97.5% were processed within the 20 working day statutory timeframe.
		Percentage of Project Information Memoranda processed within 19 working days	99%	95% 	99%	Achieved.
		Percentage of Code Compliance Certificates (CCC) issued within 20 working days	100%	100% 	99%	Achieved for this quarter.




<b>Building Control Inspections, Compliance and Enforcement</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Quality</b> Monitoring Building Consent applications and inspections to ensure projects comply with New Zealand Building Code.		Advise building owners/occupiers of the expiry date of their Warrant of Fitness 1 month before the expiry date	100%	95% 	95%	Achieved (estimate only)  Note: New report created in MagiQ will be used next quarter to ensure 100% accuracy.
	New measure from 2015/2016	All new buildings in the Kaipara district for which Building Consent has been issued comply with the New Zealand Building Code (includes approval of building plan, as well as confirmation that the resulting building matches the approved plans)	100%	99% 	100%	Achieved.
	New measure from 2015/2016	Buildings under construction inspected to ensure that code compliance is achieved	100%	90% 	100%	Achieved.
	New measure from 2015/2016	Illegal activity/unauthorised work complaints investigated within 3 working days	97%	94% 	96.85%	Achieved





<b>Resource Consents, Monitoring and Enforcement</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Customer Benefits</b> Ensure effective response to customer enquiries about District Plan/Resource Consent requirements.	Percentage of customers who rate Request for Service responses as excellent/good		0%	85% 	0%	Annual survey not yet undertaken.
<b>Responsiveness</b> To process applications in accordance with statutory timeframes.		Percentage of non-notified resource consents processed within 18 working days	51%	95% 	59%	Not achieved. However, 90.2% for this quarter were processed within the 20 working day statutory timeframe.
		Percentage of resource consents notified by Council that is subject to objections/appeals against consent conditions	.08%	1% 	1%	Achieved. One 357A objection was received, which was upheld. There were two live appeals to the Environment Court in respect of decisions of Hearing Commissioners on notified consents. Appeals are outside Council control, however both were settled via Court assisted mediation.
		Percentage of Land Information Memoranda	100%	100% 	100%	Achieved.

<b>Resource Consents, Monitoring and Enforcement</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
		(LIM) processed within 10 working days				
<b>Quality</b> Resolving of complaints concerning breaches of conditions of resource consent and other non-compliance with the District Plan.		Percentage of complaints concerning breaches of resource consent conditions for earthworks and/or sediment control that are resolved to ensure compliance within 5 working days	100%	95% 	100%	Achieved. There was one complaint concerning breaches of resource consent conditions related to earthworks and/or sediment control. This was actioned within 5 working days.
	New measure from 2015/2016	Percentage of complaints regarding unconsented works and non-compliance with the District Plan and resource consent investigated within 5 working days	100%	95% 	100%	Achieved There were 6 complaints relating to non-compliance with the District Plan and 3 complaints relating to unconsented works. All were investigated within 5 working days.
	New measure from 2015/2016	Percentage of all new granted resource consents are audited each year to	22.5%	20% 	22.5%	Achieved. Out of the 80 newly granted resource

<b>Resource Consents, Monitoring and Enforcement</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
		ensure they comply with relevant conditions				consents 18 have been audited.

<b>Environmental Health</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Health and Safety</b> <b>Customer Service</b> Regulate commercial operations to protect public health.		Percentage of food premises inspected at least once per year	57%	100% 	41%	Not achieved An array of health investigations and raw water surveys have taken priority.
		Percentage of alcohol premises inspected at least once per year	100%	100% 	100%	Achieved. Target achieved for this quarter.
<b>Reliability</b> Respond to environmental health issues in the interest of protecting public health.	Percentage of customers who rate Requested for Service responses are excellent/good		0%	85% 	0%	Annual Survey not yet undertaken.

<b>Animal Management</b>						
<b>Levels of Service Statement</b>	<b>Performance Measures</b>		<b>Current Performance</b>	<b>LTP Year 3 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	<b>Customer</b>	<b>Technical</b>				
<b>Reliability</b> Respond to animal management issues.	Percentage of customers who rate Requests for Service responses as excellent/good		60%	85% 	60%	Not achieved. Preliminary results from first quarter show a 5% drop.
	Percentage of priority response times being met	New measure from 2015/2016	100%	87% 	100%	Achieved.

**Emergency Management**

**What has changed?**

**Civil Defence Emergency Management** – Continue to train staff in Emergency Management systems e.g. EMIS, Welfare Training and CIMS training.

**Rural Fire** – With the creation of Fire and Emergency NZ, from 01 July 2017 Council is no longer responsible for Rural Fire.




**Highlights**



**Rural Fire** – No longer a Council responsibility

**Civil Defence Emergency Management** – A number of weather events occurred during this period which were monitored by CDEM staff. No major issues occurred as a result of these storms.

**Risks and Issues**

**Rural Fire** – no risks.

<b>Civil Defence</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 2 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Reliability</b> To build a resilient and safer Kaipara District and communities' understanding and managing their hazards and risks.		Number of Civil Defence training exercises conducted per annum	0	1 	0	Exercise scheduled for April 2018.
		Time taken to activate the Emergency Operations Centre after the notification of a local Civil Defence emergency	Not yet Measured	< 1 hour 	Not yet Measured	It has not been necessary to activate the EOC for any event this year.
	3 yearly updating and reviewing of Kaipara Community Response Plans. Plans will be displayed on Regional Council's website and a link from Kaipara	New measure from 2015/2016	1	4 plans updated and reviewed per year. 	1	On track. A new plan has been developed for Tinopai and reviews are under way for three others.

<b>Rural Fire</b>						
<b>Levels of Service Statement</b>	<b>Performance Measures</b>		<b>Current Performance</b>	<b>LTP Year 3 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	<b>Customer</b>	<b>Technical</b>				
<p><b>Health and Safety</b></p> <p>To protect life and property from rural fires with trained personnel within the Kaipara District Rural Fire Authority Area.</p>		Percentage of firefighters who meet the National Rural Fire Authority Training Standards	N/A	80% 	N/A	With the creation of Fire and Emergency NZ, from 1 July 2017 Council is no longer responsible for Rural Fire.
<p><b>Health and Safety</b></p> <p>Fire safe behaviour and practices through public education and rural fire co-ordination.</p>	The number of public awareness campaigns run each year	New measure from 2015/2016	N/A	At least 1 campaign per year 	N/A	With the creation of Fire and Emergency NZ, from 1 July 2017 Council is no longer responsible for Rural Fire.

## Flood Protection and Control Works

### What has changed?

A review of the Bylaw – Part 17 Land Drainage has been completed.

The NRC Coastal Hazard Maps still remain in draft. Who pays and how, in relation to the intended the engineering review and subsequent report, will be included in the draft Long Term Plan.



### Highlights



- Due to the presence of weed in the drainage district drains, clearing has had to start earlier than usual.
- Floodgate 53 and Floodgate 54 (Te Kowhai Floodgate Road) replacements were completed within this period.
- Hore Hore Floodgate had started to fail. A new gate and drain has been constructed and purchased. They are currently being sandblasted to be ready for instalment.

### Risks and Issues

- Risks are currently minimal and are being controlled. In the event of a large storm event, bypass measures have been identified and can be actioned if required.
- The Murphy/Bower issue with the landowners is still ongoing. Council is planning to undertake a Geotech report.



<b>Flood Protection and Control Works</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Reliability</b> Monitor drainage of rivers and streams. Ensure minimal flood risk and coastal erosion to the community.	New measure from 2015/2016	The number of schemes maintained to their full service potential	100%	100% of schemes maintained to ensure that they provide protection to the agreed standard and the scheme assets are maintained as established in the Adopted Asset Management Plans 	100%	Achieved.
	New measure from 2015/2016	Non-performance of drainage network due to poor monitoring or maintenance causing an inability to contain a 1 in 5 year flood as measured by public feedback i.e. Service Requests that result in additional cleaning to drains needed	0	<5 service request per year 	0	Achieved.

<b>Flood Protection and Control Works</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
		Council inspection of drainage network to ensure that a 1 in 5 year flood is contained by the network	Minimum yearly inspections and targeted maintenance completed	Twice yearly inspections 	Achieved	Achieved.
		Targeted maintenance of the stopbank in the Raupo Drainage District to prevent tidal flows from inundating private property during high tide and/or when the river is in flood	Minimum yearly inspections and targeted maintenance completed	Minimum yearly inspections and targeted maintenance completed 	Achieved	Achieved.

## District Leadership

### What has changed?

**Corporate Planning** – Key business improvement projects that have been implemented include: a customer management system, a new internet based business phone system, a new public submission software and a version upgrade to a core business application.

An Information Technology Strategy is at present being finalised that outlines the direction in this area and includes other projects currently underway e.g. GIS as a shared service, a new Electronic Document and Records Management System (EDRMS) and a rebuild of the KDC website.

**Governance** – Mayor Greg Gent resigned in November resulting in Councillor Peter Wethey becoming the Deputy Mayor acting in the capacity of Mayor. A by-election will be held early next year. Long Term Plan briefings continue with Councillors.




### Community Planning




*Policy* – A decision was released on the proposed Plan Change for Fire Safety (PC4). All submitters were notified on 20 December 2017 and the appeal period will close 22 February 2018. Work is progressing on a suite of plan changes required in order to give effect to the Regional Policy Statement. The Plan changes were presented to Council in December 2017.





A review of the Reserves Contribution Policy began in late 2017 and a proposal for a Great Walk through the Kaipara was submitted to the Department of Conservation, after coordination with iwi and other authorities.




*Community* - A Community engagement session in was held in Pahi. This was attended by the Mayor and approximately 40 residents. Staff attended update community meetings at Maungaturoto, Baylys Beach, Matakohe and Paparoa.

<b>Highlights</b>
<p><b>Community Planning</b> – A considerable amount of engagement was received by the Pahi community.</p> <p><b>Corporate Planning</b> – The new customer management system will provide advantages for staff, including accurate reporting and an improved service for customers.</p> <p><b>Governance</b> –No highlights.</p>
<b>Risks and Issues</b>
<p><b>Community Planning</b> – Resourcing issues have meant community meetings have not occurred as much as the team would like.</p> <p><b>Corporate Planning</b> – Resourcing will be a risk given the numerous technology projects currently underway.</p> <p><b>Governance</b> – Resourcing issues and Council decision making may delay the Long Term Plan process.</p>




<b>Governance</b>						
<b>Levels of Service Statement</b>	<b>Performance Measures</b>		<b>Current Performance</b>	<b>LTP Year 3 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	<b>Customer</b>	<b>Technical</b>				
Compliance with legal requirements (as stipulated in the Local Government Act 2002 and Local Government Official Information and Meetings Act 1978 (LGOIMA)) around formal meetings of Council and its Committees.	New measure from 2015/2016	Meetings of Council and Committees are correctly convened and legislatively compliant	Achieved	All 	Achieved	Achieved.
Elected Members/ Commissioners are provided with detailed, accurate and relevant information.		Comprehensive reporting to Council and Committee meetings using approved systems and processes	Achieved	All 	Achieved	Achieved.
		Commissioners/Elected Members are satisfied with the level of support and service provided by others	Not measured as yet	Stable trend 	Not measured as yet	No survey has been undertaken for this year.


<b>Governance</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
		Percentage of residents that are very/fairly satisfied with how rates are spent on services and facilities provided by Council	60%	70% 	60%	Not achieved however preliminary results from first quarter show a 10% improvement on last year.
That the Elected Members/Commissioners identify and respond to external risks or mitigate effects on the community.	Percentage of residents that are very/fairly satisfied with the way Council involves the public in decision-making		68%	40% 	68%	Achieved. Preliminary results from first quarter show a vast improvement since 43% in 2016.
A proactive programme to develop good relationships with the community and mana whenua.	Of those residents which have a view, the percentage of residents and non-resident ratepayers who have some level of confidence in Council to make plans for the future that are in the best interest of the District		66%	Increasing Trend 	66%	Preliminary results from first quarter show an increasing trend since 40% in 2016.



<b>Governance</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	Percentage of residents who rate the performance of Commissioners/Elected Members as very good/fairly good		0%	50% 	0%	Annual survey not yet undertaken.
	That the Mana Whenua Forum meets regularly		1	4 times per year 	1	Not achieved. One Forum was held before Christmas. It is unlikely there will be 4 meetings this year.
The transition from Commissioners back to Elected Members is successful.	New measure from 2015/2016	Committees Governance Structures are reviewed and adopted by the new Council	Achieved	Yes 	Achieved	The Governance structure continues to be adapted and is included in the Governance Statement
	New measure from 2015/2016	Good levels of participation in elections	N/A	Over 45% 	N/A	There was no election held this quarter.


Governance						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
Processes established and maintained that provide opportunities for Maori to participate in decision making (Section 81 LGA 2002).	Iwi Relationship Plan is developed and used	New measure from 2015/2016	0	Mana Whenua Forum meets 4 times per year 	0	Not achieved. One Forum was held before Christmas. It is unlikely there will be 4 meetings this year.
	Participation in Iwi Chief Executives Forum	New measure from 2015/2016	1	Chief Executive attends at least 2 meetings per year 	1	On track. A second meeting is scheduled for February 2018.
	Maori Staff Group	New measure from 2015/2016	Achieved	Meets 4 times per year 	Achieved	The Maori Advisory Group meets regularly.



<b>Community Planning</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
Community Action Plans produced to build community trust in Council.	Number of Community Planning meetings held and Community Actions Plans developed	New measure from 2015/2016	4	4 per year 	4	Achieved.
All statutory required plans and documents are produced in accordance with legislative process and requirements e.g. District Plan, Reserve Management Plans and Asset Management Plans, Gambling Policy.	New measure from 2015/2016	District Plan; percentage of Building Consents that do not require a Resource Consent	45%	50% 	46.5%	Not achieved. It is anticipated that changes made to the operative District Plan as a result of the decision on PC4 will increase this number significantly.
	New measure from 2015/2016	Reserve Management Plans for all reserves in the District	Not achieved	50% 	Not achieved	Progress is being slowly made on developing an Omnibus Reserve Management Plan. Staffing resources are likely to be directed to the Reserves and Open Space Strategy, which will act as an overarching document to guide the

<b>Community Planning</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
						development of Reserve Management Plans.
Community Development Fund is distributed through Community Planning and is recorded, reported and within budget.	Percentage of Community Development Fund distributed		25%	100% 	50%	On track. Key projects have been prioritised from Community Action Plans for this fund.

<b>Corporate Planning</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
Legal compliance of all statutory plans in accordance with the Local Government Act, with unqualified audit opinions.	New measure from 2015/2016	Council has adopted Long Term Plan/Annual Plan at 30 June each year	On track	Achieved 	On track	On track.
	New measure from 2015/2016	Organisation has a Business Plan to implement Annual Plan / Long Term Plan by October each year	Achieved	Achieved 	Achieved	On track.

	New measure from 2015/2016	Council is a 'going concern'	Achieved	Council has adopted Annual Report at 31 October each year with a clean audit report 	Achieved	The 2016/17 Annual Report was adopted 26 September 2017.
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**Solid Waste****What has changed?**




The Waste Minimisation and Management Plan has now been adopted and the 2017 Solid Waste Asset Management Plan have been completed. A process is underway to gain consent to complete the leachate disposal upgrade at Hakaru. Once this has been completed there will be considerable annual savings as the leachate will no longer require carting off site.



**Highlights**

Crossing upgrades at the Dargaville Transfer Station have been completed. With these now in place traffic movements throughout the site are much safer and less congested. The temporary closure of the transfer station while loading the northland waste truck has been resolved.

**Risks and Issues**



The collection and processing of certain plastics are still an issue and this will continue to be a risk so long as NZ continues to rely on offshore markets for recycled plastics.


Solid Waste						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to date	Comment
	Customer	Technical				
<p><b>Reliability</b></p> <p>To provide community regular kerbside collections.</p>	Percentage of residents who are satisfied with rubbish collection measures by the number of complaints per calendar year regarding collection as a percentage of the total service requests	New measure from 2015/2016	99.8%	73% satisfied 	99.7%.	Achieved.  9 requests relating to rubbish collection were received this quarter from a total of 3,049 received by Council. Year to date equates to less than .5% of complaints.
To ensure that closed landfill activities meet legislative compliance.	New measure from 2015/2016	Percentage of compliance with our resource consents	100%	100% 	100%	There have been no consent compliance issues raised by NRC.
To encourage recycling and reduction of waste to landfill.	New measure from 2015/2016	Percentage of residents who are very/fairly satisfied with recycling collection in the annual Communitrak Survey	58%	52 % 	58%	Preliminary results from first quarter.

<b>Solid Waste</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to date	Comment
	Customer	Technical				
		Reduction in amount of waste to landfill from recycling activities with a percentage drop from year to year being a total of 3% less in 3 years.	19.11% recycled	1% less than previous year 	19.19% recycled of total refuse	On target to achieve annual performance goal.
	New measure from 2015/2016	Baseline measurement for recycling in 2014 is 530 tonnes of recycling diverted from landfill.	408	Increasing trends of tonnes recycled 	786	Year to date 786 tonnes diverted from 4,096 tonnes of general refuse. Target for year has already been met.



The Provision of Roads and Footpaths
<p><b>What has changed?</b></p> <p>We are now into the third and final year of the 2015-2018 NZTA funding programme. The delivery of the total budget for the 2017/2018 year has been the focus in the current construction season and will remain so for the rest of the year.</p> <p>Our commitment is to investigate and design one seal extension/seal widening project per financial year. This construction season we will complete the third project which is Settlement Road. Physicals works will start in the next quarter.</p> <p>Bridge Rating: The bridges have been inspected and rated. As a result the design process for the deficient bridges is being implement.</p>
Highlights
<p>The roading team, as part of the NTA, have developed and put out to tender the new maintenance and renewal contracts for all Northland councils. Tenders close 5 March 2018 with the contracts starting 1 July 2018.</p> <p>After more than two years of work, the final Asset Management Plan (AMP) and financial investment proposal was developed in-house and delivered to NZTA in time.</p> <p>An unsealed road high-speed data collection is underway and the results are due in the next quarter. This will be the first time in New Zealand that a high-speed data run has been completed over an unsealed network and will provide a complete snapshot of the network for the first time.</p>
Risks and Issues
<p>Weather conditions may cause construction delays on projects that need to be completed by 30 June 2018.</p> <p>Storm events greater than average weather events will require a reforecasting of the annual budgets to accommodate the costs to repair District roads.</p>




The Provision of Roads and Footpaths						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<p><b>Safety</b></p> <p>The transportation network is designed and managed for</p>	<p>Number of road fatalities and serious injuries caused by road factors</p>	<p>New measure from 2015/2016</p>	<p>0 serious</p>	<p>11 per year</p> <p style="text-align: center;"><span style="color: green; font-size: 2em;">●</span></p>	<p>1 serious</p>	<p>Five serious injuries have occurred on local roads. The one road related injury to date,</p>

safe use with low crash and injury rates.						was recorded in the first quarter period.
<b>Road condition (smoothness)</b> The average quality of ride on a sealed local road network, measured by smooth travel exposure.	New measure from 2015/2016	Smoothness within average range as below: <90 smooth 90-110 average >110 rough	0	90-110 	0	Annual survey not yet undertaken.
<b>Road Condition (Pavement Integrity Index)</b> Pavement Integrity Index (PII) is a combined index of the pavement faults in sealed road surfaces. It is a 'weighted sum' of the pavement effects divided by total length.		PII within average range as below: <7 poor >10 good >11 very good	0	7-10 	0	Annual survey not yet undertaken.

<b>The Provision of Roads and Footpaths</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Road Maintenance</b> The percentage of the sealed local road network that is	New measure from 2015/2016	Minimum reseal percentage of the total sealed length of the network that	.35%	6.8% 	.35%	Reseals are in progress.



resurfaced (this is based on a design life of 15 years).		will be undertaken each year to keep up with surface determination rates				
<b>Footpaths</b> The percentage of footpaths within the District that fall within the level of service as determined by the condition rating (facilities are up-to-date, in good condition and 'fit for purpose').	Percentage of residents who are very/fairly satisfied with footpaths		0%	73% 	0%	Annual survey not yet undertaken
Response to service requests	Percentage of customer service requests, approved for action, closed (customer informed of intended work schedule) within the target day timeframes set.	New measure from 2015/2016	89.59%	90% 	90.53%	Not achieved this quarter but on target to achieve for the year. The number of overdue streetlight related requests is being addressed.

<b>The Provision of Roads and Footpaths</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>Road Maintenance</b> The length of the unsealed*local road network that is graded.  *One Network Road Classification (ONRC)	New measure from 2015/2016	The length of the unsealed local road network that is graded per annum for Secondary Collector	28km	140km minimum 	68km	Routine grading targets are on track for the second quarter with 48.6% of the overall target achieved year to date.
	New measure from 2015/2016	The length of the unsealed local road network that is graded per annum for Access	308km	1,200km minimum 	607km	Grading was formally stopped for the season on 01 November leading into the dry summer season, although grading has occurred when weather conditions have allowed.
	New measure from 2015/2016	The length of the unsealed local road network that is graded per annum for Access (Low Volume)	222km	750km minimum 	372km	

## Sewerage and the Treatment and Disposal of Sewage

### What has changed?

The 2017/2018 district-wide Capital Works Programme has been developed, and the works for this year include pipe renewals in Dargaville. These renewals have been determined as needing replacement due to the age and condition of the infrastructure. The Dargaville Wastewater Renewals are in the awarding stage, with construction planned to start around February/March 2018.

An upgrade is needed at pump station 1 in Dargaville along with the rising main that leads to the pump station. Geotechnical surveying is currently being carried out as part of the design.

The SCADA upgrade at Maungaturoto to incorporate into the centralised SCADA system is near completion. Once internal system upgrades are finalised the SCADA connection can be made.




CCTV of wastewater pipes in Maungaturoto has been completed and the upgrade of two pump stations on Estuary Drive have now been completed.




### Highlights





The upgrades of two pump stations on Estuary Drive in Mangawhai will assist with the wastewater capacity needs, to meet the growth demand in Mangawhai.


### Risks and Issues

Pump Station/Pond overflows following heavy rainfall events may breach consent conditions. Te Kopuru and Kaiwaka continue to breach their consents for ammonia and faecal coliforms. Council is in discussions with NRC.

<b>Sewerage and the Treatment and Disposal of Sewage</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<p><b>System and adequacy</b></p> <p>Legal compliance with all resource consents for discharges into the environment from Council systems. The exception, provided for in the consent, is severe weather events and power failure.</p>	New measure from 2015/2016	The number of dry weather sewerage overflows from Council's sewerage systems, expresses per 1,000 sewerage connections to that sewerage system. The resource consents provided for severe weather events and power failure exceptions.	0	0 	0	Achieved.
<p><b>Discharge Compliance</b></p> <p>Compliance with Council's resource consents for discharge from its sewerage system.</p>	New measure from 2015/2016	The number of abatement notices received by Council in relation to its resource consents for discharge from its sewerage system.	0	0 	0	Achieved.
	New measure from 2015/2016	The number of infringement notices received by Council in relation to its resource consents for discharge from its sewerage system.	0	0 	0	Achieved.

<b>Sewerage and the Treatment and Disposal of Sewage</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	New measure from 2015/2016	The number of enforcement received by Council in relation to its resource consents for discharge from its sewerage system.	0	0 	0	Achieved.
	New measure from 2015/2016	The number of convictions received by Council in relation to its resource consents for discharge from its sewerage system.	0	0 	0	Achieved.
<b>Fault response times</b> Where Council attends to sewerage overflows resulting from a blockage or other fault in Council's sewerage system.	<i>Attendance time:</i> from the time that Council received notification to the time that service personnel reach the site.	New measure from 2015/2016	2 hours 42 mins	1 hour 	3 hours 15 mins	Not Achieved. Out of 42 service requests received 15 were responded to within time. However all requests were attended to within 2 hours and 42 minutes
	<i>Resolution time:</i> from the time that Council receives notification to the time that service personnel confirm	New measure from 2015/2016	Average time was 5 hours 26 mins	4 hours for minor blockages,	Average time is 20 hours 43 mins	Partially achieved. The reporting does not define between minor or significant blockages.

<b>Sewerage and the Treatment and Disposal of Sewage</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	resolution of the blockage or other fault.			3 days for significant blockages 		Combined blockages and other faults were resolved within an average timeframe of 5 hours and 26 minutes
<b>Customer satisfaction</b>  The total number of sewerage system complaints received by Council.	The total number of complaints received by Council about sewage odour. Expressed per 1,000 sewerage connections to that sewerage system.	New measure from 2015/2016	0.6	16 	3.6	Achieved.  Based on 3 complaints received and 4,695 Kaipara Wastewater Connections.
	The total number of complaints received by Council about sewerage system faults expressed per 1,000 sewerage connections to that sewerage system.		4.3	16 	8.4	Achieved.  Based on 20 complaints received and 4,695 Kaipara Wastewater Connections.
	The total number of complaints received by Council about sewerage system blockages.	New measure from 2015/2016.	4	15 	14.8	Achieved.  Based on 19 complaints received and 4,695 Kaipara Wastewater Connections.

<b>Sewerage and the Treatment and Disposal of Sewage</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	Expressed per 1,000 sewerage connections to that sewerage system.					
	Council's response time to complaints regarding its sewerage system.	New measures from 2015/2016	2 hours 33 mins	1 hour 	1 hour 55 mins	Not achieved. Target is unrealistically high.

## Stormwater Drainage

### What has changed?

The 2017/2018 Capital Works programme includes investigations for stormwater improvements at Baylys Beach and Mangawhai, both of which are in progress. As part of the Mangawhai Community Plan Project, (looking at growth and proposed infrastructure of the area) the development of a Mangawhai Stormwater Management Plan Stage 1 was completed in 2016/2017; stage 2 of the Management Plan is nearly complete.

### Highlights

Mangawhai Stormwater Catchment Management Plan stage 2 is nearly complete.

Asset investigations continue across the district.

Many minor operational projects and service requests have been finalised and implemented recently and this has created positive progress on the current financial year's budget.

### Risks and Issues






Once CCTV of the Parore Street catchment is reviewed, it is likely to identify further projects for the 2017/18 financial year, which could cause delays.




There are still minor operational works outstanding that are on hold due to budget allowances and prioritisation. Future issues may arise with this work not being completed although these are able to be monitored and maintained.

The lack of stormwater asset information and networks under capacity is a risk.

Coastal hazard mapping will result in Council decisions required to be made.



<b>Stormwater Drainage</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
<b>System Adequacy</b> To provide Stormwater drainage systems in urban areas with the capacity to drain water from rainfall events with a 1 in 10 year rain event.	New measure from 2015/2016	Number of flooding events that occur in the Kaipara district	0	2 	0	Achieved.
<b>Discharge Compliance</b> Compliance with Council's resource consents for discharge from its Stormwater system.	New measure from 2015/2016	For each flooding event the number of habitable floors affected (expressed per 1,000 properties connected to Council's Stormwater system)	0	10 	0	Achieved.
	New measure from 2015/2016	The number of abatement notices received by Council in relation to those resource consents	0	0 	0	Achieved.
	New measure from 2015/2016	The number of infringement notices received by Council in relation to those resource consents	0	0 	0	Achieved.
	New measure from 2015/2016	The number of enforcement notices received by Council in relation to those resource consents	0	0 	0	Achieved.

<b>Stormwater Drainage</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	New measure from 2015/2016	The number of convictions received by Council in relation to those resource consents	0	0 	0	Achieved.
<b>Response Times</b> The median response time to attend to a flooding event.	The time from when Council receives notification to the time that service personnel reach the site	New measure from 2015/2016	N/A	2 hours for urgent events 	N/A	Achieved. No flooding events this quarter.
<b>Customer Satisfaction</b> The total number of Stormwater system complaints received by Council.	The number of complaints received by Council about the performance of its Stormwater system, expressed per year	New measure from 2015/2016	0	18 	2	Achieved.

## Water Supply

### What has changed?

#### CAPEX Improvement

The 2017/2018 Capital Works improvement programme has been developed and the works for this year include pipe renewals in Dargaville. Designs for the Dargaville and Baylys Beach areas have been completed and put out to tender. The contract is in the awarding stage.

To stay within NRC consent conditions, a tender for the investigations and design of the Backwash Discharge at the Dargaville and Maungaturoto Water Treatment Plants is on hold. This is pending improvement investigations requiring a change in the chemicals used.

The internal monitoring of the water take consents identified a need for a replacement transducer at the Piroa water take in Maungaturoto. This work was carried out by the maintenance contractors.

Internal monitoring of all other water take consents and Drinking Water Standards will identify any works needed to stay within compliance.





### Highlights



Due to sufficient rainfall and catchment monitoring during December, water restrictions were not implemented during this period.




### Risks and Issues





A Water Supply Agreement with users of extraordinary supplies has been sent out to inform them that amongst other things the water supplied should not be used for human consumption. Meetings have been held with the users.


As the summer continues there could be prolonged dry periods which may lead to water restrictions for reticulated residents.

<b>Water Supply</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
Safety of drinking water in accordance with NZDWS 2005 (2008).		The extent to which Council's drinking water supply complies with Part 4 of the NZDWS (bacteria compliance criteria)	Dargaville Maungaturoto Ruawai	Dargaville Maungaturoto Ruawai 	Dargaville Maungaturoto Ruawai	Achieved.
		The extent to which Council's drinking water supply complies with Part 5 of the NZDWS (protozoa compliance criteria)	Dargaville Maungaturoto Ruawai	Dargaville Maungaturoto Ruawai 	Dargaville Maungaturoto Ruawai	Achieved.
Maintenance of the reticulation network.		The percentage of real water loss from Council's networked reticulation system. Source: Water Balance and Review for Kaipara District Council dated January 2013  Note: Nationally adopted practices for calculating a water balance (this includes the infrastructure Leakage Index) have been used in this exercise	Not measured as yet	Dargaville 20% Maungaturoto 25% Ruawai 25% Mangawhai 25% (Annual target) 	Not measured as yet	This report will be produced on an annual basis, results will be included in the annual report.
<b>Fault response times</b>  Where Council attends a callout in response to a	The median response time for attendance for	New measure from 2015/2016	N/A	1hr 	24 mins	Achieved.  No urgent call outs for this period.


<b>Water Supply</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
fault or unplanned interruption to its networked reticulated system.	urgent callouts: from the time that Council receives notification to the time that service personnel reach the site					
	The median response time for resolution of urgent callouts: from the time that Council receives notification to the time that service personnel reach the site.	New measure from 2015/2016	N/A	2 hours 	1 hour	Achieved. No urgent call outs for this period.
	The median response time for attendance for non-urgent callouts: from the time that Council receives notification to the time that service	New measure from 2015/2016	1 hour	2 hours 	1 hour 10 mins	Achieved. Based on a total of 11 non urgent call outs.

<b>Water Supply</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	personnel reach the site					
	The median response time for resolution of non-urgent callouts: from the time that Council receives notification to the time that service personnel confirm resolution of the fault	New measure from 2015/2016	1 hour	3 days 	3 hours 30 mins	Achieved. Based on a total of 11 non urgent call outs.
<b>Customer Satisfaction</b> The total number of water supply complaints received by Council.	The total number of complaints for the District received by Council about drinking water clarity	New measure from 2015/2016	2	5 	2	Achieved.
	The total number of complaints for the District received by Council about drinking water taste	New measure from 2015/2016	1	6 	1	Achieved.

<b>Water Supply</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	The total number of complaints for the District received by Council about drinking water odour	New measure from 2015/2016	0	4 	0	Achieved.
	The total number of complaints for the District received by Council about drinking water pressure or flow	New measure from 2015/2016	2	18 	4	Achieved.
	The total number of complaints for the District received by Council about drinking water continuity of supply	New measure from 2015/2016	6	8 	15	Not achieved. A number of separate supply issues arose this quarter.
	Council's response time to complaints regarding Council's water supply clarity, taste, odour,	New measure from 2015/2016	15 hours 59 mins	<24 hours 	13 hours 26 mins	Achieved. Based on the response time to the 11 complaints received as above.

<b>Water Supply</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
	pressure and continuity of supply.					
<b>Demand Management</b>		The average consumption of drinking water per day per resident within Kaipara district = billed metered consumption (m <sup>3</sup> ) × 1,000 numbered connections × 365 × 2.5 (occupancy rate)	Not measured as yet	Dargaville 275 Maungaturoto 340 Ruawai 130 Glinks Gully 52 Mangawhai 230 (Annual target). 	Not measured as yet	This report will be produced on an annual basis, results will be included in the annual report.



<b>Water Supply</b>						
Levels of Service Statement	Performance Measures		Current Performance	LTP Year 3 Annual Target	Year to Date	Comment
	Customer	Technical				
		Water take consents	100%	100% compliance with NRC water take consents 	100%	Achieved.

## **5 Long Term Plan**

[Secretarial Note: The following papers will be circulated under a separate cover.]

### **5.1 Significance and Engagement Policy – Draft**

### **5.2 Treasury Policy – Adoption**

### **5.3 Mangawhai Community Plan Final: Adoption**

### **5.4 Long Term Plan 2018/2028 : Approval of source documents for the preparation of the LTP**

### **5.5 Long Term Plan 2018/2028 : Approval of Consultation Document – A Bright Future**

## **6 Information Papers**

### **6.1 General Bylaw Review**

**Regulatory Manager and Policy Planner                      3204.02**

#### **Recommended**

*That Kaipara District Council:*

- 1     *Receives the Regulatory Manager's and Policy Planner's report 'General Bylaws Review' dated 16 February 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, which determines that it does not require further information prior to making a decision on this matter; and*
- 3     *Agrees with the initial direction highlighted by Council staff, and directs staff to proceed with amendments as highlighted in the General Bylaw Review Report dated 16 February 2018.*

**File number:** 3204.02  
**Report to:** Council  
**Meeting date:** **28 February 2018**  
**Subject:** **General Bylaw Review**  
**Date of report:** 16 February 2018  
**From:** Dean Nuralli, Regulatory Manager  
 and Paula Hansen, Policy Planner

**Approved for agenda**

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

### Summary

This report is to provide background information on the current review of the Kaipara District Council's General Bylaws (the Bylaws). The Bylaws last review was completed in June 2008. A 10 year review is therefore currently due. This review needs to be completed by June 2018.

Apart from content, Council staff have also considered the look and feel of the document, including the layout and how all of the Parts fit together or as an individual Part. Council will also need to consider if they would like to keep the Bylaws as a consolidated document or to separate these out into individual Bylaws.

Council staff would like to work with the Planning and Regulatory working group to progress changes to the General Bylaw along the lines outlined within this report.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Regulatory Manager and Policy Planner's report 'General Bylaws Review' dated 16 February 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, which determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees with the initial direction highlighted by Council staff, and directs staff to proceed with amendments as highlighted in the General Bylaw Review Report dated 16 February 2018.*

### Reason for the recommendation

Council needs to complete a full Bylaws 10 year review within the set legal timeframe and be informed of all tracked suggested changes, taking into account the impact on the Kaipara District Council communities.

## Reason for the report

To inform Council on progress of the General Bylaws review, outline areas of changes and get confirmation from Council on the proposed direction for each part of the General Bylaws. This report also requests the Planning and Regulatory Committee to form a working group to assist Council staff with the drafting of proposed changes.

## Background

Territorial authorities are able to make Bylaws to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise the potential for offensive behaviour in public places. Bylaws may also be put in place to regulate, manage or protect Council assets. Specific provisions are also made for the adoption of such Bylaws for the control of unique and emerging issues/offences in public places.

Bylaws, and amendments to Bylaws, are required to be adopted following the use of the Special Consultative Procedure. Local authorities must determine, before commencing the Bylaw-making process, whether a Bylaw is the most appropriate way of addressing the perceived problem. A further provision provides that Bylaws must be reviewed within five years after they are made and thereafter at 10 year intervals, otherwise they will lapse two years after the date by which they were due to be reviewed.

The General Bylaws need to be reviewed by June 2018. Council staff have been looking at current issues and any emerging issues to see if and how they can be managed through the General Bylaws. There are a number of significant changes that will be put forward to Council in the near future to confirm the direction of potential changes that staff are recommending.

This report outlines the potential changes in response to an initial staff review of the General Bylaws and where Council input is required.

Sections 146 – 156 of the Local Government Act 2002 (the Act), determine the requirements for setting and reviewing a Bylaw. It is with these sections in mind that Council staff have been reviewing the current General Bylaws. The following questions have been asked for each part:

- Are Bylaws still the most appropriate way to manage an issue?
- Is each Part of the Bylaw still relevant?
- Are there any emerging issues that could be covered by a Bylaw?
- How easy is the Bylaw to understand?
- Are the Bylaws written clearly enough to enforce?
- Is each Part consistent, particularly with terminology, between each other?
- Is there any double-up with National Legislation/ Regulations?

The Bylaws currently contain seventeen parts. Each part has a different purpose. Council staff have been reviewing the content of each of these Parts, in line with the questions above.

Apart from content, Council staff have also considered the look and feel of the document, including the layout and how all of the Parts fit together or as an individual Part. Council delegations and supporting documentation such as application forms are also in the process of being collated.

Council will also need to consider if they would like to keep the Bylaws as a consolidated document or to separate these out into individual Bylaws.

Council staff would like to work with the Planning and Regulatory working group to progress changes to the General Bylaw along the lines outlined within this report.

### Issues

The following outlines the issues, and therefore potential changes, that will need to be made to each section of the General Bylaws and indicates the level of changes proposed in terms of content of the General Bylaws. Minor changes are generally where the provisions cover the same topic but may be written differently. Further work will be undertaken to consider the look and feel of the Bylaws and the wording needed to make it easier to understand, (plain English) where possible. Another work stream is to ensure any application forms and guidelines on approval criteria and possible conditions to approvals are in place, to ensure consistent conclusions when providing approvals under the General Bylaws.

- Part One – Introductory: There are some inconsistencies between this Part and the other Parts. Staff have been considering inconsistencies between different Parts of the Bylaw, particularly with regards to terminology. The aim is to ensure that the different parts of the Bylaw fit well together and do not contradict each other. New provisions may be needed for licences (permissions, approvals, or permits) to provide consistency between each Part where such approvals are required by Council or their representative.
- Part Two - Public places: No major issues identified, minor changes with the addition of skateboards/skating devices and alfresco dining.
- Part Three – Trading in Public Places: No major issues identified, minor changes proposed.
- Part Four – Solid waste: A number of issues have been identified. The most pressing issues for solid waste include illegal rubbish dumping, rubbish being put out too early, people using the wrong bags, multiple unlicensed solid waste operators, lack of accurate reporting from operators, clean fills, household rubbish being dumped in public litterbins, hazardous waste disposal. The current Bylaw needs to be strengthened in some areas to address these issues and will require new clauses to address some emerging issues. Bylaw provisions need to be clear in terms of infringement details and the Acts that they relate to.
- Part Five – Signs: no changes proposed. While the District Plan also has rules around signage, depending on the situation Bylaws are more appropriate to use. The mechanism used generally depends if the situation is a health and safety issue or an environmental issue.
- Part Six - Amusement Galleries: It is believed that the issues that these premises would create are adequately covered under the District Plan and within National Regulations. There has also been very little interest in establishing these types of premises. This could potentially be deleted, however Council needs to be comfortable that the District Plan and any National Regulations are the right mechanisms to manage these, should one be decided to be established.
- Part Seven – Fires in the Open Air – This Part is proposed to be deleted, as the new Fire and Emergency New Zealand Act 2017 now has jurisdiction over all of these provisions. Consultation with Fire and Emergency New Zealand (FENZ) needs to be undertaken prior to any formal decision

by Council. Discussions are being had with FENZ regarding this matter and there are some potential gaps that may need to be filled with Bylaw provisions. Use of fireworks is one area that could be included in the General Bylaws, potentially under Part 2 Public Places.

- Part Eight – Keeping of Animals, Poultry and Bees: Council needs to consider if they are happy with this approach or if they want to be more permissive or restrictive. There have been some complaints regarding beehives in the Rural Zone, however staff believe that they are isolated instances and are not at a level that warrants new provisions. Given that beekeeping is a growing industry, particularly in Northland which has one of the highest concentration of beehives in the country, a balance needs to be made in terms of allowing for this industry to continue to grow and the potential nuisances bees can create to neighbouring properties. Some minor changes to improve clarity are proposed. It is suggested that Schedule One be taken out as we have had no applications over the last 10 years and for this to be used as guidance should staff receive an application for stock in the urban area. This Schedule will also need to be tidied up for better consistency with Part One of the General Bylaws.
- Part Nine – Cemeteries and Crematoria: The current approach allows some flexibility to how cemeteries are managed. However, Council needs to consider if it is still appropriate to manage cemeteries in this way, or if they want to be more specific and include details. Another approach is not to have any Bylaws governing the management of the cemeteries and instead rely on Council Policies and Reserve Management Plans, similar to what is being proposed for Libraries below. It is suggested that the Bylaw is not needed and that a Policy approach be taken for the day to day management of public cemeteries. Currently Council staff have an informal Code of Practice which is referred to in order to ensure consistent decisions are made. This Code of Practice could be formalised by Council in place of a Bylaw. Staff suggest revoking this part of the Bylaw if there is no legal reason to keep them. Bylaws for crematorium under the Burials and Cremation Act only applies to Council-owned crematoria and Council does not own any crematoria. It is unclear if a Bylaw under the Act is to apply to Council-owned cemeteries or to all cemeteries.
- Part Ten – Public Libraries: Proposed to be deleted. These Bylaws appear to govern the day to day running of the Dargaville Library. Given that Council has Policies in place to undertake the same function it is considered that the Bylaws are no longer required. Council Policies are also considered to be the more appropriate way to govern the day to day running of the library and still achieve the same outcome. The Library Manager has already been given the appropriate authority to run the library under these Policies. Staff suggest revoking this part of the Bylaw.
- Part Eleven – Cultural and Recreational Facilities: A Council facility means a swimming pool, museum, art gallery, hall, zoo or golf course under the ownership or control of Council. As with Cemeteries and Crematoria and Libraries, the need for a Bylaw to manage these facilities is questioned. There are rules attached to the condition of hire for the Norther Wairoa War Memorial Hall (also known as Dargaville Town Hall). Similar conditions or rules could also be introduced as part of the condition of use for any other facilities that Council may wish to take on board in the future. Staff suggest revoking this part of the Bylaw if there is no legal reason to keep them. Appropriate delegations will need to be considered and in place.

- Part Twelve – Nuisances: Some minor changes proposed. Some changes may depend on the outcome of discussions with FENZ.
- Part Thirteen – Skateboards: Deletion of this Part, with three clauses rehomed into Part Two, Public Places. Council does not seem to have any issues with skateboards and other skating devices. However it is considered appropriate to keep skateboards and other skating devices away from the CBD areas as already described in the current Bylaws. There are eight Clauses in the current Bylaw of which it is considered appropriate to keep three of them. The other five clauses refer to impounding of skateboards and skating devices. It is unlikely that Council will take this action and in the absence of any significant issue it considered redundant to have them.
- Part Fourteen – Gin Traps: Delete. The District has no issues with gin traps, and there is National legislation which governs the use of these and this is merely a double-up.
- Part Fifteen – Traffic: Content largely the same with additional provisions around weight restrictions on bridges and clarity within definitions. There will be some format changes to minimise repetition and improve clarity. Consistency with neighbouring authorities may result in some changes to wording and approach to dealing with similar content.
- Part Sixteen - Water Supply: Content largely the same, main change is the addition of a provision for exemptions from a restricted water season and clarity around extraordinary supplies. Main changes are around wording of current provisions to make the provisions easier to understand and hence enforce. Consistency with neighbouring authorities may result in some changes to wording and approach to dealing with similar content.
- Part seventeen – Land drainage: no changes proposed.

### ***Freedom Camping***

Freedom camping is an issue that keeps being raised. Freedom camping can be seen as both a positive and a negative activity in any given district. Under the Freedom Camping Act 2011 Council cannot put in place a blanket ban and Council cannot put in place freedom camping restrictions without specific issues being present within a defined area. As such Council cannot currently put in place a Freedom Camping Bylaw as there is not enough evidence to support a problem. Therefore, as part of the General Bylaw review, Council staff looked at the issues or perceived issues which freedom campers may create as opposed to freedom camping as a particular activity in itself. For example, the review considered if issues such as littering, leaving of excrement, public nuisances, health nuisances and noise had provisions that could be enforced. This was to ensure that the General Bylaws or other mechanisms are in place that could address the issues created by freedom campers rather than freedom camping itself.

Given that Council does not have enough evidence to put in place a Bylaw, Council may wish to instead consider a Policy on freedom camping to help manage freedom camping in the district. This could involve promoting areas for people to freedom camp and potentially providing facilities for freedom campers to use which will further encourage them to go to these places. When developing facilities it is possible that this could be done in a cost-neutral way, such as paid showers for a certain length of time, and metered power facilities.



### ***Delegations***

As part of this review, delegations will be reviewed to ensure that provisions that require approvals under the Bylaws are adequately captured. Delegations are important to ensure the timely response to any complaints under the Bylaws. In the absence of such delegations, an agenda item to Council may be required in order to provide a response. This would add a layer of complication to the community when trying to resolve an issue.

### ***Supporting documentation***

There are a number of permissions or considerations that Council officers may need to make upon request by individuals who wish to undertake an activity that requires such approval under the Bylaws. As part of this project, application forms and internal Council guidelines are being constructed. This is to support consistent outcomes with decisions and to support staff against allegations of bias should different outcomes occur between different applications.

### **Factors to consider**

#### ***Community views***

The reviewed General Bylaws will need to go through a Special Consultative Procedure process. This is where the community can have their say on the proposed changes. The views of the Councillors are required first.

#### ***Policy implications***

No other policy implications are anticipated at this stage.

#### ***Financial implications***

The main financial implications will be to undertake the Bylaws review process, including staff time and consultation.

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

This agenda item has legal implications in so much as the Bylaw review is required to be formally reviewed every 5-10 years. This agenda is to confirm that a review has been undertaken and has found that amendments to the General Bylaws should be undertaken. Council now needs to consider if they agree that amendments need to be made.

### **Options**

The options open and available to the Committee:

**Option A:** Council allows Council Officers to draft and put forward a recommended draft General Bylaws.

**Option B:** Council Officers work with Council's Planning and Regulatory Committee to work on changes to the General Bylaws.

**Option C:** Council does not make any changes and adopts the existing General Bylaws for consultation.

### **Assessment of options**

Option A means that Council will have no input into the drafting of any changes to the General Bylaws.

Option B means that Council will have some input into the drafting of any changes to the General Bylaws

Option C means that emerging issues or points of clarity are not addressed, therefore the same issues will exist and likely to persist if not get worse over the next 10 years.

### **Assessment of significance**

The Bylaws review although it is routine business practice (it is carried out on a 10 year cycle), is seen as significant in terms of Council's legal priority because of the legislated period requiring a General Bylaws review.

### **Recommended option**

The recommended option is **Option B**, that Council has input into the review of General Bylaws and suggested changes that address local and community issues.

### **Next step**

Council to provide feedback with regards to the suggested changes (or alternatively provide their input changes) for the Bylaws Review team to finalise.

### ***Timeline***

- 28 February 2018 meeting – Council confirms amendments need to be made and confirms the Planning and Regulatory Committee is to work with Council Officers on appropriate amendments.
- June 2018 – Council adopts the draft General Bylaws for consultation.
- July 2018 Draft General Bylaws submission period.
- End August 2018 – Hearing on submissions and deliberations.
- September 2018 Adoption of final reviewed General Bylaws.

## **7 Decision Papers**

### **7.1 Licence to Occupy Review**

**Policy Analyst                      5101**

#### **Recommended**

*That Kaipara District Council:*

- 1     *Receives the Policy Analyst's report 'Licence to Occupy Review' and its attachments dated 12 February 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 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; and*
- 4     *Notes the Community Grants Committee's recommendation that Council declines the current request by the Dargaville Arts Association for a variation to their Licence to Occupy, as per the report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' that was included in Kaipara District Council's Ordinary meeting agenda on 14 November 2017; and*
- 5     *Directs the Chief Executive to review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy.*

**File number:** 5101 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **28 February 2018**  
**Subject:** **Licence to Occupy Review**  
**Date of report:** 12 February 2018  
**From:** Natalie Robinson, Policy Analyst  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

At its November 2017 meeting the Community Grants Committee identified anomalies with how Council grants and administers Licences to Occupy, and resolved to request 'a review of all Licences to Occupy'. Information obtained by the ongoing review of the current leases and Licences to Occupy will allow a further opportunity to provide direction, by identifying anomalies that can then be addressed by policy.

The Committee resolved to make a number of recommendations to Council, which are set out in the body of the report. This Report seeks the resolutions to support these recommendations.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Policy Analyst's report 'Licence to Occupy Review' and its attachments dated 12 February 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 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; and*
- 4 *Notes the Community Grants Committee's recommendation that Council declines the current request by the Dargaville Arts Association for a variation to their Licence to Occupy, as per the report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' that was included in Kaipara District Council's Ordinary meeting agenda on 14 November 2017; and*
- 5 *Directs the Chief Executive to review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy.*

### Reason for the recommendation

By delegating the authority to undertake this review and recommended amendments, Council will confirm its policy direction regarding Licences to Occupy. This will be done in conjunction with a review

of all current Licences to Occupy, which will inform the policy amendments by providing 'gaps' where direction is needed.

### Reason for the report

The Community Grants Committee (the Committee) requires delegated authority from full Council in order to proceed with amendments to the Community Assistance Policy.

### Background

On 06 November 2017, the Committee met to consider applications for funding. The Committee identified anomalies with how Council grants and administers Licences to Occupy, and resolved to request 'a review of all Licences to Occupy'.

On 14 November 2017, Council received the report '*Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville*', and resolved that the item lie on the table to be brought back to Council with a review of all Licences to Occupy.

Council's Community Assistance Policy (**Attachment 1**) allows for community organisations to apply for Licences to Occupy, and provide a number of requirements community organisations must meet to be eligible (i.e. provide a benefit for the community) and ongoing obligations (i.e. accountability and acknowledgement). The Committee believes there is a need for more guidance regarding the granting and administering of Licences to Occupy, and that the appropriate mechanism for this would be amendments to the Community Assistance Policy. These amendments will ensure that Council is clear in its direction regarding Licences to Occupy.

Information obtained by the ongoing review of the current leases and Licences to Occupy will allow a further opportunity to provide direction, by identifying anomalies that can then be addressed by policy.

On 09 February 2018, the Committee resolved to make a number of recommendations to Council (**Attachment 2 - Minutes**). These recommendations are:

*'...that Kaipara District Council 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; and*

*...that Kaipara District Council declines the current request by the Dargaville Arts Association for a variation to their Licence to Occupy, as per the report '*Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville*' that was included in the agenda for Kaipara District Council's Ordinary meeting on 14 November 2017, as subletting is not consistent with the current policy; and*

*....that Kaipara District Council reviews the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy.'*

### Issues

Licences to Occupy are briefly discussed in the Community Assistance Policy; however, the Committee proposes that an amendment to the Policy would allow for clear and consistent guidance for the granting

and administration of Licences to Occupy. The recommendations of the Committee would also allow for the current Licences to Occupy to be reviewed to determine areas where policy direction is required. For example, the Dargaville Art Association's request for a variation to their Licence to Occupy has presented the requirement for policy direction regarding subletting. The Licence to Occupy template does not provide for subletting, however it is considered that Council should confirm this in the Community Assistance Policy, and provide for a rationale i.e. that Council would prefer to enter into agreements directly with the third party rather than allow for a devolution of roles and responsibilities.

## **Factors to consider**

### ***Community views***

Community organisations will benefit from clear policy direction regarding Licences to Occupy, rather than ad-hoc decision-making.

### ***Policy implications***

The Committee wishes to review and recommend amendments to the Community Assistance Policy to strengthen the policy framework and direction for Licences to Occupy. The Committee has also recommended to Council that the Rates Remission Policy be reviewed, to ensure that the two Policies are consistent.

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

The Committee requires the delegation by full Council to undertake a review of the Community Assistance Policy.

## **Options**

There are two Options to consider:

**Option A:** To delegate the authority to the Community Grants Committee to review and recommend amendments to the Community Assistance Policy to provide clear policy guidance for Licences to Occupy.

**Option B:** To not delegate the authority to the Community Grants Committee to review and recommend amendments to the Community Assistance Policy.

## **Assessment of options**

**Option A** would provide for policy guidance and direction on Licences to Occupy, to ensure they are managed consistently across the district. Option A would allow for the Community Assistance Policy to meet the goal of being a 'one-stop-shop' for the majority of community funding, and is considered appropriate by the Committee in order to address the anomalies that have arisen regarding Licences to Occupy.

**Option B** would allow things to continue as they currently operate, with any questions that arise regarding Licences to Occupy requiring interpretation based on the current Policy and Template. This Option will also not allow the Policy to be amended to address any 'gaps' that come to the attention of the Committee and Council officers when undertaking a review of the current leases and Licences to Occupy.

### **Assessment of significance**

This decision and delegation of Council does not trigger the thresholds of Council's Significance and Engagement Policy.

### **Recommended option**

The recommended option is **Option A**. This will allow the Committee to address the need for policy guidance and direction for Licences to Occupy.


### **Next step**

The Committee will review the Community Assistance Policy, and will recommend amendments to the Council in a 'draft', for consideration and adoption.

The Committee will also oversee the review of the current leases and Licences to Occupy that Council staff will continue undertaking.

### **Attachments**

- Community Assistance Policy adopted 14 August 2017
- Unconfirmed Minutes of Community Grants Committee from Extraordinary Meeting on 09 February 2018

 <b>KAIPARA DISTRICT</b> <small>THE OCEANS THE HARBOURS</small>	<b>Title of Policy</b>	Community Assistance Policy		
	<b>Sponsor</b>	General Manager Community	<b>Adopted by</b>	Council
	<b>Author</b>	Natalie Robinson/Darlene Lang	<b>Date adopted</b>	14 August 2017
	<b>Type of Policy</b>	Community Assistance	<b>Last review date</b>	August 2017
	<b>File Reference</b>	2109.01	<b>Next review date</b>	August 2020

Document Control			
Version	Date	Author(s)	Comments
1 <sup>st</sup> Commenced	14 August 2017	Natalie Robinson and Darlene Lang	Approved by Council
1.0			

## 1 Purpose

The purpose of this Policy is to create clear guidelines and an effective process to enable Council to assist community organisations to achieve their goals.

## 2 Objectives

The Community Outcomes as adopted by Council for the Long Term Plan 2018/2028 have informed the Objectives of this Policy. The Policy is intended to contribute to:

- A district with welcoming and strong communities; and
- A district with plenty of active outdoor opportunities; and
- A trusted Council making good decisions for the future.

## 3 Background

Kaipara District Council is committed to the Vision of 'Thriving Communities Working Together'. Council seeks to achieve this by assisting the community in developing and providing their own facilities and services, and building strong and welcoming communities.

Council is committed to recognising and supporting achievement; developing community leadership and self-reliance; assisting and supporting community involvement.

This Policy ensures that Council's contributions to communities are fair, consistent and strategically aligned to Council's Vision, Community Outcomes and the purposes of local government under the Local Government Act 2002.

### 3.1 Other Funding Options

This Policy is an umbrella framework that allows Council to consider requests for assistance under a number of separate schemes. Council also administers funding under the Mangawhai Endowment Lands Account (MELA) Policy. An application under this Policy may, if it meets the assessment criteria, be encouraged to apply under the MELA Policy. Council also administers a Rates Remission Policy which community groups may apply for. Community organisations can apply for Council's community facilities insurance, which may provide them with a reduced premium (community organisations must meet their own insurance costs).

The Northern Wairoa War Memorial Hall (also known as Dargaville Town Hall) is available at a discounted rate to community groups. Please Contact Council's administration department for further details and bookings.



Council administers a number of other funds, on behalf of other organisations who elect their own decision-makers, which assist specific community purposes, such as the Rural Travel Fund and the Creative Communities grants.

Council can provide letters of support to community organisations seeking alternative funding sources. This role is delegated to the Mayor to sign off individual requests.

Council’s website ( [www.kaipara.govt.nz](http://www.kaipara.govt.nz) ) is updated regularly to provide information on other funding sources community organisations may be eligible for. Council officers are available to assist community organisations both under this Policy and other funding options. This may include helping source and apply for funding, as well as general advice and navigation of Council services.

**3.2 Fund Distribution**

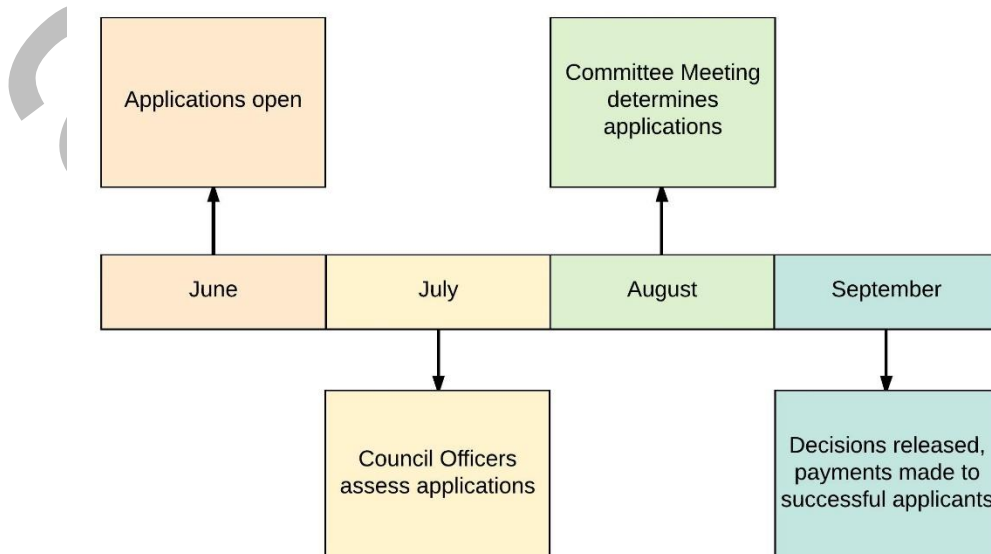
There is a need for a high level of transparency and accountability for the spending of public funds. To enable this standard to be met, accountability arrangements will be documented in a formal Contract between the community organisation receiving support and Council. The agreement will be appropriate to reflect the nature and level of support given.

Funding will be implemented through a Contract which will outline:

- The purpose for which the funding was provided;
- The conditions attached to the funding;
- Accountability requirements, including the methods to report back on the use of the funds;
- The steps Council will take if progress is not as planned.

**3.3 Timing of Applications**

The timing of community grants will be matched with the planning and budgeting cycles of the Council. Council will call for applications in June, and release decisions by September. Licences to Occupy and Contracts for Service may be applied for at any time, and will be considered by Council officers.



Decisions on Community Grant applications will be made by the Community Assistance Committee, who has delegated authority from Council to make decisions on applications. These decisions will be reported back to Council, and will be final. All Grants, new Licences to Occupy and Contracts for Service entered into during the year will be reported in the Annual Report for that year.

Application forms will be made available on Council's website and at Council offices when the funding round opens.

#### **4 General Assessment Criteria**

Council will consider the following when assessing applications received for Community Assistance. These are general criteria which community organisations applying for support need to demonstrate in their applications.

##### **4.1 *Benefit to the Kaipara, and contribute to Community Outcomes***

Kaipara District Council will provide assistance to community organisations as resources allow, and where this helps achieve the priorities specified in Council's Long Term Plan, the district's specified Community Outcomes and is not inconsistent with any other Council policies or plans.

Community assistance will be for organisations providing services or activities within the Kaipara district. Applications will be considered on merit and benefit to the community and/or the natural environment. Applications should be for services or projects not already provided by another group or agency.

##### **4.2 *Not-for-Profit***

Council will only provide assistance to legally constituted not-for-profit entities, and there should be a volunteer component to the service.

##### **4.3 *Financial Reporting***

All applications must be accompanied by an audited or reviewed Statement of Financial Position for the previous financial year, and a budget projection for the next financial year.

##### **4.4 *Central Government Funding***

Community organisations that receive the bulk of their funding from central government will not be eligible for grants.

##### **4.5 *Health and Safety***

Applicants must comply with all legislative requirements.

##### **4.6 *Acknowledgement***

All successful applicants must acknowledge the support of Kaipara District Council on any correspondence, advertising or other publicity material.

#### 4.7 **Accountability Requirements**

All recipients under this Policy are required to enter into an Agreement or Contract with Council that outlines the terms and conditions of the approved assistance. Funds will not be provided until both parties have signed the Agreement or Contract, which will outline, among other obligations:

- The purpose and conditions of the assistance;
- Accountability requirements, as determined by the level of assistance required.

#### 5 **Specific Assessment Criteria for Funding Mechanisms**

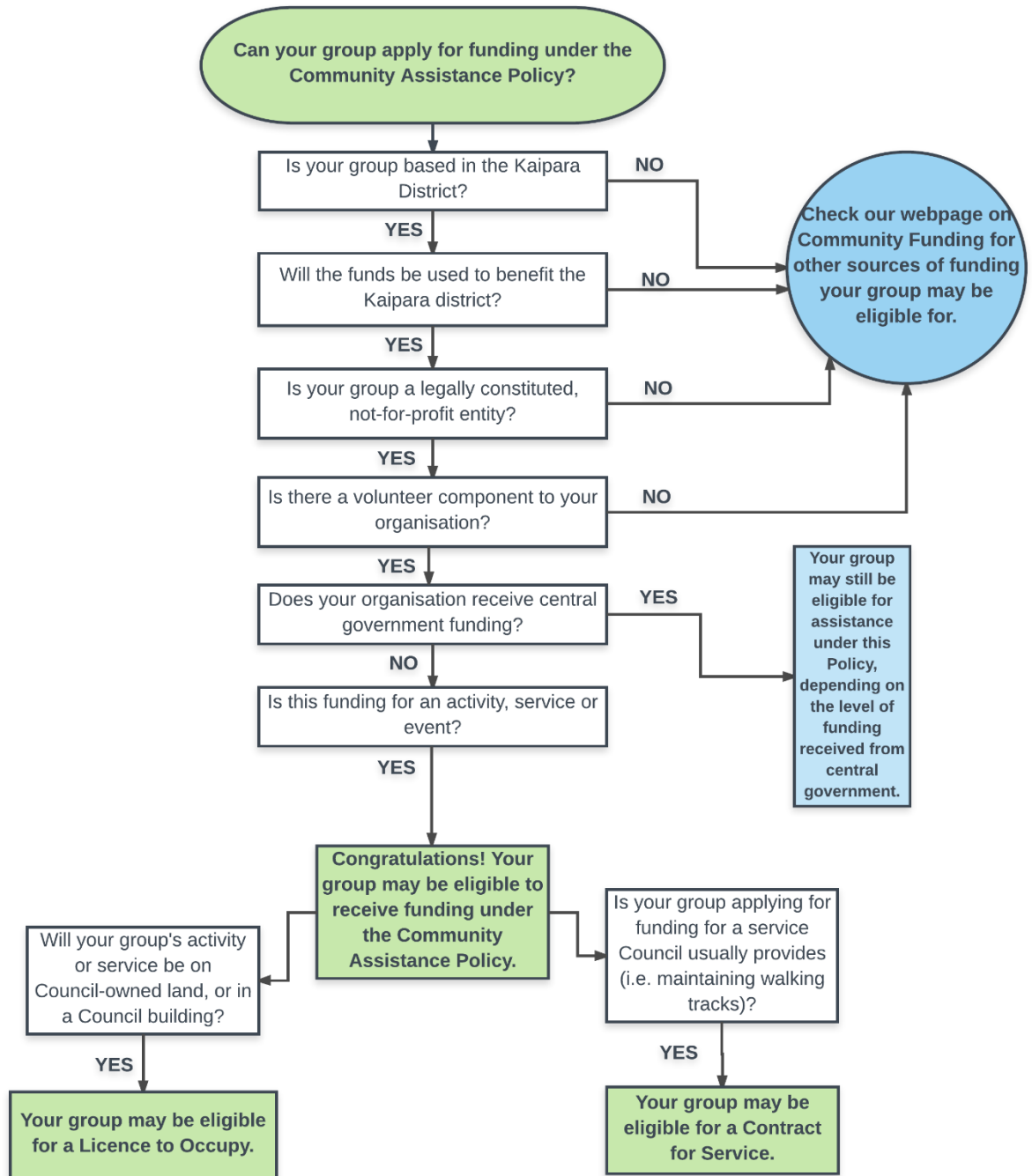
<b>Funding Mechanism</b>	<b>Specific Assessment Criteria for Funding Mechanisms</b>
<b>Community Grants</b>	<ul style="list-style-type: none"> <li>• Intended to make a contribution to an organisation to support Council's Community Outcomes;</li> <li>• Intended to support events, services or activities that are of benefit to the community, and can demonstrate those benefits;</li> <li>• These grants will be funded via the Community Assistance Grants budget;</li> <li>• Can be for operational costs or capital projects;</li> <li>• Applications will be called for in June of each year.</li> </ul>
<b>Building and Resource Consents</b>	<ul style="list-style-type: none"> <li>• Intended to contribute to the costs incurred by community organisations through the resource and building consent processes where Council's Community Outcomes and the general assessment criteria are met;</li> <li>• The maximum grant payable for either a resource or building consent will be \$3,000;</li> <li>• Community organisations will be provided with free process guidance with consenting staff to a maximum of four hours per application, if required;</li> <li>• These grants will be administered as part of Council's operational budget;</li> <li>• Activity Managers will report quarterly to Council on all Expressions of Interest and applications made under this scheme.</li> </ul>
<b>Contract for Service</b>	<ul style="list-style-type: none"> <li>• Intended to fund a community group for delivery of a service which councils generally undertake, that provides benefit to the community and is available to members of the public e.g. maintenance of walking tracks, public toilets, provision of community libraries;</li> <li>• A Contract for Service can be applied for at any time;</li> <li>• Contracts for Service will be considered by Council officers, and either approved OR declined by an Activity Manager, depending on the type and level of service being offered, and available budget:</li> </ul>

	<ul style="list-style-type: none"> <li>○ If approved, they will be administered as part of Council's operational budget;</li> <li>○ If <u>declined</u>, the organisation will be encouraged to apply (if eligible) for the next round of Community Grants funding through this Policy, or referred to other funding sources;</li> <li>○ The Activity Manager may be constrained from approving a Contract for Service, if the budget does not currently exist. The Activity Manager would then consider seeking an increase to their budget for the next planning and budgeting cycle.</li> <li>● Activity Managers will report to Council quarterly on all Expressions of Interest and applications.</li> </ul>
<p><b>Licence to Occupy</b></p>	<ul style="list-style-type: none"> <li>● This is an agreement for a not-for-profit community organisation to locate in or use Council-owned land, or a Council-owned building;</li> <li>● The facilities and activities of the organisation applying for a Licence to Occupy must be available to members of the public;</li> <li>● Applicants must demonstrate the organisation has the resources or ability to establish and operate on the land or in the building they have been granted the licence over;</li> <li>● A Licence to Occupy can be applied for at any time. Given the time and investment needed to comply with the conditions, an agreement in principle (Development Agreement) may be initially entered into;</li> <li>● Council will use a standard formal licence it has developed, which includes an accountabilities requirement clause and default/termination clause; and</li> <li>● Organisations are eligible to apply for other forms of Community Assistance, provided they comply with the specific criteria for each category.</li> </ul>

**6 Exceptions**

This Policy is not intended to fund applications for:

- Wages;
- Benefits to individuals;
- Central government funded services;
- Welfare services;
- Religion. This does not preclude religious organisations from applying, if they would otherwise meet the criteria in this Policy;
- Repaying or servicing debts;
- Projects which seek to redistribute funding to others.



**Community Grants Committee**

<b>Meeting</b>	Community Grants Committee
<b>Date</b>	Friday 09 February 2018
<b>Time</b>	Meeting commenced at 1.00 pm Meeting concluded at 1.10 pm
<b>Venue</b>	Conference Room, Northern Wairoa War Memorial Hall, 37 Hokianga Road, Dargaville
<b>Status</b>	Unconfirmed

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**Minutes**

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**Membership****Chair:** Councillor Geange**Members:** Councillor Jones, Councillor Joyce-Paki

Staff and Associates:

Key Relationships Manager Community, Policy Analyst, Administration Assistant (Minute-taker)

**Linda Osborne  
Administration Manager**

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Unconfirmed

**Minutes of the Extraordinary Meeting of the Community Grants Committee  
 Friday 09 February 2018 in Dargaville**

**1 Opening**
**1.1 Present**

Councillors Julie Geange (Chair), Libby Jones (via audio link), Karen Joyce-Paki

**In Attendance**

Name	Designation	Item(s)
Darlene Lang	Parks and Community Manager	All
Jenny Rooney	Funding Co-ordinator	All
Natalie Robinson	Policy Analyst	All
Lisa Hong	Administration Assistant	All (minute-taker)

**1.2 Apologies**

Nil.

**1.3 Confirmation of Agenda**

The Committee confirmed the Agenda.

**1.4 Conflict of Interest Declaration**

Nil.

**2 Deputations and Presentations**

Nil.

**3 Confirmation of Minutes**
**3.1 Community Grants Committee Minutes 14 November 2017**

Democratic Services Manager                      1615.02

**Moved       Jones/Joyce-Paki**

*That the unconfirmed minutes of the Community Grants Committee meeting held on 14 November 2017 be confirmed as a true and accurate record.*

**Carried**



## 4 Policy

### 4.1 Licence to Occupy Review

Policy Analyst 5105.0

[Secretarial Note: This report was circulated under a separate cover.]

**Moved Joyce-Paki/Jones**

*That the Community Grants Committee:*

- 1 *Receives the Policy Analyst's report 'Licences to Occupy Review' report dated 08 February 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 *Recommends that Kaipara District Council 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; and*
- 4 *Recommends that Kaipara District Council declines the request by the Dargaville Arts Association for a variation to their Licence to Occupy, as per the report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' that was included in the agenda for Kaipara District Council's Ordinary meeting on 14 November 2017, as subletting is not consistent with the intended policy direction; and*
- 5 *Recommends that Kaipara District Council review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy.*

**Carried**

## 5 Closure

The meeting closed at 1.10pm

**Confirmed** .....

**Chair** .....

**Kaipara District Council  
Dargaville**

## 7.2 Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville

**Key Relationships Manager Community      5105.09**

### **Recommended**

*That Kaipara District Council:*

- 1 *Receives the Parks and Community Manager's report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' dated 16 October 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves in principle the variation as outlined in the above-mentioned report for a Licence to Occupy with the Dargaville Arts Association Incorporated; and*
- 4 *Delegates the Kaipara District Council's Acting Chief Executive to finalise and sign the Licence to Occupy variation with the Dargaville Arts Association Incorporated.*

**File number:** 5105.09 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **28 February 2018**  
**Subject:** **Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville**  
**Date of report:** 14 February 2018  
**From:** Darlene Lang  
 Community Relationships Manager

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

### Summary

This report was first presented to Council at the November 2017 meeting. The item was left on the table till a review by the Community Grants Committee was completed. This has now occurred and the report is being resubmitted for Council consideration.

Council staff moved out of the Municipal Building in 2012 after the collapse of the ceiling in the ballroom (Council Chambers) from water damage caused by a leaking roof.

The building was reroofed in 2015 however the water damaged ceilings need to be repaired.

It has also been identified as an earthquake-prone building which requires seismic strengthening to be completed within 20 years at a cost estimated to be \$350,000. In May 2015, the Government announced that it had revised its policy on earthquake-prone buildings. Northland could become a low risk area and require seismic strengthening to be completed within 35 years. The scope of work could also reduce should legislation pass in its current form.

In 2016 the Dargaville Arts Association Incorporated (Arts Group) was approached to use the vacant areas of the building. They agreed and a Licence to Occupy (LTO) was entered into (**Attachment 1**).

The Arts Group's proposal was that the upstairs was to be used as office space and arts workshops and the bottom as an Art Gallery. Two existing storage areas used by Council would remain.

The following terms and conditions were approved:

- 1 Rental of \$1.00 per annum.
- 2 Term 15 years with right of renewal for similar term and conditions.
- 3 Council to insure the building and Arts Group to provide own contents insurance.
- 4 Arts Group to seek funds to undertake the interior repairs.
- 5 Arts Group to seek funds to undertake the seismic strengthening by 2022/2023.
- 6 Two existing Council storage areas to remain.

The Arts Group is aware that the building needs repair work and are prepared to apply to external funding agencies to renovate the interior of the building. This is a cost that Council would not have to fund.

The Arts Group is also aware that the building needs seismic strengthening and are willing to apply for funds on behalf of Council, however it cannot be guaranteed that they will be successful in obtaining the funds in the required timeframe. Regardless of the funding application the territorial authority will remain responsible for ensuring the work is completed or public use of the building will need to cease. Some minor mitigation measures towards earthquake strengthening is proposed to be undertaken by Council before the end of this financial year.

As the Arts Group has evolved it has had the ceiling upstairs repaired and has also reconfigured the downstairs gallery area and painted the interior. A variation to the LTO is now needed as it would like to turn the upstairs space into a hub where like-minded and not-for-profit organisations can rent office space. Due to clause 15 of their LTO around subletting, a variation to the agreement is necessary. All rental money will go back into the Arts Group to provide a revenue stream for them to hire an Arts Centre Manager to take the Centre to another level.

The purpose of this report is to seek Council's approval in principal to a variation of the LTO based on the Particulars Schedule that they are permitted to rent office space as long as they continue to meet their performance measures which are:

- community benefits are continuing to be provided;
- not-for-profit status of the organisation is retained;
- the constituting document of the organisation permits membership or ability to participate to all members of the public who can legitimately take part in the activities of the organisation and no one shall be excluded from membership provided they pay the necessary fees and observe the usual and proper rules of the organisation;
- the degree and frequency of the undertaking of the permitted use; and
- the degree and frequency of use, including shared use, of the improvements and the land by other community organisations and members of the public.

*That Kaipara District Council:*

- 1 *Receives the Parks and Community Manager's report 'Dargaville Arts Association Licence to Occupy Variation for Municipal Building, Dargaville' dated 16 October 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves in principle the variation as outlined in the abovementioned report for a Licence to Occupy with the Dargaville Arts Association Incorporated; and*
- 4 *Delegates the Kaipara District Council's Acting Chief Executive to finalise and sign the Licence to Occupy variation with the Dargaville Arts Association Incorporated.*

**Reason for the recommendation**

To get approval for a variation to the Arts Group's Licence to Occupy to enable them to rent out office

space to organisations to allow the Arts Group an income to be able to put it back into the arts centre so they continue to grow.

### **Reason for the report**

The Arts Group has applied for a variation to their Licence to Occupy for the Municipal Chambers, 37 Hokianga Road, Dargaville. This report sets out all matters that this proposal raises.

### **Background**

Council staff moved out of the Municipal Building in 2012 after the collapse of the ceiling in the ballroom (Council Chamber) from water damage caused by a leaking roof.

The building was reroofed in 2015 however the water damaged ceilings are yet to be repaired.

The Municipal Building has been identified, by Council as the Territorial Authority, as an earthquake-prone building. Currently legislation requires building owners, in this case Council, 20 years to either strengthen their earthquake-prone buildings to a minimum 34% of the new building standard or demolish them.

Based on this requirement funding for seismic strengthening on the Municipal Building has been funded in the Long Term Plan in 2015/2025 at a cost estimated to be \$350,000.

The Arts Group were asked, by Commissioner John Robertson, if they would like to use the Municipal Building as an Arts Facility. They considered this and decided that it would be a great idea. They proposed that the upstairs could be used as office space and arts workshops and the bottom could be used as an Art Gallery.

The following terms and conditions are recommended as a starting point for negotiations:

- 1 Rental of \$1.00 per annum.
- 2 Term 15 years with right of renewal for similar term and conditions.
- 3 Council to insure the building and Arts Group to provide own contents insurance.
- 4 Arts Group to seek funds to undertake the interior repairs.
- 5 Arts Group to seek funds to undertake the strengthening by 2022/2023.
- 6 Two existing Council storage areas to remain.

The Arts Group is aware that the building needs repair work and are prepared to apply to external funding agencies to renovate the interior of the building. This is a cost that Council would not have to fund.

The Arts Group is also aware that the building needs seismic strengthening and are willing to apply for funds for this, however it cannot be guaranteed that they will be successful in obtaining the funds in the required timeframe. Some minor mitigation measures towards earthquake strengthening is proposed to be undertaken by Council before the end of this financial year.

As the Arts Group has evolved it has had the ceiling upstairs repaired and has also reconfigured the downstairs gallery area and painted the interior.

### **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

**5105.09**

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, maintenance and repairs to a heritage building is a permitted activity, and will not require a resource consent.

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

The Arts Group's variation to the LTO will state in the particulars schedule that they are permitted to rent office space as long as they continue to meet their performance measures as stated in their current LTO.

The performance measures are:

- the Community Benefits are continuing to be provided;
- not-for-profit status of the Organisation is retained;
- the constituting document of the Organisation permits membership or ability to participate to all members of the public who can legitimately take part in the activities of the Organisation and no-one shall be excluded from membership provided they pay the necessary fees and observe the usual and proper rules of the Organisation;
- the degree and frequency of the undertaking of the Permitted Use; and
- the degree and frequency of use, including shared use, of the Improvements and the Land by other community organisations and members of the public.

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 Arts Group is aware of the other uses and is satisfied that there will be no problems.

In May 2015, the Government announced that it had revised its policy on earthquake-prone buildings in favour of a more targeted approach focusing on the buildings that pose the greatest risk to life. They propose to vary the timeframes for identifying and strengthening earthquake-prone buildings according to the seismic risk around New Zealand (strengthening to be completed within 15, 25 and 35 years dependent on the seismic risk of the area). It is proposed that Northland would be low risk and the seismic strengthening requirement delayed for 35 years.

The Building (Earthquake-prone Buildings) Amendment Bill is currently being considered by the Local Government and Environment Select Committee.

Should the legislation pass in its current form seismic strengthening of the Municipal Building could be delayed up to 35 years. It could even reduce the scope of work that the building owners in low risk areas would need to undertake.

However, if the legislation is not amended and the Arts Group is not successful in getting the funds on behalf of the building owner to undertake the seismic strengthening the Territorial Authority may require the building owner to demolish or prevent public use must cease.

## **Factors to consider**

### ***Community views***

The Arts Group has now been housed in the Municipal Building for a year and there has been no negative feedback from the community.

***Policy implications***

This proposal is consistent with the Community Assistance Policy.

***Financial implications***

Council has invested significantly in re-roofing the Municipal Building. Securing a long term tenant will support this investment.

The interior of the building needs some further work and seismic strengthening is required. The Arts Group will be able to apply for external funding to undertake this work. This is a cost that Council would not have to fund.

Entering into a variation to their LTO will allow the Arts Group to rent out office space and reinvest this into the Arts Centre.

***Legal/delegation implications***

There are no legal implications.

**Options**

**Option A:** Approve a variation to the Arts Group's LTO to allow them to rent out the space upstairs to other like-minded organisations to enable them to gather revenue to grow the Arts Centre.

**Option B:** Status quo.

**Assessment of options**

Option A is the recommended option. This will allow the Arts Group to rent out office space to organisations to give them an income to be able to put it back into the Arts Centre so they continue to grow.

Option B is not recommended as this would hinder the Arts Group 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 a variation to the Arts Group's LTO to allow them to rent out the space upstairs to other like-minded organisations to enable them to gather revenue to grow the Arts Centre.

**Next step**

The Acting Chief Executive to have a LTO variation drawn up and negotiate with the Arts Group.

**Attachments**

- [Current Licence to Occupy](#)

**Licence to Occupy**

**July 2016**

**Kaipara District Council**

(Council)

**Dargaville Arts Association Incorporated**

(Organisation)

**Licence to Occupy Land and Improvements (part of)**

**Community Arts Centre**





## Licence to Occupy Land and Improvements (part of)

AGREEMENT dated the 30th day of June 2016

### PARTIES

- 1 Kaipara District Council ("Council")
- 2 Dargaville Arts Association Incorporated ("Organisation")

### INTRODUCTION

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

### 1 Agreement

#### Grant of Licence

- 1.1 The Council grants and the Organisation accepts:
- (a) a licence to use and occupy the Improvements on the Land; except for
  - (b) that part of the Improvements occupied, in common with other organisations and persons to whom the Council has granted similar rights.

#### Terms and Conditions

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



Signed by )

Kaipara District Council )

in the presence of: )



Jill McPherson  
Acting Chief Executive

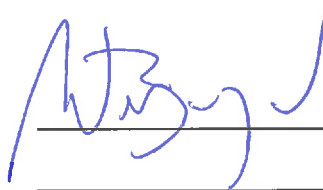
The Common Seal of )

Dargaville Arts Association )

Incorporated )

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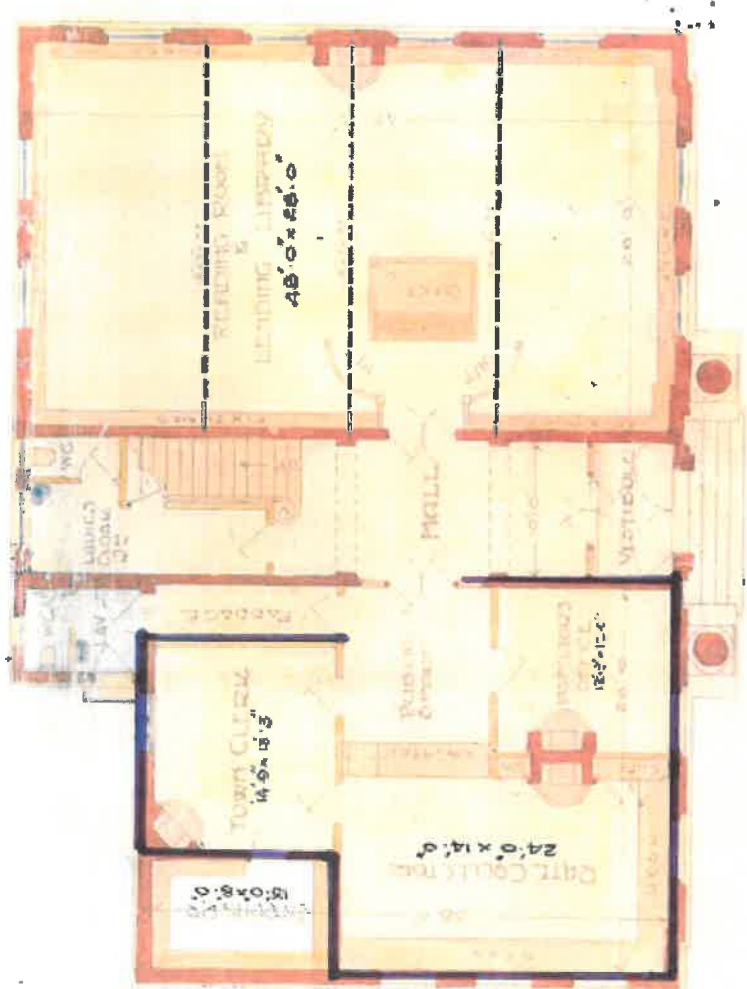
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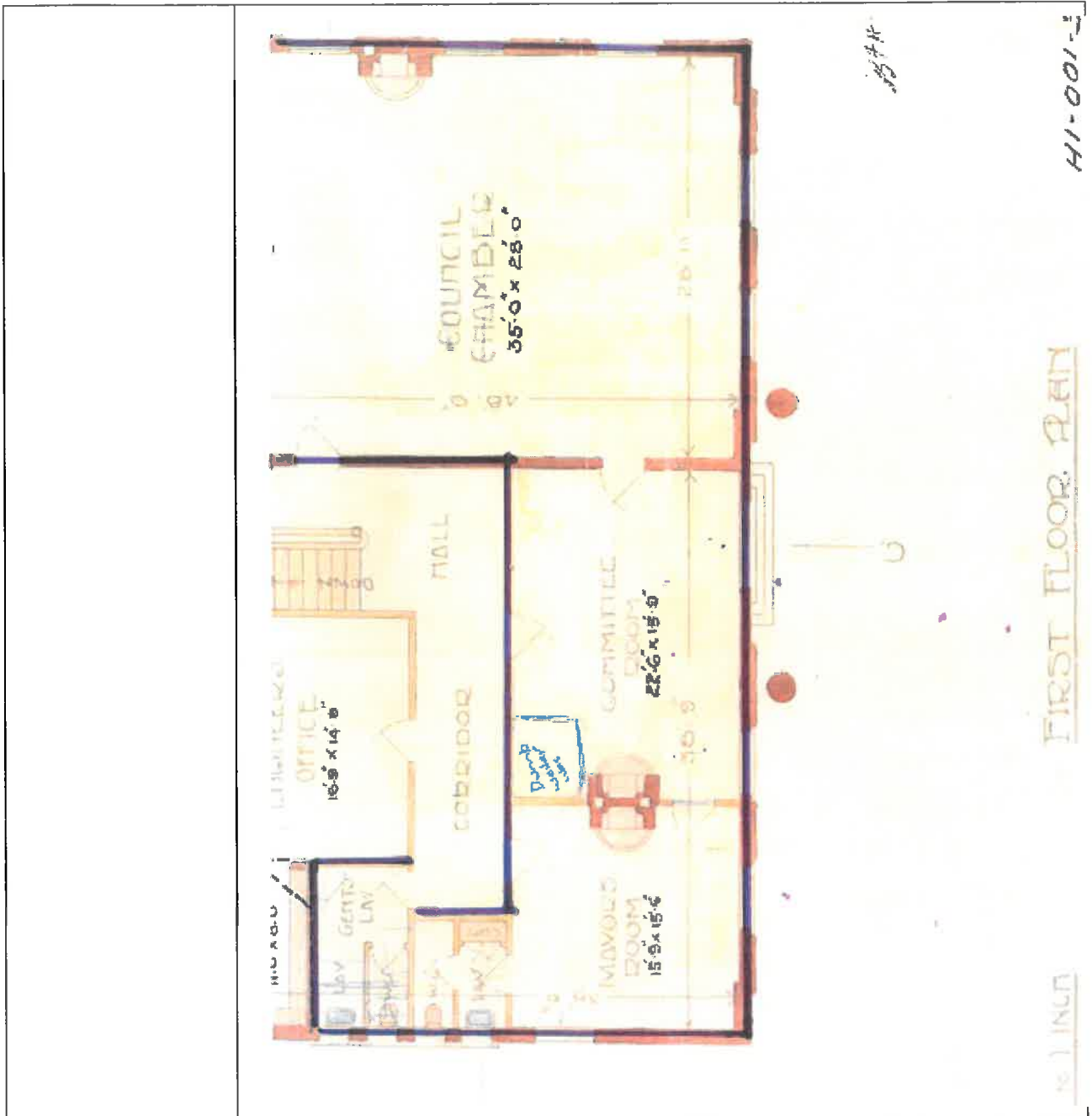
Peter Boyd  
Chairman  
Dargaville Arts Association  
Inc.



Particulars Schedule

<b>Organisation</b>	Dargaville Arts Association Incorporated
<b>Organisation Contact Details</b>	<ul style="list-style-type: none"> <li>• Peter Boyd, Chair</li> <li>• <a href="mailto:dargavillearts@gmail.com">dargavillearts@gmail.com</a></li> <li>• 027 634 3674</li> </ul>
<b>Council Contact Details</b>	<ul style="list-style-type: none"> <li>• Community Facilitator</li> <li>• <a href="mailto:dlang@kaipara.govt.nz">dlang@kaipara.govt.nz</a></li> <li>• Private Bag 1001, Dargaville 0340</li> <li>• 09 439 3123</li> </ul>
<b>Land</b>	<p>Part of Municipal Building located at 37 Hokianga Road, Dargaville, on the land described as LOT 3 DP 349566 LOT 2 DP 4917 LOT 15 DP 10897</p> <p>As per floor plan below:</p> 





FIRST FLOOR PLAN

1/8" = 1' INCL

H1-001-1

<p><b>Improvements</b></p>	<p>Municipal Building – except for areas occupied by Dargaville Community Cinema Trust and Council.</p>
<p><b>Status of Organisation</b></p>	<p>Incorporated Society Registered Charitable Entity – No</p>
<p><b>Community Benefits</b></p>	<ul style="list-style-type: none"> <li>• Arts facility to promote local artists;</li> <li>• Further education through the workshop facilities;</li> <li>• Assist emerging artists;</li> <li>• Identify and support artistic talent.</li> </ul>
<p><b>Annual Licence Fee</b></p>	<p>\$1.00 per annum plus GST if requested.</p>

<b>Reassessment Intervals</b>	At the commencement of any extension of the Term
<b>Outgoings payable by Organisation</b>	Power and water; Contents Insurance.
<b>Term</b>	Fifteen years
<b>Commencement Date</b>	July 2016
<b>Extension Terms</b>	15 years subject to all performance measures being met, and the Organisation remaining active in the building.
<b>Substantial improvements to be effected by Organisation</b>	Best endeavours to complete seismic strengthening and internal refurbishment of those parts of the building it occupies.
<b>Total Possible Term</b>	Thirty years.
<b>Permitted Use</b>	Operation of a Community Arts Centre.
<b>Public Risk Insurance Amount</b>	\$2 million
<b>Insurance Value</b>	Replacement contents.
<b>Conditions/Special Terms</b>	<ul style="list-style-type: none"> <li>Excluded from the footprint are the library archives room downstairs and the records safe room upstairs;</li> <li>Council will maintain the exterior of the building and will ensure the building is in a compliant condition;</li> <li>Council will cover building insurance.</li> </ul>
<b>Financial Year of Organisation</b>	01 September until 31 August
<b>Performance Measures</b>	<ul style="list-style-type: none"> <li>the Community Benefits are continuing to be provided;</li> <li>not-for-profit status of the Organisation is retained;</li> <li>the constituting document of the Organisation permits membership or ability to participate to all members of the public who can legitimately take part in the activities of the Organisation and no-one shall be excluded from membership provided they pay the necessary fees and observe the usual and proper rules of the Organisation;</li> <li>the degree and frequency of the undertaking of the Permitted Use;</li> <li>the degree and frequency of use, including shared use, of the Improvements and the Land by other community organisations and members of the public.</li> </ul>



## Schedule 2

### Terms and Conditions

## 2 Definitions and Interpretation

### Definitions

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

**"Annual Licence Fee"** is the annual licence fee, plus GST payable by the Organisation to the Council, which is set out in Schedule 1.

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

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

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

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

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

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

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

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

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

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

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

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

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



Schedule 1.

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

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

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

### Interpretation

#### 2.2 In this Agreement:

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

### 3 Term of Licence and Extensions

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



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

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

- 3.3 If this Agreement provides in Schedule 1 for a Further Extension of the Term on account of substantial improvements having been erected on the Land ("Further Extension") such extension shall be requested by the Organisation and granted by the Council in accordance with clause 2.2.
- 3.4 All extensions of the Term may be recorded in writing in such manner as the Council requires.
- 3.5 The total duration of the Term shall be limited to the Total Possible Term as set out in Schedule 1.

#### **4 Annual Licence Fee**

- 4.1 The initial Annual Licence Fee shall be the amount, plus GST, set out in Schedule 1.
- 4.2 The Organisation shall pay the Council the Annual Licence Fee during each year of the Term on the date and the frequency set out in Schedule 1. Council shall have the right to receive 5% of turnover greater than \$200,000 on or after the first year of this Agreement being in force and at successive yearly intervals thereafter if there should be any new facility or service which results in commercial activity being carried on at the Land which, in the opinion of the Council, is being operated independently through the Organisation on a commercial basis. If there should be any dispute between the parties as to what in the circumstances would be a fair annual licence fee then the dispute shall be determined by arbitration by a single arbitrator under the Arbitration Act 1996

#### **5 Development**

- 5.1 The Organisation shall with all reasonable speed using all reasonable endeavour, undertake and complete seismic strengthening and internal refurbishment of those parts of the building it occupies (the works) in a good and workmanlike manner:
- (a) in accordance with plans and specifications approved by the Council (in the Council's land owing capacity) acting reasonably prior to the commencement of construction of the Development which plans and specifications shall be consistent with the Project Plan;
  - (b) in accordance with all required consents and proper requirements of all relevant Authorities;



(c) within the Occupation Period.

5.2 The Organisation shall report progress of the complete seismic strengthening and internal refurbishment to the Council at such intervals as are reasonably required by the Council as provided for in the Project Plan. The reporting of progress shall be against the timelines and milestones as set out in the Project Plan and shall at all times be relative to the Occupation Period.

5.3 In undertaking the complete seismic strengthening and internal refurbishment the Organisation:

(a) shall use its best endeavours to ensure that as little inconvenience and disruption as possible is caused to occupiers of nearby properties or any other occupier or users of the Land or nearby Land owned by the Council;

(b) shall take out and keep in full force and effect during the refurbishment period and any extension of that period the following insurance covers:

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

(ii) contractors all risks insurance cover;

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

(c) shall comply with all requirements of the Council in respect of occupational health and safety, access to and through the Land for workmen, materials and machinery ensuring reasonable access and use of the Land is preserved for other users and occupiers of the Land;

(d) shall at its own cost comply with all legislation, bylaws, regulations or directions (statutory or otherwise) made or issued by any Authority, including the Council, as relate to the building and the complete seismic strengthening and internal refurbishment ; and

(e) shall permit the Council (by its officers, agents or contractors) to access the Land at any time for the purpose of inspecting the progress of the seismic strengthening and internal refurbishment and any other matter relating to this Agreement or relating to the Land (including the use and occupation of the Land by other persons).

5.4 The Council shall not be under any liability nor shall the Organisation have any right to claim damages or compensation against the Council where any delay in achieving Practical Completion is caused by adverse weather conditions, strikes, lockouts, accidents, unavailability of materials, fire, earthquake or any other cause including the Council performing any function in its regulatory capacity.

5.5 The Organisation shall be entitled to make variations or alterations to the seismic strengthening and internal refurbishment and the plans and specifications for these works (including substitution of unavailable materials) with the consent of the Council provided that such variations or alterations are of a minor nature and do not appreciably reduce or adversely affect the value, appearance or usefulness of the Building. The Council's consent shall not be unreasonably or arbitrarily withheld.



DL:yh

## 6 Project Plan

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

## 7 Outgoings

- 7.1 The Organisation will, from the Commencement Date, duly and punctually pay for all consumables in respect of its undertaking of the Permitted Use and use and occupation of the Improvements and the Land which without limitation shall include charges for telephone, gas, electricity, water, sanitation and sewage, cleaning, garden and ground maintenance, licences, consents and permits and land tax (if any).
- 7.2 The Organisation shall pay all Outgoings direct or otherwise as the Council directs and in respect of

the Land, excluding the Improvements, shall pay a proportion of such Outgoings as are apportioned by the Council, which may include Outgoings which are shared with other organisations or persons.

7.3 The Council shall remit rates by operation of any policy implemented by the Council in relation to the remission of Rates.

7.4 All Outgoings payable by the Organisation shall be paid by the Organisation as and when each Outgoing falls due for payment and in the case of any outgoing which is payable to the Council upon request made by the Council.

## **8 Repair Maintenance and Replacement**

8.1 The Organisation shall at all times during the Term in a proper and workmanlike manner and to the reasonable requirements of the Council:

- (a) keep and maintain the Improvements (internal and including all plant, fixtures and fittings, floor coverings and surfaces) in good serviceable and substantial repair and condition, repairing and replacing as necessary, and will at the end or earlier determination of the Term yield and deliver up the Improvements to the Council in such good serviceable and substantial repair and condition;
- (b) redecorate, by painting or staining as applicable, those parts of the interior of buildings and structures comprising the Improvements when they reasonably require repainting and redecoration, to a standard approved by the Council such approval not to be unreasonably withheld;
- (c) make good (by repairing or replacing as necessary) any damage to the Improvements at any time during the Term;
- (d) keep and maintain, repairing and replacing as necessary, the internal stormwater and wastewater systems on the Land which serve the Improvements;
- (e) ensure that all toilets, sinks, drains wastes, fittings and pipes on the Land are not blocked and are used for their designed purposes only and are regularly inspected, cleaned and maintained and repaired and replaced as necessary;

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

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

- 8.3 If this Agreement provides in Schedule 1 for Further Extension/s, the Organisation shall as a condition for any such Further Extension to be granted by the Council:
- (a) have replaced or renewed all or some items of the Improvements on the Land during the initial Term or Extension Term/s provided for in this Agreement so that in the opinion of the Council their useful life extends into the Further Extension;
  - (b) prepare and provide to the Council a development plan for the Further Extension to include the replacement of those items of the Improvements which the Council has notified to the Organisation in writing require replacement and any new or additional items of Improvements which the Organisation wishes to construct on the Land; and
  - (c) obtain the approval of the Council to the development plan, such approval not to be unreasonably withheld.

## 9 Insurances

- 9.1 The Organisation shall keep the fixtures, fittings, plant, equipment and chattels situated in the improvements insured against loss, damage or destruction by fire, earthquake, flood, lightning, storm, aircraft, electric fusion, machinery breakdown, malicious damage, inevitable accident and other usual risks for the value specified in Schedule 1 or such other value as is approved by the Council.
- 9.2 In the event the Improvements or any part of the Improvements at any time during the Term being partially destroyed or damaged by fire or other insurable extraneous peril then and so often as the same shall happen all moneys received in respect of such insurance shall be expended by the Organisation with all reasonable speed in repairing the damage sustained.
- 9.3 The Organisation shall during the Term at its own cost take out and keep in full force and effect at all times a public liability insurance policy for a sum of not less than the sum set out in Schedule 1 for any single event or such greater sum required by the Council from time to time and shall within 30 days of the execution of this Agreement or request for additional cover produce to the Council a copy of the policy or certificate of currency.

## 10 Nature of Licence/Public Use

- 10.1 The licence to use and occupy the Improvements and the licence to use the balance of the Land/Building in common which is granted by this Agreement is subject to a right of use of the Land by the public but subject to the following provisions of this clause.
- 10.2 It shall be lawful for any person to enter and for any reasonable period of time to remain as a spectator upon the Land at all times and any person so entering or remaining on the Land shall not so long as he/she conducts and behaves himself/herself in an orderly and seemly manner and refrains from hindering and obstructing the activities of the Organisation be deemed to be a trespasser provided however that this authority shall not be deemed to authorise any person to enter or be within or upon any buildings or structures situated on the Land without the previous consent of the Organisation or person duly authorised by the Organisation.
- 10.3 The right of public entry on the Land is subject in all respects to the right, and obligation, of the



Organisation to control the Improvements as licensee and occupier and the Organisation shall be entitled at all times to require compliance by the public with all legislation and by laws relating to the Improvements and the Land and its use and in particular the provisions of the Health and Safety in Employment Act 1992.

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

## 11 Permitted Use

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



environmental health and safety legislation;

- (e) carry on any illegal or immoral activity; or
- (f) carry on any use which is not a permitted use under the District Plan.

## 12 Community Benefits and Performance Measures

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

12.2 The provision of the Community Benefits shall be measured against the Performance Measures and the Performance Measures applicable to this Agreement are as set out and described in Schedule 1.

12.3 The Performance Measures shall be continuing obligations of the Organisation throughout the Term and the Organisation shall report to the Council annually against the Performance Measures within 3 months following the end of the financial year of the Organisation, as set out in Schedule 1, or at any other time reasonably requested by the Council. Such report shall include the provision of the annual financial statements of the Organisation (audited if required by law or the constituting document of the Organisation) and otherwise the report shall be in writing in a format reasonably required by the Council, but as an alternative may be provided, at the discretion of the Council, at a meeting or meetings held between representatives of the Council and the Organisation.

12.4 The achievement or non-achievement of the Performance Measures or any one or more of them may be taken into account by the Council in making decisions concerning:

- (a) whether the Community Benefits continue to be provided;
- (b) termination of this Agreement by the Council;
- (c) any extensions of this Agreement as provided by clause 2;
- (d) any funding sought by the Organisation from the Council; or
- (e) any variation to this Agreement sought by the Organisation.

12.5 Any failure by the Organisation to report to the Council in terms of clause 9.3 shall be a breach of this Agreement.

## 13 Legislation, Bylaws and Health and Safety

13.1 The Organisation shall at all times during the Term at its own cost comply with all legislation, bylaws, regulations or directions (statutory or otherwise) made or issued by any Authority including the Council as relate to the Land or the Improvements and the undertaking of the Permitted Use.

13.2 The Organisation shall at all times during the Term:

- (a) forthwith notify the Council in writing of any accident which takes place on the Improvements or the Land and of any actual or potential hazards which exist on the Improvements or the Land;

- (b) ensure that the Organisation has in place systematic checks to ascertain any actual or potential hazards which exist on the Improvements on the Land and immediately notify the Council in writing of such actual or potential hazards;
- (c) take immediately all practical steps to remove any actual or potential hazards where such are identified; and
- (d) indemnify the Council to the extent legally possible against all penalties, costs, damage, loss, injury or death resulting from any failure on the part of the Organisation to carry out the above obligations.

#### **14 Indemnity**

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

#### **15 Assignment or Subletting**

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

#### **16 Consequences on Termination**

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

## **17 Council's Right to Inspect and Undertake Work**

- 17.1 Any person authorised by the Council may at all reasonable times enter upon the Improvements and the Land and view and inspect the Improvements and upon receipt by the Organisation of a notice in writing from an officer or agent of the Council of any defect or want of repair or maintenance of the Improvements or the Land requiring the Organisation within a reasonable time, to be specified in the notice, to repair or remedy the same the Organisation shall at the cost of the Organisation with all reasonable speed cause the defect to be remedied and/or the repair to be made to the satisfaction of the Council.
- 17.2 That if default shall be made by the Organisation in complying with any notice served by the Council pursuant to clause 14.1 the Council without prejudice to its other rights and remedies shall as its option be entitled by its representative/s together with workmen and professional or expert advisers with all necessary equipment and materials at all reasonable times to enter upon the Land and the Improvements to execute such works as may be specified in such notice and all moneys expended by the Council by reason of such default of the Organisation shall be payable by the Organisation to the Council upon demand together with interest at the rate charged by the Council's principal banker on overdraft until payment.

## **18 Alterations, Replacements or Construction of New Improvements**

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

## **19 Sale and Supply of Alcohol 2012**

- 19.1 The Organisation shall be responsible for compliance with the provisions of the Sale and Supply of Alcohol Act 2012 and shall ensure that all necessary licences are obtained and conditions met in relation to any liquor contained, consumed or supplied on the Land or the Improvements

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

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

## **21 Reserves Act 1977**

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

## **22 Disputes and Mediation**

- 22.1 The parties shall meet and discuss in good faith any dispute between them arising out of this



Agreement.

22.2 If the discussions referred to in clause 19.1 fail to resolve the relevant dispute, either party may (by written notice to the other party) require that the dispute be submitted for mediation by a single mediator appointed by the President of the Auckland Law Society and such appointee shall conduct the mediation at his/her discretion, including the determination of procedural rules and timetable.

22.3 Neither party may issue any legal proceedings (other than for urgent interlocutory relief), in respect of any such dispute, unless that party has first taken reasonable steps to comply with clauses 22.1.

### **23 Quiet Enjoyment - Conduct**

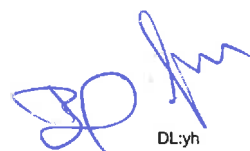
23.1 The Organisation paying the Annual Licence Fee and observing all the covenants and agreements expressed and implied in this Agreement shall quietly hold and enjoy the rights of use and occupation conferred by this Agreement throughout the Term without any interruption by the Council or any person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

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

### **24 Cancellation**

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

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



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

## **25 General**

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

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

### **Suitability**

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

### **Non-Waiver**

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

### **Entire Agreement**

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

### **Amendment**

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

## **26 Notices**

- 26.1 All notices must be in writing and must be served by one of the following means:
- (a) In the case of a notice under s245 or s246 of the Property Law Act 2007 in the manner prescribed by s353 of that Act; and
  - (b) In all other cases, unless otherwise required by s352 to s261 of the Property Law Act 2007;

- (i) in the manner authorised by s354 to s361 of the Property Law Act 2007; or
- (ii) by personal delivery or by posting by registered or ordinary mail, or by facsimile, or by email.

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

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

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

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



### 7.3 Kaipara District Council Raw Water Supply Funding Options

General Manager Regulatory, Planning and Policy 4817.0

#### Recommended

*That Kaipara District Council:*

- 1 *Receives the General Manger Regulatory, Planning and Policy's report 'Kaipara District Council Raw Water Supply Funding Options' dated 20 February 2018;*
- 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 *Determines that Council will/will not provide assistance to affected dwelling owners in line with one of the options within the above-mentioned report or previous report (Council agenda 25 January 2018 Item 7.5) which was left to lie on the table.*

**File number:** 4817.0 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **28 February 2018**  
**Subject:** **Kaipara District Council Raw Water Supply Funding Options**  
**Date of report:** 20 February 2018  
**From:** Fran Mikulicic, General Manger Regulatory, Planning and Policy  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

A report and recommendation on this issue was submitted to the Council meeting on 25 January 2018 but was left to lie on the table pending presentation of further options. Councillors were also asked on 06 February 2018 for any additional options they would like to see considered.

This report therefore supplements the prior report and looks at both funding principles and additional funding options. The aim remains to address the issue of resident potable water while balancing the obligations of residents, landowners and Council.

While looking at options we believe Council should start with setting clear guidance on the principles to be applied rather than just a discussion on the options. As such we have outlined below key principles Council officers have used in looking at new options for consideration. These in turn guide the options presented later in the paper.

The funding option should:

1. Avoid setting any long term precedent by applying only to those connected to the raw water line for Kaihu and/or Maungaturoto who have received an Insanitary Building Notice from Council.
2. Not require a joint funding solution with other agencies as it will delay the project and increase cost and risk e.g. WINZ.
3. Not require an assessment of ability to pay nor economic status of residents/building owners. As a Council we do not have the expertise nor capacity to assess income levels of persons or organisations to pay charges or loans. This is the role and expertise of social and financial agencies and not councils.
4. Be simple to administer.
5. Include specific criteria detailing what costs it will cover i.e. limited to works that fulfil Council's legal obligation.

Based on these principles we are presenting three options to Council for consideration.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the General Manger Regulatory, Planning and Policy's report 'Kaipara District Council Raw Water Supply Funding Options' dated 20 February 2018;*

- 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 *Determines that Council will/will not provide assistance to affected dwelling owners in line with one of the options within the above-mentioned report or previous report (Council agenda 25 January 2018 Item 7.5) which was left to lie on the table.*

#### **Reason for recommendation**

The use of raw water in dwellings needs to be addressed in an efficient and timely manner in order to minimise any distress to affected dwelling owners. As such Council needs to make a decision to provide a level of certainty for affected dwelling owners with any assistance (if any) Council is going to provide, so they can move forward.

#### **Reason for the report**

To report back and present to Council a range of options in terms of helping property owners who have been issued with an Insanitary Building Notice (IBN) to obtain a long term potable water supply to their dwellings.

#### **Background**

Council was informed at its December 2017 meeting of the public health risks associated with users of the Dargaville raw water supply inappropriately using the raw (untreated) water as a source of potable water. This poses a public health risk and renders the affected dwellings insanitary.

A report to Council on 25 January 2018 outlined that there are 10 dwellings that have been identified as being insanitary and have been issued with IBNs. It was identified that it is likely that some of the affected property owners have limited income and would struggle to raise the funds required to rectify the matter. In these instances it would be beneficial for Council to assist by way of providing a loan to these property owners.

A high-level estimate for the provision of individual roof water tanks with a domestic filtration and disinfection system, domestic water pump, first-flush filters etcetera is in the order of \$5,000 to \$15,000 per dwelling, depending on whether the replacement of the dwelling's gutters is required and the number of tanks (two 25,000 litre tanks would provide greater storage during dry periods).

It has been noted that if any of the affected property owners did not undertake the remedial works, Council would be obliged to seek a Court order to undertake the works and then undertake the works at Council's cost. Council would be able to recover any costs incurred from the affected property owners but this may prove difficult if the owners have limited income.

It is likely that further properties may be identified in the future as being insanitary. Council officers will also now undertake a similar assessment of the Maungaturoto raw water line which may also result in Council issuing further IBNs.

## Issues

Ideally the property owner would proceed to remediate the issue and Council would then lift the IBN. However, it is likely that some of the affected property owners have limited income and would struggle to raise the funds required. Below is a range of options for Council to consider. These range from 100% owner pays to 100% Council pays.

### Funding Options

#### **A Owner fully pays**

Council needs to be mindful that they are potentially dealing with low income households and any additional costs could put an additional burden on a household. When considering property owners to fully meet the cost of the property there are three different options to consider:

##### 1 *Statutory land charge:*

This is a charge that can be put onto a property's title. This then gets paid back when the land is sold. However if the tenure is in multiple-owned Maori land, then the land is unlikely to be sold. There is no statutory timeframe to pay back. With this Council may undertake the works on the landowner's behalf.

##### 2 *Owner fully pays by a loan through Council*

Council essentially acts like a bank and provides the means for property owners to borrow money and pay back through their rates. This can be shown as a targeted rate on their property. There are a number of examples from other councils that use this approach for different subject matters such as wastewater and insulation. These councils typically require an application form to be filled in and a signed agreement to be put in place before this is added to a properties rates. We would see eligibility requirements as follows:

- The applicant is to be the homeowner – not a tenant;
- Must live within a defined area; and
- A quote to be supplied – preferably from a preferred and agreed supplier.

##### 3 *Owner to fully pay through money up-front and a partial loan:*

This will require an up-front amount from the property owner with the balance being paid by way of loan from Council. There are examples of this also from other councils. The eligibility criteria is generally the same as the above criteria. As with option 2 above, any loan will be recovered as a rate on properties.

##### 4 *Owner to pay money up-front.*

#### **B Combination subsidy and loan or owner contribution**

Council could also consider a subsidy approach to meet the costs. This would allow Council to provide both a subsidy as well as a loan.

When considering subsidising property owners to meet the cost of the property there are two possible options to consider:

1 *50% subsidised (KDC pay) + 50% Loan*

This means that Council will pay the first 50% of the cost to install tanks and associated fixtures with the rest being recoverable by way of loan that is paid through the rates or the balanced paid fully by the ratepayer.

2 *75% Subsidised (KDC pay) + 25% loan*

This means that Council will pay the first 75% of the cost to install tanks and associated fixtures with the rest being recoverable by way of loan that is paid through the rates or the balanced paid fully by the ratepayer.

3 *Maximum of \$5,000 per dwelling subsidised and remainder loan.*

4 *Maximum \$5,000 per dwelling subsidised and remainder owner contribution.*

**C Fully funded by Council**

If the potable water supply was to be fully funded by Council to those properties that have been issued with an IBN, an upper indicative budget of approximately \$165,000 would be needed. This would mean that Council would not recover any costs to dwellings that have been issued with an IBN. This should be sufficient in order to allow the existing IBNs to be addressed, however assessments of the Maungaturoto raw water supply is still to be undertaken and it is possible that dwellings may be insanitary.

This option would be the option that would place the least burden on the affected ratepayers, with all costs effectively being spread across the district.

Preferred supplier – Council may wish to consider approving a preferred supplier(s). This could mean that cost savings may be achieved however may cause delays, increase costs and risk, while Council undertakes a selection process. Council's Procurement Policy would apply.

**Criteria for eligibility for funding – either loan and/or subsidy**

- Applicant is the owner of the home; and
- The dwelling is connected to either the Kaihu or Maungaturoto raw water line and has been served with an IBN from Council within the last three months.

**Repayments on loans – indicative**

The following table indicates what it will cost the ratepayer over the life of a loan. The life of the loan has been calculated as nine years at an interest rate set at 6.99% in line with other Council funding policies. Please note given the way our rating system works, if the amount was put on their rates today the property owners would not start paying the amount off until the following rating year. This means that depending on the time of the year any loan was provided, a whole year's interest may have accumulated prior to any payment being made. Council may consider to apply any loan interest rate from 01 July of any given year, following agreement being put in place, however this will come at a cost to Council.

**Table of 6.99% interest rate over a nine year period**, indicative only, (based on Council's currently LTP on lending for wastewater).



Amount of financial assistance	Estimated annual repayment through rates	Each rates instalment (if paying quarterly)	Each rates instalments (if paying weekly)	Total estimated amount if paid over 9 years including interest
\$1,000	\$153.42	\$38.36	\$2.95	\$1,380.79
\$1,500	\$230.13	\$57.53	\$4.43	\$2,071.19
\$2,000	\$306.84	\$76.71	\$5.90	\$2,761.58
\$2,500	\$383.55	\$95.89	\$7.38	\$3,451.98
\$3,000	\$460.26	\$115.07	\$8.85	\$4,142.37
\$3,500	\$536.97	\$134.24	\$10.33	\$4,832.77
\$4,000	\$613.68	\$153.42	\$11.80	\$5,523.16
\$4,500	\$690.40	\$172.60	\$13.28	\$6,213.56
\$5,000	\$767.11	\$191.78	\$14.75	\$6,903.95

## Factors to consider

### *Community views*

The community relies on Council to ensure it manages health risks arising as a result of deficiencies or inadequacies in water supplies to dwellings. Where health risks are identified, the community would also expect Council to work with the affected members of the community to remediate the issue.

### *Policy implications*

No implications on other Council policies however may require the need for a new policy in the form of a funding policy, application form and formal agreements to be put in place. This would need to go through a consultation process.

### *Financial implications*

Assuming an average cost per property of \$10,000 for the remediation works, each loan provided by Council would result in a commensurate increase in Council's debt level. However, the repayment of this debt would be as agreed with the property owners by way of a legal agreement. Council could also insist on a statutory land charge as a condition of any loan agreement as a means of security.

If Council was required to undertake the works, the costs would increase due to Court order application costs, and also in the recovery of any costs incurred by Council from the affected property owners. This may prove challenging considering that some of these properties may be low income households.

### *Legal/delegation implications*

Council has legal obligations under the Local Government Act to meet the current and future needs of communities for good quality infrastructure (which by definition includes water supply), and to carry out assessments of its water supply from time to time and to consider, amongst other considerations, any health risks arising as a result of deficiencies or inadequacies in the water supply.

The Health Act (HA) imposes a duty on Council to improve, protect and promote public health within its district, and the Building Act (BA) imposes a duty on Council to take action to prevent the use of insanitary buildings (which includes a dwelling that does not have a potable water supply). It is the role of Council under the BA to take action to prevent the use of insanitary buildings, and the BA confers

powers on Council to take remedial action where the building's owner cannot or will not remedy the issue.

The BA has provisions that allow Council to carry out works and recover the costs from owners as a charge on the land.

As any loan would result in Council incurring an unbudgeted cost, Council approval is required. It is proposed that Council's approval to enter into loan agreements with the property owners is delegated to the Mayor and Chief Executive to expedite the resolution of the public health issue.

### **Assessment of options**

Each of the following options have been considered:

#### *Option A: Owner fully pays*

Option A would increase the risk of some of the property owners being unable to afford to remediate the issue. Council would then be required to resolve the issue and would incur the costs anyway, would also incur additional legal costs and Council may not be able to fully recover these costs. While low interest loans may provide a way forward the yearly cost for a \$5,000 loan at a 6.99% interest rate over nine years may effectively double the rates over the term of the loan for some. This will be in effect putting in a targeted rate so this position will likely require consultation. Given the timing of this report to Council, this would not form part of the Consultation Document for the Long Term Plan. Having to undergo consultation will mean that affected owners will have to wait longer in order to reach a resolution.

#### *Option B: Combination of subsidy and loan or owner contribution*

This would assist property owners to fund the provision of a potable water supply. A percentage-based combination would be more uncertain in terms of what the applicant has to pay back and what they do not have to pay back. A set amount up-front provides for more certainty in terms of what owners will receive and what Council will pay. However a combination will provide a balance between user pays and providing necessary assistance. By delegating authority to the Mayor and Chief Executive, this would expedite the process and resolution of the health risk. However as above consultation would likely need to be undertaken for any loan component.

#### *Option C: Fully funded by Council*

This would assist property owners to fund the provision of a potable water supply, with a set amount provided to give certainty as to what they are able to obtain and not pay back. By delegating authority to the Mayor and Chief Executive, this would expedite the process and resolution of the health risk.

By providing appropriate criteria Council could limit the extent of the need to assist without opening a free for all. Criteria has been discussed above in that the applicant is the owner of the property that is connected to the raw water line and has been issued with an IBN. This approach would mean that Council could act fairly quickly on the issue i.e. once property owners give permission Council can then go ahead and install the necessary tanks and supporting tools.

**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% (potentially, subject to option chosen);
- 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

**Recommended Option**

That Council confirms an approach for Council Officers to action based on the above report.

**Next step**

To notify affected dwelling owners of Council's decisions and work with them to resolve their potable water issues as quickly as possible.

## 7.4 Rural Connectivity Group (RCG) - Council Support

### Recommended

*That Kaipara District Council:*

- 1 *Receives the Policy Planner's report 'Rural Connectivity Group (RCG) - Council Support' dated 16 February 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 *Confirms support to make Council land available where appropriate to use for the construction of infrastructure proposed through the Rural Broadband Initiative Phase 2 and Mobile Blackspot Fund project free of charge through a formal agreement; and*
- 4 *Waivers all fees associated with any resource consent or building consent fees applied for under the Rural Broadband Initiative Phase 2 and Mobile Black Spot Fund initiatives; and*
- 5 *Provides appropriate support with engagement and uptake, and assists with community awareness of the project and, where appropriate, liaison with key stakeholders.*

**File number:** 2111.18 **Approved for agenda**

**Report to:** Council

**Meeting date:** **28 February 2018**

**Subject:** **Rural Connectivity Group (RCG) - Council Support**

**Date of report:** 16 February 2018

**From:** Paula Hansen, Policy Planner

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

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

### Summary

This report follows on from the 25 January 2018 Council meeting where a presentation was given to Council from the Rural Connectivity Group (RCG). The presentation highlighted the latest central government initiative to build infrastructure to enable people to become digitally connected. The latest initiatives are called Rural Broadband Initiative Phase 2 (RBI2) and Mobile Black Spot Fund (MBSF) and they are an extension of the Rural Broadband Initiative Phase 1 (RBI). The focus is on minimising mobile black spots along the State Highway network and key tourist spots, and having more infrastructure in place to allow more people to become digital enabled. RCG has a certain amount of money to plan and build as many towers as they can but no less than 400 throughout New Zealand. Eleven of these are proposed to be built within the Kaipara district. Therefore, this report also seeks to reconfirm Council's position to allow use of Council land free of charge, as well as positioning other support, as any help Council can provide will help support more towers to be built.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Policy Planner's report 'Rural Connectivity Group (RCG) - Council Support' dated 16 February 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 *Confirms support to make Council land available where appropriate to use for the construction of infrastructure proposed through the Rural Broadband Initiative Phase 2 and Mobile Blackspot Fund project free of charge through a formal agreement; and*
- 4 *Waivers all fees associated with any resource consent or building consent fees applied for under the Rural Broadband Initiative Phase 2 and Mobile Black Spot Fund initiatives; and*
- 5 *Provides appropriate support with engagement and uptake, and assists with community awareness of the project and, where appropriate, liaison with key stakeholders.*

### **Reason for the recommendation**

By working with and supporting the Rural Connectivity Group, Council can better promote the district for inclusion on any other similar initiatives proposed or if the programme gets extended. By being at the forefront we can build a mutually beneficial relationship that can advocate the needs and wants of our communities effectively. RCG will have a role in the continued maintenance of the infrastructure once it is in place.

### **Reason for the report**

The Rural Connectivity Group (RCG) provided a presentation at Council's meeting on 25 January 2018, the Rural Broadband Initiate Phase 2 (RBI2) and Mobile Black Spot Fund (MBSF), and what it means for the Kaipara district. This report follows on from this presentation and seeks to report back to Council and gain agreement on how Council can support the Rural Connectivity Group (RCG) to connect as many people as possible within the district to the digital world within their limited budgets.

### **Kaipara district**

The Rural Connectivity Group has been charged with planning and constructing at least 400 nationwide new telecommunications towers in order to connect as many people to the digital world as they can within their limited budgets. Eleven of these towers are being proposed to be built in the Kaipara district. Once built RCG will have a role to play in maintaining the infrastructure they help to build.

The RCG provided a presentation at the 25 January Council meeting on the Rural Broadband Initiate Phase 2 (RBI2) and what it means for the Kaipara district. To recap on this presentation, the map (**Attachment 1**) shows indicative tower sites and the potential coverage of these towers as part of RBI2. This means with the addition of these towers approximately 95% of the Kaipara district will be able to connect to broadband.

The main national telecommunications providers, being Spark, Vodafone and 2degrees were also providing a commitment to provide services when infrastructure has been put in place. To be clear these providers will gain very little from this project. If the project were to provide significant profits, then the telecommunication providers would already be providing the necessary infrastructure which would mean no Government funding would be required. As pointed out above it is expected a large portion of the Kaipara district to be able to access the internet and gain mobile coverage, however not 100% of the district is likely to be covered. This means that there will be some gaps in coverage. Council has a role to play in determining how these gaps can be filled. In most cases the option of providing a new tower is cost prohibitive due to the low number of people or benefit that a single tower would provide. There are other options that could be provided to fill these gaps. These may include individual satellite dishes or an extension to an existing tower to increase range.

During discussions with RCG it was noted that the main barriers to or cost associated with providing towers was around power, access to site and connection to backhaul (connecting to the network by connecting one tower to another either by fibre connection or by line of sight). They have been provided with a limited amount of funding to spend how they wish in order to build as many towers as they can, but no less than 400 towers nationwide. This means the more support they are able to receive from

Council the more towers they will be able to provide and less gaps in coverage. Council has already agreed in principle to allow the use of Council land free of charge. Other potential areas where Council could assist, and help to keep costs down, include:

- Streamline resource consenting process - provide a single point of contact and, where possible, batch process/blanket consent and/or waive fees;
- Liaise with Iwi and key stakeholders e.g. Department of Conservation (DOC), farmers, boards of trustees, lines companies, landowners;
- Offer Council-owned properties for cabinets, antennas or towers;
- Support engagement and uptake and assist with community awareness; and
- Part fund towers or lease of sites.

Providing infrastructure to enable people to connect is only one part of getting people digitally connected. The next step is getting people connected. Council needs to consider the role they wish to play in both of these steps.

This project is about connectivity. Connectivity is about having widespread internet connections available, to fully access the digital world. In order for this to happen appropriate infrastructure needs to be in place to allow people to connect to the digital world.

### **Benefits of community connectivity**

Key points:

- Extending internet access can help change economies and societies;
- It is necessary to significantly improve digital connectivity within the district and region to achieve collaboration and shared services between Northland councils;
- Identified as a 'game changer' enabler for Northland in the Tai Tokerau Northland Economic Action Plan. Will add value to primary and other industries in the region;
- Digital literacy is now as important as numeracy and literacy, and those lacking the skills risk being left behind. This is known as the 'digital divide';
- Our district is below national indicators for mobile, telephone and internet access. (Census, 2013.);
- UFB2 and RBI2 alone will not achieve our regional goal of 100% connectivity, 100% opportunity. There will be areas not covered and, in these areas, the digital divide will grow. Areas may become digitally disadvantaged (digitally excluded);
- There is urgency required to improve connectivity for our rural communities and ensure they do not 'fall through the net';
- Tourists have digital expectations our district is currently failing to meet;
- Government is asking councils to fund additional infrastructure that will not be funded by RBI2/MBSF programmes; and
- There is no budget currently rated for and tagged for digital enablement.

UFB2 and RBI2/MBSF will bring connectivity to some areas. However these government programmes are slow to deliver and there will still be some areas not covered. With investment, Council can take a lead role in speeding up the delivery of digital services to more residents across a wider area, ensuring rural communities don't 'fall through the net'.

Our district's diverse geography and disperse communities means that there is no one digital infrastructure solution that will fix our connectivity issues. However, should Council choose to engage with the RBI2/MBSF programme while simultaneously supporting our own, community initiatives. It is highly probable the Kaipara district could reach a goal of 100% connectivity 100% opportunity reasonably quickly.

### **Issues**

RBI2 and MBS2 are proposing to put in more towers within the Kaipara district to ensure that black spots on State Highways are minimised and to increase coverage areas so more people in the district can connect to the internet. RCG has been tasked to plan and construct at least 400 new towers throughout New Zealand. They have limited funding to do this. With support from individual Councils RCG will be able to construct more towers and connect more people and significantly reduce mobile black spots along the State Highways.

It is expected that even with the additional towers currently proposed there is likely to be gaps. These gaps maybe unknown until such time as the proposed towers are up and running and have been tested for range. Therefore by providing any support to the RBI2 will help free up money to help build more towers to help fill these gaps. There will however become a point where towers will not be viable and individual property solutions will need to be considered. This is not covered in this project but is something to bear in mind should other appropriate funding from central government is made available or Council may wish to help close these gaps.

With regards to making land available it needs to be made clear that it is for tower sites identified through the RBI2 project as the proposed towers are currently deemed to be uneconomical to construct by commercial providers such as Spark, Vodafone and 2 degrees. There is currently one known tower on Council land by a commercial provider, the land the tower is on is currently subleased by a lease of the area. This site is considered to be economically viable as the provider saw the site to be of advantage to build the tower.

### **Factors to consider**

#### ***Community views***

The community views have not been sought by Council on this part of the project.

#### ***Policy implications***

No implications on other Council policies is anticipated.

#### ***Financial implications***

Some costs may be able to be absorbed through existing budgets such as the processing of any building or resource consents, with the main costs are likely to come from any documents needing to be peer reviewed by consultants. It is unclear at the moment what consents will be needed as sites and types of towers for each site are yet to be confirmed. Making land available may result in some opportunity costs being lost otherwise the provision of land will be at little to no cost to Council.



### **Legal/delegation implications**

Any land made available would require some sought of agreement to be put in place to formalise the situation.

### **Options**

**Option A:** Reconfirm Council's position in providing land if applicable.

**Option B:** Provide a waiver of fees for building consents and resource consents that may be required.

**Option C:** Provide no support to the project.

**Option D:** Provide money to fund part of the infrastructure.

**Option E:** Provide Council land if it is appropriate to do so.

### **Assessment of options**

Option A will help overcome one of the main barriers to the project which is access to a site. Any land that Council makes available and can provide will make it easier to achieve the aims of the projects and help Kaipara's communities gain quality digital access.

Option B may seem a small give in the grand scheme of the project, however any savings Council can provide can make a difference. If all councils agreed to save on consents the combined savings could provide something significantly worthwhile to the project.

Option C may mean that other councils who have contributed may be given priority if additional towers over the initial 400 are able to be constructed. By providing support to the project no matter how small is also about being involved in a significant project that will benefit many communities within the Kaipara district and sends a signal that we as a Council want this to happen for our communities.

Option D could involve a one-off cost such as putting in power supply or continual costs such as a lease. Council may also consider putting money aside to help fill gaps after the infrastructure is put in place as opposed to contributing to this part of the connectivity project. Either way the outcome will result in a significant area of the Kaipara being able to obtain level of service when they connect to the internet.

Option E will mean that not just any land will be made available but will be provided in a considered manner. This may involve an assessment beyond what is in the District Plan or building consent, for example the importance to community and Iwi, or if there is any other Council infrastructure in place that may be affected.

### **Assessment of significance**

In terms of Council's Significance and Engagement Policy this would be considered insignificant.

### **Recommended option**

The recommended options are **Option A and Option E**.

### **Next step**

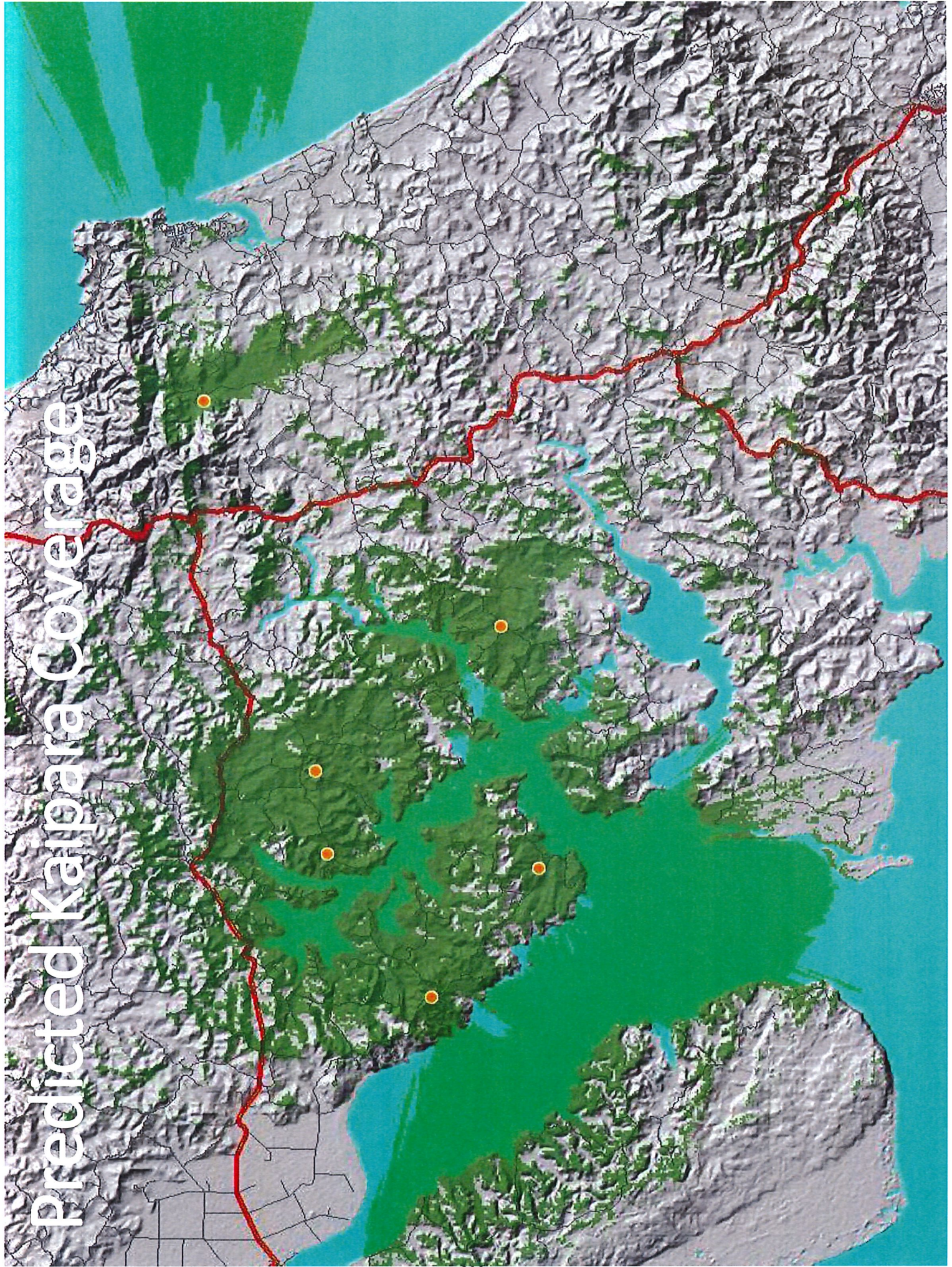
Confirm with the RCG the level of assistance that Council wishes to provide.

### **Attachment**

- Map from the presentation showing the area that the proposed additional towers will cover.



Predicted Kaipara Coverage



# Predicted Kaipara Coverage

## 7.5 Road Stopping and Sale - Murray Road, Tangowahine

Property and Commercial Advisor 5105.12

### Recommended

*That Kaipara District Council:*

- 1 *Receives the Property and Commercial Advisor's report 'Road Stopping and Sale - Murray Road, Tangowahine' dated 14 February 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 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; and*
- 4 *Delegates to the Chief Executive responsibility for reaching agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement; and*
- 5 *Notes that the purchaser will meet all costs associated with the transaction.*

**File number:** 5105.12  
**Report to:** Council  
**Meeting date:** 28 February 2018  
**Subject:** Road Stopping and Sale - Murray Road, Tangowahine  
**Date of report:** 14 February 2018  
**From:** John Burt, Property and Commercial Advisor  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

**Approved for agenda**

### Summary

This report is to consider an application to stop and purchase a 12.5ha parcel of unformed legal road in Tangowahine from the owners of the adjoining property.

The section of road proposed to be stopped is not currently formed and is not maintained by Council. The only party that uses the unformed road currently is the prospective purchaser who has made an application to Council for the road to be stopped.

It is recommended that the road be stopped and sold to the adjoining landowners in accordance with s116 of the Public Works Act 1981.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Property and Commercial Advisor's report 'Road Stopping and Sale - Murray Road, Tangowahine' dated 14 February 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 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; and*
- 4 *Delegates to the Chief Executive responsibility for reaching agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement; and*
- 5 *Notes that the purchaser will meet all costs associated with the transaction.*

### Reason for the recommendation

The section of road proposed to be stopped is not currently formed and is not maintained by Council. The only party that uses the unformed road currently is the prospective purchaser who has made an application to Council for the road to be stopped.

### Reason for the report

To consider an application to stop and purchase a 12.5ha parcel of unformed legal road in Tangowahine from the landowners of the adjoining property.

## **Background**

It appears that the rectangular portion of Murray Road was intended to be a Metal Reserve (to vest in the Hobson County Council. However, when the owner of Deeds Index 3B.944 dedicated the road running through Te Karaka Block in 1906 by conveyance 178267 (R121.249) it included the rectangular portion as road dedication by virtue of being coloured red on the diagram attached to conveyance 178267 (**Attachment 1**).

Perusal of the measurements shown on the diagram annexed to conveyance 178267 and SO 36745 confirm that the rectangular portion of Murray Road was included in the dedication as road by conveyance 178267. Correspondence contained on Lands and Survey file 24/776 also seems to confirm the above.

## **Issues**

The rectangular parcel of land is currently classified as unformed legal road but has been used by the adjoining landowner who planted pines on the land at the same time their own land was planted. The original landowner of the adjoining land was NZ Forest Products but the land is now managed by Hancock Forest Management. They are currently planning the harvest of the forest they manage and contacted Council to advise of this error. After discussion they indicated that they would be willing to purchase the unformed legal road from Council.

In terms of value if we were to amalgamate it with the adjoining land it would be worth approximately \$70,000 (12.5ha at \$5,500 per hectare) and if we obtained a separate title to it then it would be worth approximately \$120,000 plus GST (allowing an additional \$50,000 for a house site). The value of the tree crop would need to be the subject of a separate valuation but could be a significant windfall for Council. It is not known why the land was never developed as a quarry but could possibly be due to its remoteness and the quality of rock available. The cost of geotechnical investigation to determine the quality of any material would be considerable and may exceed the value of the land itself.

## **Factors to consider**

The different legislation offers local and central governments a mechanism to stop areas of road that are not in use.

There are two methods available to Council when stopping roads. These are:

1. Section 116 of the Public Works Act 1981.
2. Section 342 of the Local Government Act 1974 (LGA).

Both have merit and having two methods offers flexibility for different scenarios when considering stopping a road. Council's agent Crown Property Services has advised that Section 116 of the Public Works Act 1981 would be the most appropriate in this case.

## **Community views**

Most in the community would be unlikely to have a strong view on this matter.

## **Policy implications**

Council's Treasury policies require that Council's overall objective is only to own property (land or road) that is necessary to achieve its strategic objectives. As a general rule, Council will not maintain a

property investment where it is not essential for the delivery of relevant services and property is only retained where it relates to a primary output of Council. Council's roading team has confirmed that the land is not needed for any purpose.

#### **Financial implications**

A condition of the stopping would be that the applicant meets all the costs associated with the stopping and pays Council the fair market value of the land to be purchased i.e. there is no cost to Council.

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

Council would need to approve the road stopping as a transaction of this value has not been delegated to staff.

Land Information New Zealand (LINZ) published in August 2012 the standard for stopping or resumption of road (LINZS15002). This standard states that LINZ prefers that, in the first instance, local authorities apply the procedures in s342 of the LGA, given the requirements for public notification. The road should be stopped using the LGA when there are likely to be objections to the proposal, or matters of public access to consider.

Council's advisor, Crown Properties Ltd, believes that in the current circumstances the PWA 1981 can instead be applied as:

1. The applicant is the surrounding sole adjoining landowner who wishes to acquire the land.
2. There is no public expectation that the road may be formed or be a walkway.
3. The road in question does not offer any public access to any area of interest or water.

#### **Options**

There are two options available to Council.

**Option A:** Approve that the road to be stopped and sold under s116 of the Public Works Act 1981 and make the recommendation to the Minister of Lands; or

**Option B:** Decline the application for road stopping and sale under s116 of the Public Works Act 1981.

#### **Assessment of options**

If Council believes this land (road) meets the criteria outlined above, it should be stopped and sold.

#### **Assessment of significance**

Officers are of the opinion that the content and recommendations in this report are consistent with the requirements of the LGA 2002 and that the decision-making requirements have been met. In terms of Council's Significance and Engagement Policy (dated October 2014) the road stopping and sale is not considered significant.

#### **Recommended option**

The recommended option is **Option A**, approve that the road to be stopped and sold under s116 of the Public Works Act 1981

**Next step**

Commence the road stopping procedure outlined in s116 of the Public Works Act 1981

**Attachment**

- Attachment 1 - The survey diagram attached to conveyance 178267 showing the road to be stopped.



may the said Ashley John Hunter  
 keep the Vendor his executors and administrators  
 all claims and demands in respect thereof  
 the said parties have hereunto subscribed their names  
 Signed by the said Ashley John Hunter  
 in the presence of J. B. Condon

Law Clerk  
 Signed by the said Albert Edward Symonds  
 in the presence of J. B. Condon  
 Law Clerk Symonds Street Auckland  
 A. E. J. Devore

178267

Received for Registration at 11 am 25 April 1906 at  
 Halloway by Registrar (Seal) 3.B.944 Dated 16<sup>th</sup> day of March  
 1906 George Randall Johnson & Co to His Majesty the King  
 of Roads in Karaka Block 3.B.944. Nicholson & Grubbin Solicitors Auckland

Nicholson & Grubbin  
 A.R. Secy  
 16.3.06

This Deed made the sixteenth day of March one thousand nine  
 hundred and six Between George Randall Johnson  
 of Gisborne in the Provincial District of Auckland and Colony of New  
 Zealand Gentleman but now beyond the sea of the first part Oliver  
Nicholson of Auckland in the provincial district of Auckland aforesaid  
 Solicitor of the second part and His Majesty the King of the third part  
 Whereby by an agreement dated the fourteenth day of September one  
 thousand nine hundred made between the said George Randall Johnson  
 of the one part and Walter Martin Teumeger of Auckland aforesaid  
 Solicitor of the other part and registered as number 153015 the said  
 George Randall Johnson agreed to sell and the said Walter Martin  
 Teumeger to purchase for the consideration therein stated All that piece  
 of land containing by admeasurement eleven thousand seven hundred  
 and ten acres more or less situate in the County of Hobson and known

by the name of To Karaka and numbered 334<sup>N</sup> And whereas by deed  
 made the fifteenth day of July one thousand nine hundred and four  
 said Oliver Nicholson of the other part the said Walter Martin Neumege  
 assigned transferred and set over unto the said Oliver Nicholson all that  
 the right property benefit interest claim and demand whatsoever of him  
 the said Walter Martin Neumege under and by virtue of the said  
 agreement And whereas the said Oliver Nicholson being desirous of  
 dedicating to the public for road purposes certain portions of the said  
 block has requested the said George Randall Johnson to become a  
 party to and execute these presents which the said George Randall Johnson  
 has agreed to do as hereon appears Now this Deed Witnesseth that  
 in pursuance of the said agreement and in consideration of the sum  
 of Fifty pounds paid by the said Oliver Nicholson to the said George  
 Randall Johnson the receipt whereof is hereby acknowledged to the  
 said George Randall Johnson doth hereby convey and assure and  
 unto the said Oliver Nicholson doth hereby convey assure and confirm  
 unto His Majesty the King and his successors All those portions of  
 a block of land situate in the County of Dobson and known by the  
 name of To Karaka and numbered 334<sup>N</sup> as are delineated by the  
 plan drawn hereon and coloured red To hold the same unto His  
 Majesty the King and his successors to the intent that the same shall  
 be used by the public for ever hereafter as highway or public roads

In witness whereof the parties hereto have hereunto subscribed their  
 names at  
 by the said George Randall Johnson  
 by his attorney Martin Chapman in }  
 207  
 George Randall Johnson  
 by his attorney

by the said Oliver Nicholson in the presence of Geo a Gibbin Solicitor Auckland

O. Nicholson

I Martin Chapman of Wellington in New Zealand Solicitor do solemnly and sincerely declare

That I am the duly appointed attorney of the above named George Randall Johnson by virtue of a Power of Attorney under his hand and seal dated the fourth day of August one thousand nine hundred and one as depicted in the land transfer office at Auckland in New Zealand under number 1822. I have not received any notice or information of the revocation of the said power of attorney by death or otherwise

And I make this solemn declaration conscientiously believing the same to be true and under and by virtue of the provisions of an Act of the General Assembly of New Zealand intitled "The Justices of the Peace Act 1882"

Declared at Wellington in New Zealand this 16th day of March one thousand nine hundred and six Before me Leonard Trapp a Solicitor of the Supreme Court of New Zealand

Martin Chapman

The Body Corporate called the Chairman Councillors and Inhabitants of the Hobson County (being the local authority of the Hobson County wherein the land comprised in the within written deed is situated) doth hereby approve of (and consent to) the dedication intended to be made by the said within written deed and doth certify that the provisions of (of the said Body Corporate under "The Public Works Act 1905" have been duly complied with in respect of the said land) Section 116 of "The Public Works Act 1905" and the requirements of the said Body Corporate

~~under have been duly complied with in respect of the land as desired or expressed so to be~~

Dated this Nineteenth day of April one thousand nine hundred

and six

**Signed and Executed**

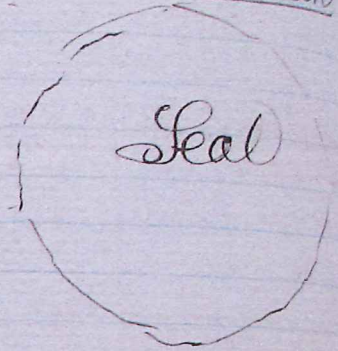
by the Body

Thomas Webb

Chairman

Corporate called

The Chairman Councillors and Inhabitants of the Hobson County by the Chairman and two of the said Councillors on behalf of the said Body Corporate And the Common Seal of the said Body Corporate was at a meeting of the said Body Corporate held on the Nineteenth day of April one thousand nine hundred and six set affixed and impressed hereon by the said Chairman in the presence of



(sic) & Hounson Council

(sic) & 2 Dargaville Council

**178268**

Received for Registration at noon 28<sup>th</sup> April 1906 (R. H. K)

By Registrar Seal Dated 25<sup>th</sup> August 1905 Receipt

Brookfield & Son Solicitor Auckland

Annexed to Mortgage Reg<sup>d</sup> No 114950 m R; 34. fo 839 —  
and Mortgage Reg<sup>d</sup> No 124697 m R 48 fo. 74.

The Onehunga Perpetual Land Building and Investment Society within named hereby acknowledge to have received all moneys intended to be secured <sup>2004</sup> by the annexed Deeds of Mortgage registered as Nos 124697

Handwritten notes in the left margin: "m and Davis" and "06"

17826<sup>7</sup>

Received for Registration

at 11 am 26<sup>th</sup> April 1906

R. H. Holloway

38944

affixed to 9 in R 121 to 249.  
above Deed 3

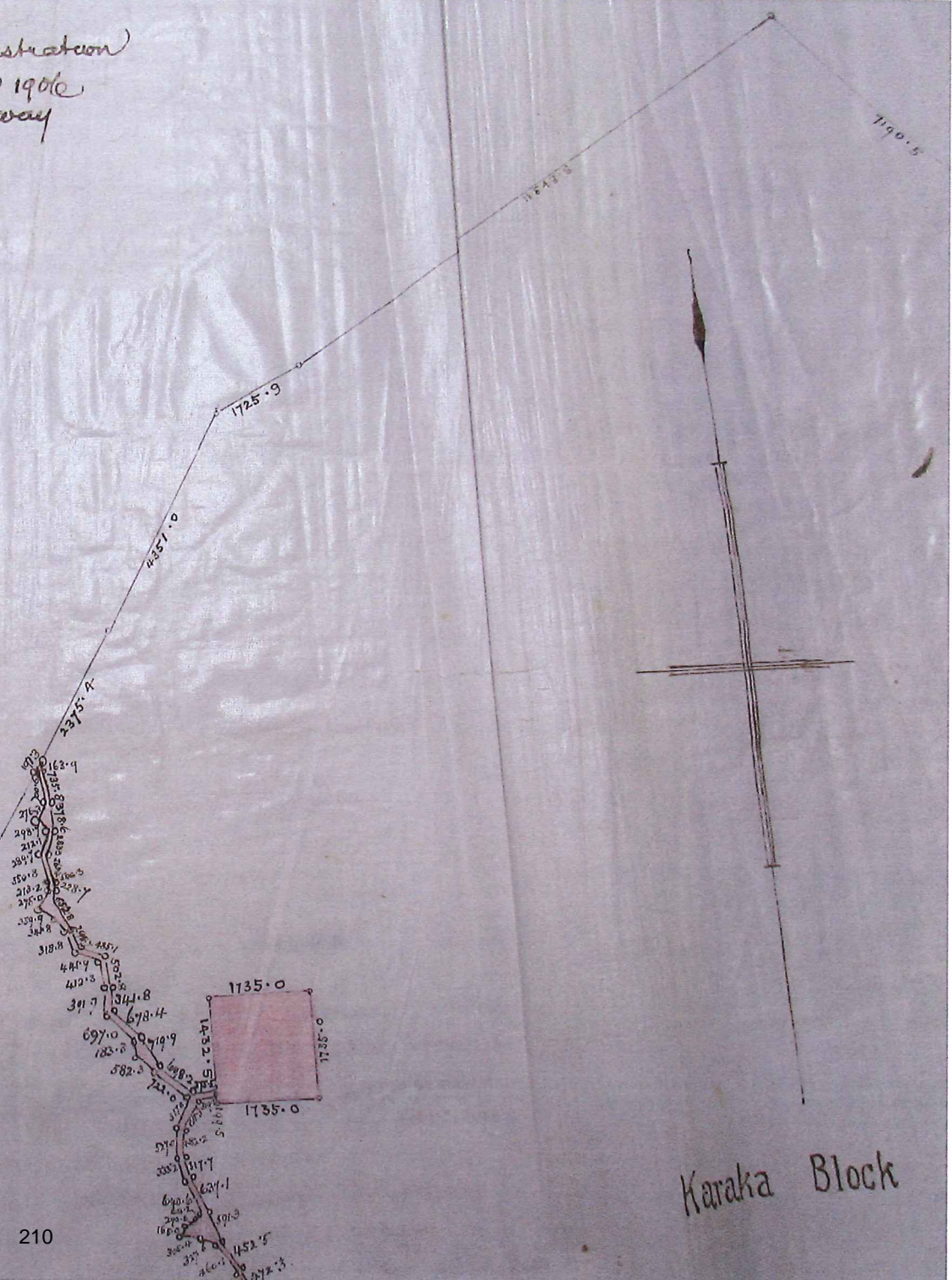
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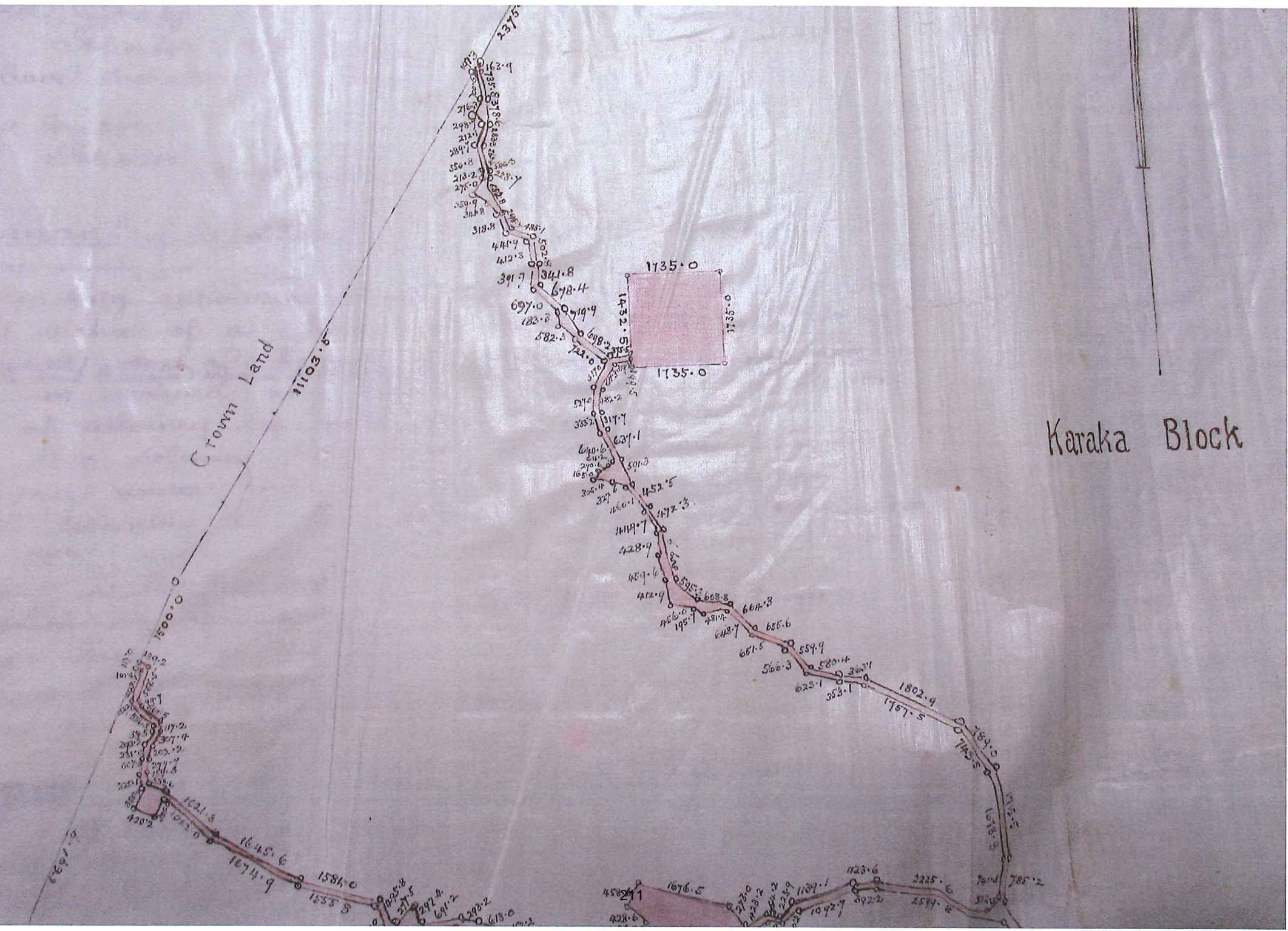
arell  
ON

Crown Land  
1103.8



Crown Land

Karaka Block



178267

Approved for legislation  
at 11 am 28<sup>th</sup> April 1906  
C. H. Bellway  
22 944  
offered to the public  
1/1000



Karaka Block

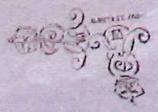
State Forest Reserve

Crown Land

State Forest Reserve

Plan of  
Roads and Reserves  
Karaka Block  
prepared by J. H. Bellway  
1906

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## 7 Public Excluded Council agenda items 28 February 2018

### Recommended

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

- *Confirmation of Public Excluded Council minutes 25 January 2018; and*
- *Lease of Office Unit: Unit 5, The Hub, 6 Molesworth Drive, Mangawhai, first right of refusal.*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:*

<b><i>General subject of each matter to be considered:</i></b>	<b><i>Reason for passing this Resolution</i></b>	<b><i>Ground(s) under Section 48(1) for the passing this resolution:</i></b>
<i>Confirmation of Public Excluded Council minutes 25 January 2018</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Lease of office unit : Unit 5, The Hub, 6 Molesworth Drive, Mangawhai. First right of refusal.</i>	<i>S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations</i>	<i>S48(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>



## **8 Open meeting Council agenda 28 February 2018**

### **Recommended**

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

### **Closure**

**Kaipara District Council  
Dargaville**