

I hereby give notice of the following Ordinary meeting:

Meeting	Kaipara District Council
Date	Thursday 20 December 2018
Time	9.30am
Venue	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

Open Agenda

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey

Councillor Anna Curnow

Councillor Victoria del la Varis-Woodcock

Councillor Julie Geange

Councillor Libby Jones

Councillor Karen Joyce-Paki

Councillor Jonathan Larsen

Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

Contents

		Page
1	Opening	1
1.1	Karakia	1
1.2	Present	1
1.3	Apologies	1
1.4	Confirmation of Agenda	1
1.5	Conflict of Interest Declaration	1
2	Presentations and Petitions	1
2.1	Department of Conservation (Stephen Soole)	1
2.2	Eugene Morgan-Coakle	1
3	Minutes	3
3.1	Confirmation of Open Council minutes 29 November 2018	3
3.2	Open Committee minutes confirmed in October and November 2018	19
4	Decision	53
4.1	Kauri Coast Community Pool Licence to Occupy Funding Agreement	55
4.2	Relationship Agreement: Northland Mayoral Forum and Te Kahu o Taonui	87
4.3	Forecast One 2018/2019*	
4.4	Draft Annual Plan 2019/2020*	
4.5	Fees and Charges 2019/2020: Annual Review*	
4.6	Smokefree Kaipara Policy – Panel recommendations	101
4.7	Class 4 Gambling Venues Policy – Adoption	115
4.8	Temporary Road Closure 17 February 2019, Arcadia Road - Approval	131
4.9	Request for authorisation to award Construction of New Pump Station (PS2) and WW Rising Main (CON913.02 - Construction)	135
5	Information	139
5.1	Northland Transportation Alliance Quarterly Update	141
5.2	Kaipara District School Zones Safety Improvements	143
5.3	Chief Executive's Report for the month of November 2018 ⁺	147
5.4	Resolutions Register and Action Tracker	161
6	Public Excluded agenda items 20 December 2018	171
6.1	Confirmation of Public Excluded Council minutes 29 November 2018	
6.2	Council nomination to Pou Tu Te Rangi Joint Management Committee	
7	Open Council agenda 20 December 2018	173
	Closure	173

* These reports will be supplied under a separate cover.

* 'Part Two: November 2018 Financial Report' to item 5.3 'Chief Executive's Report for the month of November 2018' will be tabled at the meeting.

**Ordinary meeting of Kaipara District Council
20 December 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.

1.5 Conflict of Interest Declaration

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

2 Deputations, Presentations and Petitions

2.1 Department of Conservation (Stephen Soole)

Collaboration between Kaipara District Council and Department of Conservation

2.2 Eugene Morgan-Coakle

Climate Change

3 Minutes

3.1 Confirmation of Open Council minutes 29 November 2018

General Manager Governance, Strategy and Democracy

1601.23

Recommended

That the unconfirmed Open minutes of the Kaipara District Council meeting held 29 November 2018 be confirmed as a true and correct record.

Kaipara District Council

Minutes

Meeting	Kaipara District Council
Date	Thursday 29 November 2018
Time	Meeting commenced at 9.33am Meeting concluded at 2.35pm
Venue	Tinopai Community Hall – 21 Komiti Road, Tinopai
Status	Unconfirmed

Membership

Chair: Mayor Jason Smith

Members:

- Deputy Mayor Peter Wethey
- Councillor Anna Curnow
- Councillor Victoria del la Varis-Woodcock
- Councillor Julie Geange
- Councillor Libby Jones
- Councillor Karen Joyce-Paki
- Councillor Jonathan Larsen
- Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

Contents

1	Opening.....	3
1.1	Karakia	3
1.2	Present.....	3
1.3	Apologies	4
1.4	Confirmation of Agenda	4
1.5	Conflict of Interest Declaration	4
3	Minutes.....	4
3.1	Confirmation of Open Council minutes 25 October 2018	4
3.2	Open Committee minutes confirmed in October 2018.....	5
3.3	Confirmation of Citizens Awards Committee minutes 18 August 2017	5
4	Decision	5
4.1	Alcohol Control Bylaw 2018 and alcohol control areas – Adoption	5
4.2	Recommendation from Taharoa Domain Governance Committee for a Proposed Taharoa Domain Bylaw	7
2	Deputations, Presentations and Petitions.....	7
2.1	Mikaera Miru	7
4	Decision	8
4.3	Plan Change 4 – Fire Safety, Environmental Court Decision	8
4.4	Private Road Seal Extension Policy 2018 Adoption	8
4.5	Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai	9
4.6	Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions	9
4.7	Murphy Bower Stopbank Options Report	10
5	Information	11
5.1	Quarterly Performance Measures for First Quarter Ending 30 September 2018	11
5.2	Strategic Plan Quarterly Report for July – September 2018.....	11
5.3	Chief Executive's Report for the month of October 2018	11
5.4	Resolutions Register and Action Tracker	11
5.5	Mayoral Appointment - Kaipara Community Health Trust	12
6	Public Excluded Council minute items 29 November 2018.....	13
7	Open Council minutes 29 November 2018	14
	Closure	14

**Minutes of the Ordinary meeting of Kaipara District Council
29 November 2018 in Tinopai**

1 Opening

1.1 Karakia

Councillor Joyce-Paki opened the meeting with a karakia.

1.2 Present

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

In Attendance

Name	Designation	Item(s)
Louise Miller	Chief Executive	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Fran Mikulicic	General Manager Regulatory, Planning and Policy	1—5.5
Sue Davidson	General Manager IT, Risk and Finance	4.4—Closure
Bernard Petersen	Acting Rooding Manager	1—4.7
Andy Brown	Senior Assets Engineer	1—4.7
Shawn Baker	Northland Transportation Alliance	1—4.7
Matt Smith	4 Waters Planning and Design Engineer	1—4.7
Kathie Fletcher	Policy Manager	1—4.7
Paula Hansen	Policy Planner	1—4.7
Paul Waanders	District Planner	1—4.7
John Burt	Property and Commercial Advisor	5.1—Closure
Francis Toko	Iwi Relations Manager	1—5.5
Lisa Hong	Governance Advisor	All (Minute-taker)

Adjournments

Reason	Start	Finish
Morning tea	10.41am	11.00am
Lunch	12.17pm	1.00pm

1.3 Apologies

Moved Joyce-Paki/Curnow

That the apology of Councillor Julie Geange be received.

Carried

[Secretarial Note: Councillor Geange requested audio link to the meeting. Due to the poor coverage at the meeting location, this request could not be accommodated.]

1.4 Confirmation of Agenda

Moved Smith/Joyce-Paki

That Kaipara District Council confirms the agenda, with item 2.1 public forum presentation by Mikaera Miru deferred to later in the meeting to enable speaker attendance.

Carried

1.5 Conflict of Interest Declaration

Name	Item
Councillor Anna Curnow	Item 5.5 'Mayoral Appointment - Kaipara Community Health Trust' – Councillor Curnow declared an interest as the vacancy to the Kaipara Community Health Trust was created by her resignation from the Trust.
Councillor Jonathan Larsen	Item 4.3 'Plan Change 4 – Fire Safety, Environmental Court Decision' – Councillor Larsen declared an interest as a Section 274 submitter to Plan Change 4. Councillor Larsen withdrew from the table and did not vote on this item.

3 Minutes

3.1 Confirmation of Open Council minutes 25 October 2018

General Manager Governance, Strategy and Democracy

1601.23

Moved Wethey/Jones

That the unconfirmed Open minutes of the Kaipara District Council meeting held 25 October 2018 be confirmed as a true and correct record, with the minor grammatical amendment on item 1.2.

Carried

3.2 Open Committee minutes confirmed in October 2018

General Manager Governance, Strategy and Democracy 1607.13

Moved Joyce-Paki/Curnow

That Kaipara District Council receives the confirmed minutes of the combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee meeting held 05 September 2018.

Carried

3.3 Confirmation of Citizens Awards Committee minutes 18 August 2017

General Manager Governance, Strategy and Democracy 1614.02

Moved Wethey/Curnow

That Kaipara District Council receives and confirms as a true and accurate record the unconfirmed minutes of the Citizens Awards Committee meeting held 18 August 2017.

Carried

4 Decision

4.1 Alcohol Control Bylaw 2018 and alcohol control areas – Adoption

Policy Planner 3211.02

Moved Smith/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Policy Planner's report 'Alcohol Control Bylaw and alcohol control areas - Adoption' dated 14 November 2018 and its Attachments 1 to 4; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the recommendations of the Alcohol Bylaw Hearings Panel as contained in Attachment 1 to the afore-mentioned report; and*
- 4 *Agrees that the Alcohol Control Bylaw is appropriate and proportionate in light of the evidence; and*
- 5 *Agrees that the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and*
- 6 *Adopts the final Alcohol Control Bylaw (circulated as Attachment 2 to the afore-mentioned report); and*

- 7 *Determines that it is satisfied that a high level of crime and disorder will occur if the alcohol controls in the following areas are removed: Mangawhai, Ruawai, Dargaville, Pouto, Glinks Gully, Baylys Beach, Omamari, Aranga and Kaihu areas; and*
- 8 *Agrees that, in light of information and evidence provided, the following alcohol control areas and associated controls are adopted (Attachment 3 to the afore-mentioned report contains final maps showing the Alcohol Control Areas):*
- a) *“Mangawhai controls to: apply continuously (24hours a day) starting at 8.30pm on 22 December through to 7.00am on 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year. To apply to the area shown on Map 1 of Attachment 3; and*
 - b) *Ruawai control areas apply 24hours a day all year round. To apply to the area shown on Map 2 of Attachment 3; and*
 - c) *Dargaville control areas apply 24hours a day all year round to be applied to the same area consulted and being extended to include the addition of public places within the rest of Victoria Street and Finlayson Park Avenue Dargaville as shown on Map 3 of Attachment 3; and*
 - d) *That the alcohol controls apply from 8.30pm to 7.00am the following day on each day throughout the year for the following areas:*
 - i *Te Kopuru – within the area shown on Map 4 of Attachment 3;*
 - ii *Pouto - within the area shown on Map 5 of Attachment 3;*
 - iii *Glinks Gully - within the area shown on Map 6 of Attachment 3;*
 - iv *Baylys Beach - within the area shown on Map 7 of Attachment 3;*
 - v *Omamari - within the area shown on Map 8 of Attachment 3;*
 - vi *Aranga - within the area shown on Map 9 of Attachment 3;*
 - vii *Kaihu - within the area shown on Map 10 of Attachment 3; and*
- 8 *Determines that it is satisfied that there is evidence of a high level of crime and disorder occurring at times within Tinopai due to alcohol being consumed; and*
- 9 *Agrees that an Alcohol Control Bylaw be put in place from 8.30pm to 7.00am the following day all year round for the Tinopai area as shown in Map 11 of Attachment 3; and*
- 10 *Delegates the authority to the Regulatory Manager, Licensing Team Leader and the Monitoring and Compliance Team Leader the authority to grant exemptions to an alcohol control area under clause 12 of the Alcohol Control Bylaw 2018.*

Carried

4.2 Recommendation from Taharoa Domain Governance Committee for a Proposed Taharoa Domain Bylaw

Policy Planner **3216.0**

Moved **Smith/Joyce-Paki**

That Kaipara District Council:

- 1 Receives the Policy Planner's report 'Recommendation from the Taharoa Domain Governance Committee for Proposed Taharoa Domain Bylaw' dated 16 November 2018 and its Attachments 1 to 6; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 Adopts for public consultation - the Statement of Proposal for the Taharoa Domain Bylaw and associated draft Bylaw as presented in the circulated Attachment 2 of the aforementioned report; and*
- 4 Delegates to the Chief Executive and the Mayor to approve minor typographical changes and any changes that do not affect the intent of the draft Bylaw; and*
- 5 Delegates to the Taharoa Domain Governance Committee including representatives from Te Roroa and Te Kuihi, the responsibility to hear submissions and make recommendations on the final Taharoa Domain Bylaw to Council with the Mayor acting as Chair.*

Carried

2 Deputations, Presentations and Petitions

2.1 Mikaera Miru

[Secretarial Note: This item was taken out of order, between items 4.2 and 4.3, to enable speaker attendance.]

Mikaera Miru spoke in the public forum.

Meeting adjourned for morning tea at 10.41am.

Meeting reconvened at 11.00am.

4 Decision

4.3 Plan Change 4 – Fire Safety, Environmental Court Decision

[Secretarial Note: Councillor Larsen declared an interest as a Section 274 submitter to Plan Change 4. Councillor Larsen withdrew from the table and did not vote on this item.]

District Planner **3807.09.04.12**

Moved **Smith/Wethey**

That Kaipara District Council:

- 1 Receives the District Planner's report on 'Plan Change 4 – Fire Safety, Environmental Court Decision' dated 14 November 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 Directs Council officers to amend the Operative District Plan in accordance with the Environment Court's decision on Plan Change 4 to the Kaipara District Plan dated 24 October 2018, circulated as Attachment 1 to the afore-mentioned report; and*
- 4 Approves Plan Change 4 to the Kaipara District Plan in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991; and*
- 5 Resolves to delegate to the Chief Executive the authority to publicly notify in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991 the 'operative date' at least five working days beforehand.*

Carried

4.4 Private Road Seal Extension Policy 2018 Adoption

Acting Roding Manager **4102/PSE**

Moved **Smith/Curnow**

That the Kaipara District Council:

- 1 Receives the Acting Roding Manager's report 'Private Road Seal Extension Policy 2018 Adoption' dated 12 November 2018 and its Attachment 1 'Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations'; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

- 3 *Adopts the Private Road Seal Extension Policy 2018, as set out in Appendix 4 of Attachment 1 to the aforementioned report.*

Carried

4.5 Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai

Roading Manager **4107.873**

Moved **Wethey/Curnow**

That Kaipara District Council:

- 1 *Receives the Acting Roding Manager's report 'Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai' dated 12 November 2018 and its Attachments 1 and 2; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts Option B – reduce the speed limit in the full review area to 50km/hr, as set out in Attachment 1 (Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Speed Limit Review – 31 October 2018) to the aforementioned report; and*
- 4 *Adopts the amendments to the Kaipara District Speed Limit Bylaw 2005, as set out in Appendix 3 of Attachment 2 ('Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Submission Recommendations') to the aforementioned report.*

Carried

4.6 Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions

General Manager Infrastructure **4801.0**

Moved **Jones/Joyce-Paki**

That the Kaipara District Council:

- 1 *Receives the General Manager Infrastructure's report 'Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions' dated 12 November 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 authority to the Mayor and Chief Executive to impose and rescind water restrictions if required within the Kaipara district in accordance with Clauses 1609.1 and 1609.2 of the Kaipara District Council's General Bylaws 2008, Part 16, Water Supply; and*
- 4 *Instructs the Chief Executive to report to the next available Council meeting the details of any water restrictions imposed or rescinded.*

Carried

4.7 Murphy Bower Stopbank Options Report

Waters and Waste Manager 4303.24

Moved Smith/Curnow

That the Kaipara District Council:

- 1 *Receives the Waters and Waste Manager's report 'Murphy Bower Stopbank, Raupo, Options Report' dated 19 November 2018 and its circulated Appendix A; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the recommendation to Council by the Raupo Drainage Committee at the Committee's meeting of 15 November 2018; and*
- 4 *Resolves that the Murphy Bower stopbank located on SECT 73-75 PT 44 BLK XV TOKATOKA SD is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under New Stop Bank and the upgrade of the existing section of the stopbank as highlighted by the area marked under Option 2 as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST; and*
- 4 *Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank:*
 - a) *\$128,000 to come from financial year capital works projects;*
 - b) *\$50,000 from Management services (identified to start hydraulic modelling);*
 - c) *\$42,000 from the stopbank maintenance budget; and*
- 5 *Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded.*

Carried

Meeting adjourned for lunch at 12.17pm

Meeting reconvened at 1.00pm

5 Information

5.1 Quarterly Performance Measures for First Quarter Ending 30 September 2018

Administration Manager

2002.02.17

Moved Smith/Curnow

That Kaipara District Council receives the Administration Manager's report 'Quarterly Performance Measures for First Quarter Ending 30 September 2018' and the information contained therein.

Carried

5.2 Strategic Plan Quarterly Report for July – September 2018

Administration Manager

2003.01

Moved Jones/del la Varis-Woodcock

That Kaipara District Council receives the Administration Manager's report 'Strategic Plan Quarterly Report for July – September 2018' and the information contained therein.

Carried

5.3 Chief Executive's Report for the month of October 2018

Chief Executive

2002.02.18/October

[Secretarial Note: The Chief Executive tabled the 'Local government position statement on three waters' (LGNZ, 12 November 2018)ⁱ.]

Moved Jones/del la Varis-Woodcock

That Kaipara District Council receives the Chief Executive's Report for the month of October 2018 and the information contained therein.

Carried

5.4 Resolutions Register and Action Tracker

Governance Advisor

1202.05

Moved Curnow/Joyce-Paki

That Kaipara District Council receives the Resolutions Register and Action Tracker dated 21 November 2018 and the information contained therein.

Carried

5.5 Mayoral Appointment - Kaipara Community Health Trust

General Manager Governance, Strategy and Democracy

2104.45

Moved Smith/Joyce-Paki

That the Kaipara District Council:

- 1 Receives the General Manager Governance, Strategy and Democracy's report 'Mayoral Appointment – Kaipara Community Health Trust' dated 14 November 2018; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 Notes the Mayoral appointment of Mr David Underwood as the Central Ward Representative (historic ward boundaries) on the Kaipara Community Health Trust.*

Carried

6 Public Excluded Council minute items 29 November 2018

Meeting went into Public Excluded session at 2.10pm.

Moved Curnow/Joyce-Paki

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

- Baylys Beach Camp Ground - New Lease; and*
- Dairy Factory Building (Former), Whakapirau - Assignment of Lease*

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

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Baylys Beach Camp Ground - New Lease</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>
<i>Dairy Factory Building (Former), Whakapirau - Assignment of Lease</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>

Carried

7 Open Council minutes 29 November 2018

Meeting returned to Open session at 2.33pm.

Closure

Meeting closed at 2.36pm.

Confirmed

Chair

Kaipara District Council
Dargaville

ⁱ [Local government position statement on three waters, LGNZ, 12 November 2018](#)

3.2 Open Committee minutes confirmed in October and November 2018

General Manager Governance, Strategy and Democracy

16/Various

Recommended

That Kaipara District Council receives the confirmed Open minutes of the following committee meetings:

- *Funding Committee for Rural Travel Fund meeting held 31 October 2017;*
- *Funding Committee for Rural Travel Fund meeting held 30 April 2018;*
- *Raupo Drainage Committee meeting held 16 August 2018; and*
- *Taharoa Domain Governance Committee meeting held 16 August 2018; and*
- *Mangawhai Community Park Governance Committee meeting held 20 August 2018.*

Minutes

Meeting:	Funding Committee : Sport NZ Rural Travel Fund Assessment
Date:	Tuesday 31 October 2017
Time:	Meeting commenced at 1.00 pm Meeting concluded at 1.50 pm
Venue:	Interview Room, Kaipara District Council
Status:	Confirmed

Membership

Chair: Chris Biddles

Members: Vern Stevens, Roxanne Kelly, Councillor Jonathan Larsen, Karen Smales

Staff and Associates:

Parks and Community Manager, Administration Assistant (minute-taker)

Darlene Lang Gent
Parks and Community Manager

Contents

1	Present	3
2	Apologies	3
3	Confirmation of Agenda	3
4	Conflict of Interest Declaration.....	3
5	Confirmation of Minutes.....	3
5.1	Sport NZ Rural Travel Fund Assessment Committee minutes: 02 May 2017	3
6	Allocation of Funding	4
6.1	Rural Travel Fund: Summary of Applications 2017/2018 Round Two.....	4
7	Closure.....	5
7.1	General Business	5

Ordinary Meeting of the Sport NZ Rural Travel Fund Assessment Committee

Tuesday 31 October 2017

1 Present

Chris Biddles (Chair), Roxanne Kelly, Vern Stevens and Karen Smales, Councillor

Jonathan Larsen (via audio link)

Staff:

Name	Designation	Item(s)
Darlene Lang	Community Facilitator	All
Monique Antonio	Administrative Assistant	Minute-taker

2 Apologies

Nil.

3 Confirmation of Agenda

The Committee confirmed the Agenda.

4 Conflict of Interest Declaration

Name	Conflict of Interest
Roxanne Kelly	Hikuwai O Kaipara Waka Ama Club

5 Confirmation of Minutes

5.1 Sport NZ Rural Travel Fund Assessment Committee minutes: 02 May 2017

Community Facilitator 1612.01

Moved Stevens/Biddles

That the unconfirmed minutes of the meeting of the Sport NZ Rural Travel Fund Assessment Committee held 02 May 2017 be confirmed as a true and correct record.

Carried

6 Allocation of Funding

6.1 Rural Travel Fund: Summary of Applications 2017/2018 Round Two

Administration Assistant 2109.02.03

Moved Stevens/Smales

That the Funding Committee:

- 1 *Receives the Fund Administrator's report Sport New Zealand Rural Travel Fund: Summary of Applications 2017/2018 Round Two dated 27 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 provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Believes it has complied with the Rural Travel Fund scheme's decision-making criteria:*
 - *for either more students to access current opportunities or for students who currently participate to access new opportunities;*
 - *for either during school or out-of-school times;*
 - *for either primary or secondary school aged students;*
 - *in partnership with a school or club; and*
- 4 *Awards grants to agreed applications shown below:*

Applicant	Amount \$	Approved \$
<i>Dargaville Amateur Swimming Club</i>	<i>\$1,500.00</i>	<i>\$500.00</i>
<i>Dargaville High School</i>	<i>\$3,196.05</i>	<i>\$1,300.00</i>
<i>Dargaville Primary School</i>	<i>\$2,160.00</i>	<i>\$1,900.00</i>
<i>Hikuwai O Kaipara Waka Ama Club</i>	<i>\$1,500.00</i>	<i>\$500.00</i>
<i>Kaiwaka School</i>	<i>\$500.00</i>	<i>\$500.00</i>
<i>Northern Wairoa Cricket Club</i>	<i>\$1,500.00</i>	<i>\$1,400.00</i>
<i>Otamatea High School</i>	<i>\$1550.05</i>	<i>\$1,300.00</i>
<i>Ruawai College</i>	<i>\$4861.00</i>	<i>\$1,300.00</i>
<i>Ruawai Primary School</i>	<i>\$1,000.00</i>	<i>\$300.00</i>
<i>Te Kopuru Swimming Club</i>	<i>\$1,500.00</i>	<i>\$500.00</i>
Total:	\$19,267.10	\$9,500.00
Total funding available:	\$9,500.00	\$9,500.00

Carried

7 Closure

7.1 General Business

The Committee noted it was great to see so many applications for Round Two 2017/2018.

The Committee delegated the Administrative Assistant to advise Ruawai Primary School to re-apply in the 2018/2019 Round One for their winter sports funding.

The meeting closed at 1.50pm

Confirmed 25 October 2018

Chair Chris Biddles

Meeting	Funding Committee: Rural Travel Fund
Date	Monday 30 April 2018
Time	Meeting commenced at 10.03am Meeting concluded at 10.56am.
Venue	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville
Status	Confirmed

Minutes

Members

Chair: Chris Biddles

Members: Councillor Victoria del la Varis-Woodcock, Roxanne Kelly, Karen Smales and
Vern Stevens

Staff and Associates:

Funding Co-ordinator, Governance Advisor (Minute-taker)

Contents

1	Opening.....	3
1.1	Karakia	3
1.2	Present.....	3
1.3	Apologies	3
2	Decision	3
2.1	Rural Travel Fund: Summary of Applications 2017/2018 Round Two.....	3
	Closure	5

**Minutes of the Funding Committee (Rural Travel Fund) meeting
30 April 2018 in Dargaville**

1 Opening

1.1 Karakia

Mr Chris Biddles opened the meeting with a karakia.

Committee members welcomed Councillor del la Varis-Woodcock to the Committee.

1.2 Present

Chris Biddles (Chair), Councillor Victoria del la Varis-Woodcock, Roxanne Kelly, Karen Smales and Vern Stevens

In attendance

Name	Designation	Item(s)
Jenny Rooney	Funding Co-ordinator	All
Lisa Hong	Governance Advisor	All (Minute-taker)

1.3 Apologies

Nil.

2 Decision

2.1 Rural Travel Fund: Summary of Applications 2017/2018 Round Two

Funding Co-ordinator 2109.02.03

Due to a clerical error, the application from Dargaville Rugby and Sports Club Inc. for Western Sharks Hockey was not included in the agenda (Attachment 4 to the report). The application was tabled at the meeting for the Committee's consideration with apologies from staff.

Moved Smales/Stevens

That the Funding Committee (Rural Travel Fund):

- 1 Receives the Funding Co-ordinator's report 'Rural Travel Fund: Summary of Applications 2017/2018 Round Two' and its Attachments 1—16 dated 20 April 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 provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*

- 3 *Believes it has complied with the Rural Travel Fund scheme's decision-making criteria:*
- *for either more students to access current opportunities or for students who currently participate to access new opportunities;*
 - *for either during school or out-of-school times;*
 - *for either primary or secondary school aged students;*
 - *in partnership with a school or club; and*
- 4 *Awards the following grants for 2017/2018 Round Two of Sport Northland Rural Travel Fund:*

<i>Applicant</i>	<i>Purpose</i>	<i>Amount</i>
<i>Aranga School</i>	<i>Travel expenses to sporting events.</i>	<i>\$500.00</i>
<i>Dargaville High School</i>	<i>To help subsidise travel to Northland Secondary School events, along with sports tournaments outside of the Kaipara Area where these competitions are not locally available to our students.</i>	<i>\$2,000.00</i>
<i>Dargaville Rugby and Sports Club Inc. - Western Sharks</i>	<i>To subsidise travel costs for student hockey players to winter club competition in Whangarei.</i>	<i>\$200.00</i>
<i>Dargaville Rugby and Sports Club Inc. - Junior</i>	<i>Travel to Whangarei for Junior Festival day for year 4-6 children in September.</i>	<i>\$100.00</i>
<i>Kaipara Basketball Association</i>	<i>To travel from Kaiwaka to Whangarei for weekly junior basketball competition.</i>	<i>*\$400.00</i>
<i>Mangawhai Beach Primary School</i>	<i>Travel to Whangarei and Kaiwaka for interschool Rippa Rugby, Quick Rip Rugby and inter-school athletics day.</i>	<i>\$250.00</i>
<i>Maungaturoto Amateur Swimming Club</i>	<i>To transport selected children to attend swimming squad training with Bream Bay Swimming Club three days per week.</i>	<i>\$600.00</i>
<i>Northern Wairoa Association Football Club</i>	<i>To transport junior and youth to away games and end of season tournaments.</i>	<i>\$1,000.00</i>
<i>Northern Wairoa Bulls Rugby League and Sports Club</i>	<i>Travel to Whangarei for competition for junior and U17 teams.</i>	<i>\$1,000.00</i>
<i>Otamatea Hawks IMB</i>	<i>Travel for children to rugby games in Whangarei, Dargaville and wider area.</i>	<i>\$500.00</i>
<i>Otamatea Hawks Juniors</i>	<i>To provide travel for children to rugby games in Whangarei.</i>	<i>\$500.00</i>

<i>Applicant</i>	<i>Purpose</i>	<i>Amount</i>
<i>Otamatea High School</i>	<i>Travel to Northland hockey, football, basketball, table tennis, touch, badminton and Sport Northland events, as well as inter-school sports exchanges.</i>	<i>\$2,000.00</i>
<i>Pouto School</i>	<i>To travel to sporting events and practices in Dargaville.</i>	<i>\$500.00</i>
<i>Ruawai College</i>	<i>Travel to various sporting events.</i>	<i>\$1,000.00</i>
<i>Ruawai Primary School</i>	<i>Travel to sporting events in Dargaville and Whangarei.</i>	<i>\$400.00</i>
<i>Total</i>		<i>\$10,950.00</i>

**The grant for Kaipara Basketball Association is conditional on receipt of draw (as proof of relevant competition).*

Carried

Closure

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

The meeting closed at 10.56am.

Confirmed 25 October 2018

Chair Chris Biddles

**Kaipara District Council
Dargaville**

Meeting	Raupo Drainage Committee
Date	Thursday 16 August 2018
Venue	Raupo Drainage Board Offices – Wharf Road, Ruawai
Time	Meeting commenced at 10.00am Meeting concluded at 12.05pm
Status	Confirmed

Minutes

Membership

Chair: Ian Beattie

Members: Greg Gent, David Hart, Brian Madsen, Ross McKinley, Ken Whitehead,
Mayor Jason Smith, Councillor Anna Curnow

Staff and Associates:

Land Drainage Co-ordinator, Executive Assistant, Governance Advisor (Minute-taker)

Jason Marris

General Manager Governance, Strategy and Democracy

Contents

1	Opening.....	3
1.1	Present.....	3
1.2	Apologies	3
1.3	Confirmation of Agenda	3
1.4	Conflict of Interest Declaration	3
1.5	Deputations and Presentations	3
2	Confirmation of Minutes.....	3
2.1	Raupo Drainage Committee Minutes 11 May 2018	3
3	General	4
3.1	Asset Management Report: August 2018	4
3.2	Financial report for period ended 30 June 2018	4
3.3	Murphy Bower Stopbank, August 2018	4
	Closure 12.05pm	5

**Minutes of the Ordinary meeting of the Raupo Drainage Committee
Thursday 16 August 2018 in Ruawai**

1 Opening

1.1 Present

Chair: Ian Beattie

Members: Councillor Anna Curnow, Greg Gent, David Hart, Brian Madsen,
Ross McKinley and Mayor Jason Smith

In Attendance

Name	Designation	Item(s)
Shelley Paniora	Executive Assistant	All (Minute-taker)
Wayne Crump	Drainage Co-ordinator	All
Matt Smith	Four Waters Planning and Design Engineer	All
Donnick Mugutso	Acting General Manager Infrastructure	All

1.2 Apologies

Nil.

1.3 Confirmation of Agenda

The Committee to confirm the Agenda.

1.4 Conflict of Interest Declaration

Nil.

1.5 Deputations and Presentations

Nil.

2 Confirmation of Minutes

2.1 Raupo Drainage Committee Minutes 11 May 2018

General Manager Governance, Strategy and Democracy

1603.22

Moved Beattie/Gent

That the unconfirmed minutes of the Raupo Drainage Committee meeting held on 11 May 2018 be confirmed as a true and correct record, with the following amendment:

Item	Amendment
4.1 'General Business – Extension to Raupo Drainage District A	Sentences to be added at end of paragraph: “... The new drain would be numbered 6C in the network. The drain needs to be at an acceptable standard to the Land Drainage Co-ordinator prior to the Drainage District taking the drain on.”

Carried

3 General

3.1 Asset Management Report: August 2018

Land Drainage Co-ordinator 4303.24

Moved Curnow/Smith

That the Raupo Drainage Committee receives the Land Drainage Co-ordinator's report 'Asset Management Report: August 2018' dated 07 August 2018. This will enable the Committee to be informed of the current issues.

Carried

3.2 Financial report for period ended 30 June 2018

Financial Services Manager 4303.24

Moved McKinley/Hart

That the Raupo Drainage Committee receives the Raupo Drainage District financial report for period ended 30 June 2018.

Carried

3.3 Murphy Bower Stopbank, August 2018

Acting General Manager Infrastructure 4303.24

Moved Beattie/Gent

That Raupo Drainage Committee:

- 1 Receives the Acting General Manager Infrastructure's report 'Murphy Bower Stopbank – August 2018' dated 09 August 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 Wants a third option explored and included in the consultation letter to Raupo residents of a reinstated stopbank on the Bowergate Property built on the ground to a height of the existing bank as a benchmark with the associated risk profile analysis associated with each option included; and*
- 4 The Committee will reconvene once the information is available to be included in the public consultation letter.*

Carried

Closure 12.05pm

Confirmed 11 November 2018

Chair Ian Beattie

Kaipara District Council

Dargaville

Taharoa Domain Governance Committee

Extraordinary meeting held

Date	Thursday 16 August 2018
Time	Meeting commenced at 2.03pm Meeting concluded at 4.18pm
Venue	Northern Wairoa War Memorial Hall, Dargaville
Status	Confirmed

Minutes

Membership

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

Staff and Associates:

Parks and Recreation Manager, Financial Services Manager, Policy Planner,
Governance Advisor (Minute-taker)

Jason Marris
General Manager Governance, Strategy and Democracy

Contents

1	Opening.....	3
1.1	Karakia	3
1.2	Present.....	3
1.3	Apologies	3
1.4	Confirmation of Agenda	3
1.5	Conflict of Interest Declaration	3
2	Deputations and Presentations	3
2.1	Leon Parore, Provincial Growth Fund.....	3
3	Confirmation of Minutes.....	4
3.1	Taharoa Domain Governance Committee minutes 10 May 2018	4
4	Governance	4
4.1	Rotation of Chair 2018	4
5	Decision	5
5.1	Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal - recommend to Council to adopt for public consultation	5
5.2	Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 - Formal revocation of Taharoa Domain Governance Committee 08 February 2018 resolution	5
6	Information	6
6.1	Taharoa Domain Operations Update: May 2018 to July 2018	6
6.2	Financial report for 12-month period ending 30 June 2018.....	6
6.3	Kai Iwi Lakes Dune Lakes Galaxias Working Group update	6
6.4	Alcohol Control Information.....	7
Closure		7

**Minutes of the Extraordinary meeting of Taharoa Domain Governance Committee
Thursday 16 August 2018, Dargaville**

1 Opening

Chair Andrew Wade, in consultation with the Acting Chief Executive Curt Martin, cancelled the 08 August 2018 meeting of the Committee due to a district event (Kaipara District Council Standing Orders 8.13). Subsequently, Mayor Jason Smith called for this Extraordinary meeting of the Committee to be held on 16 August 2018 (Kaipara District Council Standing Orders 8.3 and Local Government Act 2002, Schedule 7, Clause 22).

1.1 Karakia

Iwi Relations Manager opened the meeting with a karakia.

1.2 Present

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

In attendance	Designation	Item(s)
Donnick Mugutso	Acting General Manager Infrastructure	All
Hamish Watson	Parks and Recreation Manager	All
Andrew Howells	Domain Manager	All
Layne Wadsworth	Parks Contractor	All
Kathie Fletcher	Policy Manager	All
Paula Hansen	Policy Planner	All
Mark Schreurs	Policy Analyst	All
Francis Toko	Iwi Relations Manager	All
Markus Schwarzer	Financial Services Manager	1—6.2
Lisa Hong	Governance Advisor	All (minute-taker)

1.3 Apologies

Nil.

1.4 Confirmation of Agenda

Moved Parore/Nesbit

The Committee confirmed the Agenda.

Carried

1.5 Conflict of Interest Declaration

Nil.

2 Deputations and Presentations

2.1 Leon Parore, Provincial Growth Fund

Leon Parore spoke in the public forum.

3 Confirmation of Minutes

3.1 Taharoa Domain Governance Committee minutes 10 May 2018

General Manager Governance, Strategy and Democracy 1606.17

Moved Joyce-Paki/Nesbit

That the minutes of the Taharoa Domain Governance Committee meeting on 10 May 2018 be confirmed as a true and correct record.

Carried

4 Governance

4.1 Rotation of Chair 2018

Governance Advisor 4702.24.02

Motion 1 Joyce-Paki/Wade

[Secretarial Note: Motion 1 and Motion 2 to be read in conjunction with each other.]

That the Taharoa Domain Governance Committee:

- 1 *Receives the Governance Advisor's report 'Rotation of Chair 2018' dated 27 July 2018 and its attachment; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the new Taharoa Domain Governance Committee Terms of Reference as adopted by Council on 26 June 2018 (circulated as Attachment 1 to the aforementioned report); and*
- 4 *Adopts voting system B and agrees that in the event of a tie the candidate elected shall be resolved by lot.*

Carried

Motion 2 Nebit/Joyce-Paki

- 5 *Elects Ric Parore as Chair of the Taharoa Domain Governance Committee, until another Chair is elected at the first meeting of the Taharoa Domain Governance Committee after 01 July 2019.*

Carried

[Secretarial Note: At the request of Ric Parore, Councillor Andrew Wade consented to resume the role of Chair for the remainder of this meeting.]

5 Decision

5.1 Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal - recommend to Council to adopt for public consultation

Policy Planner 3216.0

Moved Nesbit/Wade

That the Taharoa Domain Governance Committee:

- 1 *Receives the Policy Planner's report 'Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal – recommend to Council to adopt for public consultation' dated 27 July 2018 and its attachments; 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 *Determines that the proposed bylaw is required and is the most appropriate way of addressing the perceived problem and is the most appropriate form of bylaw; and*
- 4 *Recognises that Council's legal obligations under the Reserves Act to protect Ecological Values and to provide Recreational Safety for the users of Lake Waikare and Lake Kai Iwi are met; and*
- 5 *Recommends to Kaipara District Council to adopt the Taharoa Domain Bylaw 2018 (draft) and associated Statement of Proposal for public consultation, both documents circulated as Attachment 1 and Attachment 2 of the aforementioned report.*

Carried

5.2 Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 - Formal revocation of Taharoa Domain Governance Committee 08 February 2018 resolution

Governance Advisor 4702.24.02

Moved Joyce-Paki/Parore

That the Taharoa Domain Governance Committee:

- 1 *Receives the Governance Advisor's report 'Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 - Formal revocation of Taharoa Domain Governance Committee 08 February 2018 resolution' dated 27 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

- 3 *Revokes the decision that the Taharoa Domain Governance Committee '[i]nstructs Kaipara District Council staff to make a submission to the Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 advocating for 200 metre speed restrictions'.*

Carried

6 Information

6.1 Taharoa Domain Operations Update: May 2018 to July 2018

Parks and Recreation Manager 4702.24.02.02

Moved Nesbit/Parore

That the Taharoa Domain Governance Committee receives the Parks and Recreation Manager's report 'Taharoa Domain Operations Update: May 2018-July 2018' dated 02 August 2018 and Attachments 1 and 2, and the information contained therein.

Carried

6.2 Financial report for 12-month period ending 30 June 2018

Financial Services Manager 4702.24.02.01

Moved Joyce-Paki/Parore

That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Financial report for 12-month period ending 30 June 2018' and the information contained therein.

Carried

6.3 Kai Iwi Lakes Dune Lakes Galaxias Working Group update

Policy Analyst 4702.24.05

Moved Joyce-Paki/Nesbit

That the Taharoa Doman Governance Committee:

- 1 *Receives the Policy Analyst's report 'Kai Iwi Lakes Dune Lakes Galaxias Working Group update' dated 30 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

- 3 *Receives the information in the above-mentioned report giving an update on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group and its members; and*
- 4 *Directs the Chief Executive to report back to the Committee with a research protocol, including:*
 - *conflict of interest and external organisations;*
 - *clear Committee approval process;*
 - *monitoring and reporting strategy;*
 - *potentially intrusive research techniques;*
 - *alternative funding for the trout diet study;*
 - *Terms of Reference for the Dune Lakes Galaxias Working Group; and*
 - *research programme, update on current projects, and funding streams.*

Carried

6.4 Alcohol Control Information

Policy Planner **3216/2018 Bylaw**

Moved **Joyce-Paki/Wade**

That the Taharoa Domain Governance Committee:

- 1 *Receives the Policy Planner's report 'Alcohol Control Information' dated 23 July 2018 and the information contained therein; and*
- 2 *Directs the Chief Executive to investigate using the Lake Waikare Centre for cultural and educational purposes.*

Carried

Closure

Iwi Relations Manager closed the meeting with a karakia.

Meeting closed at 4.18pm.

Confirmed 29 November 2018

Chair **Mayor Jason Smith**

Kaipara District Council

Dargaville

Meeting	Mangawhai Community Park Governance Committee
Date	Monday 20 August 2018
Time	Meeting commenced at 10.00am Meeting concluded at 11.53am
Venue	Meeting Room, Kaipara District Council offices – 6 Molesworth Drive, Mangawhai
Status	Confirmed

Minutes

Membership

Chair: Councillor Anna Curnow

Members: Messrs Maurice Langdon and Jim Wintle, Deputy Mayor Peter Wethey

Staff and Associates:

Parks and Recreation Manager, Governance Advisor (Minute-taker)

Jason Marris
General Manager Governance, Strategy and Democracy

Contents

1	Opening.....	3
1.1	Present.....	3
1.2	Apologies	3
1.3	Confirmation of Agenda	3
1.4	Conflict of Interest Declaration	3
1.5	Deputations and Presentations.....	3
2	Confirmation of Minutes.....	3
2.1	Mangawhai Community Park Governance Committee minutes 21 May 2018	3
3	Information	4
3.0	Succession Planning.....	4
3.1	Mangawhai Community Park Master Plan Operations Update: May 2018 to July	4
4	Decision	4
4.1	Mangawhai Community Park Survey Options report.....	4
4.2	Mangawhai Pioneer Village Trust Licence to Occupy – Requested amendment to include surrounding land	5
Closure		5

Minutes of the Mangawhai Community Park Governance Committee meeting

Monday 20 August 2018, Mangawhai

1 Opening

1.1 Present

Councillor Anna Curnow (Chair), Deputy Mayor Peter Wethey, Messrs Maurice Langdon and Jim Wintle

In Attendance

Name	Designation	Item(s)
Hamish Watson	Parks Officer	All
Lisa Hong	Governance Advisor	All (Minute-taker)

1.2 Apologies

Nil.

1.3 Confirmation of Agenda

Moved Curnow/Wethey

That the Mangawhai Community Park Governance Committee confirms the agenda, with the addendum 'Succession Planning' before item 3.1 'Mangawhai Community Park Master Plan Operations Update: May 2018 to July'.

Carried

1.4 Conflict of Interest Declaration

Name	Conflict
Jim Wintle	Trustee of the Pioneer Village Trust

1.5 Deputations and Presentations

Nil.

2 Confirmation of Minutes

2.1 Mangawhai Community Park Governance Committee minutes 21 May 2018

General Manager Governance, Strategy and Democracy

1611.04

Moved Wethey/Langdon

That the minutes of the meeting of Mangawhai Community Park Governance Committee held on 21 May 2018 be confirmed as a true and correct record.

Carried

3 Information

3.0 Succession Planning

[Secretarial Note: This item was added to the agenda by the Committee in a resolution in item 1.3 'Confirmation of Agenda'.]

Jim Wintle discussed potential new member to the Committee to succeed him in the future.

3.1 Mangawhai Community Park Master Plan Operations Update: May 2018 to July

Parks and Recreation Manager 4702.13.06

[Secretarial Note: Deputy Mayor Wethey tabled Mangawhai Community Trust's sporting facilities priorities document dated 19 August 2018. The Committee noted that any new draft Licences to Occupy in the Mangawhai Community Park are to be reviewed by the Committee prior to being recommended to Council. The Committee requested staff to instruct the Mangawhai Activity Zone Committee to submit a project proposal on the proposed pump track for the Committee to review, including line of sight, carparking and access routes creating a cohesive design plan.]

Moved Curnow/Langdon

That the Mangawhai Community Park Governance Committee receives the Parks and Recreation Manager's report 'Mangawhai Community Park Master Plan Operations Update: May 2018 to July 2018' dated 09 August 2018.

Carried

4 Decision

4.1 Mangawhai Community Park Survey Options reports

Acting General Manager Infrastructure 4702.13.06

Moved Curnow/Wethey

That Mangawhai Community Park Governance Committee:

- 1 Receives the Acting General Manager Infrastructure's report 'Mangawhai Community Park Survey Options report' dated 09 August 2018; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 Delegates the Chief Executive to develop a proposal targeting users of the Mangawhai Community Park by having volunteers survey the people at the Park.*

Carried

4.2 Mangawhai Pioneer Village Trust Licence to Occupy – Requested amendment to include surrounding land

Parks and Recreation Manager 4702.13.06

[Secretarial Note: Jim Wintle declared a conflict of interest for this item and did not participate in the discussion nor vote on the item.]

Moved Curnow/Wethey

That the Mangawhai Community Park Governance Committee;

- 1 *Receives the Parks and Recreation Manager's report 'Mangawhai Pioneer Village Trust Licence to Occupy – Requested amendment to include surrounding land' dated 10 August 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 *Agrees in principle with Option B of the afore-mentioned report to change the Mangawhai Pioneer Village Trust's Licence to Occupy to include the surrounding land but not have exclusive rights as outlined in the circulated plan, being Attachment 2 to the aforementioned report; and*
- 4 *Directs the Chief Executive to prepare a new draft Licence to Occupy with proposed site layout for existing and future developments, for review by the Committee before it is recommended to full Council for execution.*

Carried

Closure

The meeting closed at 11.53am.

Confirmed 19 November 2018

Chair Councillor Anna Curnow

Kaipara District Council

Dargaville

4 Decision

File number: 4701.03 **Approved for agenda** ☒
Report to: Council
Meeting date: 20 December 2018
Subject: Kauri Coast Community Pool Licence to Occupy and Funding Agreement
Date of report: 04 December 2018
From: Darlene Lang, Community Relationships Manager

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

Summary

Council previously asked staff to liaise with Sport Northland and the Kauri Coast Community Pool Trust (the Trust) with a view to exploring an opportunity for Sport Northland to operate the Kauri Coast Community Pool (the Pool). Staff have worked with Sport Northland, and Sport Northland has worked with the Trust to progress this opportunity.

Council is now being asked to approve the Licence to Occupy (LTO) and Funding Agreement for Sport Northland to take over the operation of the Pool for the 2018/2019, 2019/2020, 2020/2021 financial years. The funding is incorporated in the approved Long Term Plan 2018/2028.

The LTO and Funding Agreement set out the formal arrangements that working in partnership with Sport Northland will achieve. This partnership will have positive outcomes for the community and by having formal arrangements in place will ensure this is a transparent and productive partnership.

Recommendation

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Kauri Coast Community Pool Licence to Occupy and Funding Agreement' dated 04 December 2018 and its Attachment 1 and Attachment 2; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates the Chief Executive to finalise the Funding Agreement of \$321,000 per annum (consisting of \$257,000 for operating costs, \$42,000 for repairs, maintenance and renewals; \$22,000 for water rates), with Sport Northland for three years commencing in the 2018/2019 financial year; and*
- 4 *Delegates the Chief Executive to finalise the Licence to Occupy with Sport Northland; and*
- 5 *Notes that the approvals, provided in Recommendations 3 and 4 above, are subject to formal transfer of ownership of the Kauri Coast Community Pool facilities from the Kauri Coast Community Trust to Sport Northland.*

Reason for the recommendation

To finalise the LTO and Funding Agreement and allow Sport Northland to take over ownership of the pool facilities and the operation of the Kauri Coast Community Pool in Dargaville.

Reason for the report

The Trust has worked successfully on the build and operation of the Pool in Dargaville for many years. With a focus toward the future, there is now an opportunity to invest in a partnership with Sport Northland, who have wide experience in this area, to operate the Pool. This report seeks confirmation that these formal arrangements are appropriate.

Background

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

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

In June 2017, Council formed a Management Committee that made recommendations regarding the Pool to the Trust, however they did not have the leverage to make the changes as this is the responsibility of the Trust. This highlighted the lack of formal agreements, measures and accountability between Council and the Trust.

In July 2018, a report was presented to Council with an update on the Pool for the previous year and to recommend the future funding grant be approved subject to the recommended measures being implemented. The Council deferred the decision, to allow an opportunity for elected members and staff to discuss with the Trust.

That discussion occurred in August 2018 and the Trust suggested that Sport Northland could be approached to take over the ownership, and operation of the Pool. Sport Northland currently operates the Whangarei Aquatic Centre and the Kawakawa Pool, so has considerable expertise in this area. The Trust was asked to liaise with Sport Northland and if they were agreeable then Council staff could start working with Sport Northland with regards to measures and accountability, and a funding agreement and LTO.

Sport Northland was agreeable and Council staff have worked with them to create a draft funding agreement (**Attachment 1**) and draft LTO (**Attachment 2**). Progress and these drafts were then discussed at a meeting between elected members, Council staff and Sport Northland in November 2018.

Sport Northland has worked with the Trust, and both entities are satisfied with the draft agreements as attached to this report. The agreements have also been legally reviewed by Council's and Sport Northland's lawyers.

Licence to Occupy

Sport Northland will own the Pool facility but will enter into an LTO for the use of the land at Selwyn Park.

Council's Community Assistance Policy sets out how Council supports and assists the community to develop and provide their own facilities and services by granting a licence to community organisations to occupy Council land.

The key terms and conditions from the draft LTO are:

- \$1.00 per annum plus GST rent;
- No land rates;
- Sport Northland will pay for water rates as per grant, insurance (including public liability insurance);
- The term is for 15 years with the right of renewal of another 15 years;
- Sport Northland may terminate this agreement if funding or other agreed financial assistance is not provided beyond 30 June 2021;
- Council can terminate this agreement if Sport Northland does not meet the terms and condition set out in the LTO;
- Sport Northland will provide an annual report to Council and compliance with the Reporting Obligations as set out in the Funding Agreement;
- Sport Northland will increase attendance numbers annually and by 10% over the three-year Funding Agreement term;
- Sport Northland will endeavour to obtain funding from external funders to enable the reduction of Council financial support.

Funding Agreement

The Funding Agreement outlines the grant figures and accountability measures as follows:

- Financial, operational, marketing, asset management and performance analysis reports will be provided annually;
- Usage Statistics will be provided six monthly;
- Health and safety monitoring will be supplied to Council as required;
- Operational costs including repairs and maintenance will be accounted for annually.

The Council's Community team will have the relationship with Sport Northland and will be responsible for monitoring and ensuring the required reporting is completed to Council.

Issues

It is clear that the current method for operation of the Pool is not sustainable. No formal arrangements have been in place with the Trust, including KPIs, and despite negotiations around measures over the years, for various reasons, agreement has not been reached.

Factors to consider

Community views

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

One view is that the Pool is a community asset that Council should be managing and investing in while other views are critical of the level of Council expenditure currently incurred supporting a facility that is seen to be under-utilised by other parts of the district.

If Sport Northland operates the Pool, their experience and professionalism in managing like assets and facilities throughout Northland, coupled with the rigour of performance measures and appropriate agreements, will provide community confidence.

Policy implications

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

Financial implications

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

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

Assessment of significance

This matter does not trigger Council's Significance and Engagement Policy as the financial amounts have already been included and approved in the Long Term Plan 2018/2028.

Options

Council has the following options:

Option A: Delegates the Chief Executive to finalise the Licence to Occupy and Funding Agreement with Sport Northland.

Option B: Does not delegate the Chief Executive to finalise the Licence to Occupy and Funding Agreement with Sport Northland.

Assessment of options

Option A: The Pool is a great asset to the district and is something Council should continue to support. By having Sport Northland in place and having formal agreements, such as an LTO and Funding Agreement, that specifies terms and conditions will give comfort to Council and the community.

Option B: Not approving the recommendations will mean the Trust will continue to operate the Pool. There are no formal agreements in place and Council will need to decide future funding which could affect the operation of the Pool. If the Trust does not operate the Pool, this responsibility will fall to Council anyway.

Recommended option

The recommended option is **Option A**.

Next steps

The Board of Sport Northland may approve the agreements in principle (subject to Council approval) prior to this Council meeting (20 December 2018), so staff will be able to provide a verbal update on progress at the Council meeting.

Sport Northland will work with the Trust to finalise all legal details to ensure ownership of the Pool is transferred to them.

Assuming Council delegation, the Chief Executive will then work with Sport Northland to finalise the LTO and Funding Agreement. Once completed, funding will be released.

Attachments

- Attachment 1 – [Funding Agreement](#)
- Attachment 2 – [Licence to Occupy](#)

Grant Terms and Conditions

Organisation: Sport Northland

Grant: \$321,000.00 + GST p/a for three years

Grant Purpose: To cover the operations and repairs and maintenance for the Dargaville Pool



Agreement – Grant Terms and Conditions

Parties

- 1 **Kaipara District Council** ("Council")
- 2 **Name:** Sport Northland ("Organisation")

Address	ASB Northland Sports House 97 Western Hills Drive Whangarei
Contact Person	Brent Eastwood, Chief Executive
Telephone Number	0272 744 588
Email	brente@sportnorth.co.nz
Bank Account Details	12-3101-0059881-00
The Council has agreed to make a grant to the Organisation the details of which are set out below:	
Grant	<p>\$321,000.00 plus GST (if applicable) p/a for three years payable annually in advance</p> <p>Breakdown is as follows:</p> <ul style="list-style-type: none"> - \$279,000 Operations; including \$22,000 for water rates - \$42,000 Repairs and Maintenance <p>The operations figure will be adjusted annually by the published national Consumer Price Index (CPI) figure for the 12 months ended 30 June of the year preceding.</p> <p>Any surplus made through this arrangement will be reinvested into the pool facility upon mutual agreement.</p>
Grant Purpose	To cover the operations and repairs and maintenance for the Dargaville Pool ("Pool Facility")
Term	The term of this Agreement is for three (3) years commencing on 1 July 2018 and ending on 30 June 2021
Reporting Obligations	<p>The Organisation will provide to Council at the end of each financial year:</p> <ul style="list-style-type: none"> - Financial report - Operational report - Marketing report - Asset Management report - Performance analysis report <p>The Financial report will provide to Council:</p> <ul style="list-style-type: none"> - A full set of audited financial accounts for the previous financial year;

	<ul style="list-style-type: none"> - A projected budget for the 2014/2015 financial year; - A comparative analysis of financial performance of actual expenditure versus budgeted expenditure. <p>The Operational report will provide to Council:</p> <ul style="list-style-type: none"> - A schedule of opening hours, usage statistics by the public, usage statistics for swim meets, carnivals and swim camps, public use and including usage statistics of the hydrotherapy pool. Type of admissions i.e. child / adult / senior, casual, concession, group, family season pass. Any added value where entry may have been free or at a reduced charge for a certain group, event or activity; - A schedule of costs associated with the Pool Facility, including chemical, and power consumption, maintenance and repairs. - An analysis of the Pool Facility usage and operational costs comparatively with the atmospheric conditions subsisting at the time. - Any proposed significant changes to opening hours that would or could impact on public usage of the Pool Facility. <p>The Marketing Report will provide to Council:</p> <ul style="list-style-type: none"> - Sponsorship obtained for the previous financial year and any future sponsorship proposals; - Event marketing, if any; - Proposals for the season year for the development of marketing the Pool Facility to the residents of the Dargaville community specifically, the Kaipara District generally, any proposals to market the facility to the Northland region. Such proposals can include the marketing of the Pool Facility to any swimming groups and sports groups that may use the facility for training purposes. <p>The Asset Management report will provide to Council:</p> <ul style="list-style-type: none"> - Cost analysis for repairs and maintenance to the Pool Facility for the previous financial year and the ensuing financial year. - Planning for the ensuing three-year period to maintain the Pool Facility to the highest possible standard, fair wear and tear excepted. - The variation from recommended operating regimes of plant and equipment. <p>The Performance Analysis report will provide to Council:</p> <ul style="list-style-type: none"> - Measured Key Performance Indicators for safety, water quality and customer satisfaction. <p>REPORTING:</p> <p>In addition to the annual reporting requirements as outlined above, the Organisation will provide to Council:</p> <ul style="list-style-type: none"> - a summary of usage statistics and operational costs and including repairs and maintenance together with any other information that the Organisation may consider expedient to provide Council on a seasonal basis in order to provide full and frank disclosure, that is every six months at the commencement and conclusion of each season. - health and safety monitoring shall be undertaken and reported to Council - As part of the annual reporting process, the parties agree to review the performance criteria that may affect the
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	efficient operation of the Pool Facility which may have arisen in the previous twelve month period.
Special Terms and Conditions	<ul style="list-style-type: none"> - The Council acknowledges and agrees that the Organisation sub-contracts the day-to-day service provision and management of the Pool Facility. - The Organisation will use its best endeavours to obtain funding from other sources, such as community grants organisations. - The parties agree that in October of each year, or as near as possible after the submission to the Council by the Organisation of the reports required by this agreement, the parties will meet to discuss those reports and make any changes to this agreement and/or the Licence to Occupy Land between the Council and the Organisation ("Licence to Occupy") (including the Performance Measures) that may from time to time be agreed to be in the best interests of the development and management of the Pool Facility. Any such changes agreed shall not be effective unless recorded in writing and signed by both parties. - If the Organisation should be in breach of any of its obligations under the Licence to Occupy to the extent that the Council terminates or is entitled to or decides to terminate the Licence to Occupy the Council acting in its discretion may terminate this agreement and/or suspend payment of any unexpended portion of the Grant. Any such action by the Council shall not release the Organisation from the performance of its obligations under this agreement up to the date of any such termination or suspension.

The Organisation accepts the Grant, will apply the Grant for the Grant Purpose and will observe, perform and be bound by the Grant Terms and Conditions attached to this agreement.

Signed on behalf of the Council: _____

Name [please print]: _____

Designation: _____

Dated: _____

Signed on behalf of the Organisation: _____

Name [please print]: _____

Designation: _____

Dated: _____

Grant Terms and Conditions

1 Payment of Grant/GST

The Council will pay the Grant to the Organisation in one sum unless otherwise specified in the Special Terms. The Grant is calculated exclusive of GST and in the event of the Grant being a taxable supply under the Goods and Services Tax Act 1985 and the Organisation being registered for GST the Grant shall be plus GST and the Organisation shall supply the Council with a valid GST invoice. The Council shall not be obliged to make any payment of the Grant plus GST unless a valid GST invoice has been provided to the Council.

2 Application of Grant

The Organisation shall apply the Grant for the Grant Purpose and for no other purpose and will expend the Grant within the Expenditure Period unless specified otherwise on the front page of this agreement or within such extended period agreed to by the Council in writing.

3 Reporting

If provided for on the front page of this agreement the Organisation shall report in writing to the Council when the Grant has been expended and such report shall confirm that the Grant has been expended for the Grant Purpose. The Council may require the Organisation to complete a standard reporting form and may also require the Organisation to provide the Council with any information which the Council considers is relevant to the Grant including the financial statements of the Organisation.

4 Acknowledgement

In consideration of the Grant, the Organisation undertakes to actively

acknowledge the support of the Council in all of its correspondence, advertising or other publicity material during the Expenditure Period.

5 Refund of Grant

In the event that the Grant is not applied for the Grant Purpose for any reason or has not been expended either wholly or partially by the Organisation within the Expenditure Period or such further period agreed to by the Council the Organisation shall refund the Grant or the unexpended portion of the Grant, plus GST (if applicable), to the Council and shall in any event make such refund to the Council upon demand made by the Council.

6 Own Risk and Indemnity

The Organisation receives and expends the Grant at its own cost and risk in all respects and the Organisation shall at all times indemnify the Council against all claims made by any person in respect of any injury, loss, damage, penalties or other liabilities caused or suffered as a result of or arising out of any acts or omissions of the Organisation in the expending of the Grant.

7 Liability Insurance

The Organisation shall if required by the Council take out and keep in force for not less than the Expenditure Period or such extended or further period as required by the Council a policy of public liability insurance. Such policy shall be for not less than \$2,000,000 in respect of any one single accident or event against liability for loss, damage or injury arising directly or indirectly out of the expending of the Grant. The Organisation will supply a certificate of currency to the Council upon request.

8 Warranty

The Organisation warrants to the Council that the information set out by the Organisation in the application form on which the Council has relied in its decision to make the Grant is true and correct and will remain true and correct in all material respects at the time the Grant is actually expended.

9 No Assignment

The Organisation will undertake the expenditure of the Grant itself and will not assign or transfer the Grant or its obligations under this agreement to any third party.

10 Statutory Compliance

In expending the Grant the Organisation shall comply with all statutes, regulations, bylaws and authorities applicable to the application of the Grant for the Grant Purpose. The Organisation will in particular comply with the Health and Safety at Work Act 2015 and its regulations or any enactment in substitution.

11 Relationship of Parties

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

12 Breach

If the Organisation breaches any term of this agreement or defaults in the performance of any obligation under this agreement the Council following the giving of reasonable notice of the breach or default shall, acting in its discretion, be entitled to terminate this agreement and/or suspend payment of any unexpended portion of the Grant. Any such action by the Council shall not release the

Organisation from the performance of its obligations under this agreement up to the date of such termination or suspension.

13 Definitions

In these terms and conditions capitalised words shall have the meaning as set out in the agreement to which these terms and conditions are attached and form part of.

14 Agreement Paramount

Any detail or provision of the agreement to which these terms and conditions are attached which is contrary to or in conflict with any provision of these terms and conditions shall prevail over these terms and conditions.

Licence to Occupy

December 2018

Kaipara District Council

(Council)

Sport Northland

(Organisation)

Licence to Occupy Land

Part of Lot 2 DP 205564 and Lot 195 DP 859 at Selwyn Park

Pool Facilities

Licence to Occupy Land

PARTIES

1. **Kaipara District Council** ("Council")
2. **Sport Northland** ("Organisation")

INTRODUCTION

- A The Council is the registered proprietor of the Land described in Schedule 1 and holds such Land for the benefit of the Kaipara community, which may allow for community organisations to use the Land for community purposes.
- B The Council and the Organisation have agreed to enter into this Agreement to provide for the Organisation to use and occupy the Land on the terms and conditions set out in this Agreement.

1 Agreement

Grant of Licence

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

Terms and Conditions

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

Signed by)

Kaipara District Council)

in the presence of:)

Date:

The Common Seal of)

Sport Northland)

was affixed in the)

presence of:)

Date:

AGREEMENT dated the day of 2018

Schedule 1

Organisation	Sport Northland
Organisation Contact Details	<ul style="list-style-type: none"> • Brent Eastwood, Chief Executive • brente@sportnorth.co.nz • ASB Northland Sports House, 97 Western Hills Drive, Whangarei • PO Box 1492, Whangarei 0140 • 09 437 9605 or 0272 744 588
Council Contact Details	<ul style="list-style-type: none"> • Community Relationships Manager • council@kaipara.govt.nz • 09 439 1158
Land	<p>Part of Lot 2 DP 205564 and Lot 195 DP 859 Title NA134A/38 at Selwyn Park located on Jervois Street, Dargaville</p> 
Improvements	Existing swimming pool complex.
Status of Organisation	Charitable Trust

Community Benefits	<ul style="list-style-type: none"> Swimming pools offer a means of social interaction, relaxation and stress relief. They give an opportunity to participate in aerobic yet low-impact exercise. Swimming pools increase water safety in the community. The establishment of community swimming pools produce positive effects on the health and well-being of local residents. Actively promotes regular exercise and a healthy lifestyle. Community swimming pools have the ability to promote a vast quantity of social benefits regardless of an individual's cultural and socioeconomic background.
Annual Licence Fee	\$1.00 per annum plus GST
Outgoings payable	Land Rates: No Water Rates: Yes
Term	Fifteen years
Commencement Date	December 2018
Extension Term	Fifteen years
Total Possible Term	Thirty years
Permitted Use	Pool facilities. This includes the Dargaville Community Pools and any other activity reasonably associated with the pool facility operation.
Public Risk Insurance Amount	\$2m
Insurance Value	Replacement value.
Conditions/Special Terms	<ul style="list-style-type: none"> Council acknowledges and agrees that the Organisation sub-contracts the day-to-day service provision and management of the pool facilities. The Council acknowledges to the Organisation that the Improvements are held in the ownership of the Organisation, but subject to the terms and conditions of this Agreement. The Organisation's liability to pay water rates for the period 1 July 2018 to 30 June 2021 is subject to the Organisation receiving a grant from the Council to meet such expense. The annual licence fee of \$1 per annum plus GST shall apply for so long as the Performance Measures continue to be met. The Council will pay its own legal costs of and incidental to the negotiations and preparation of this Agreement.

	<p>- The Organisation may terminate this agreement if funding via a grant agreement similar to that provided under the Grant Agreement referred to in the Performance Measures or other agreed financial assistance is not provided beyond 30 June 2021.</p>
Financial Year of Organisation	01 July – 30 June
Performance Measures	<ul style="list-style-type: none"> • Compliance with the terms and conditions of the grant agreement for the provision of funding from the Council to the Organisation for the period 1 July 2018 to 30 June 2021 (“Grant Agreement”) and the terms and conditions of any further or additional grants from the Council; • Provide an annual report to Council and compliance with the Reporting Obligations as set out in the Grant Agreement; • Increase attendance numbers annually and by 10% over the three year Grant Agreement term; • Endeavour to obtain funding from external funders to enable the reduction of Council financial support; • The Community Benefits are continuing to be provided; • not-for-profit status of the Organisation is retained; • registration of the Organisation as a charitable entity 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; • the degree and frequency of use, including shared use, of the improvements and the Land by other community organisations and members of the public.

Schedule 2

Terms and Conditions

1 Definitions and Interpretation

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

"Organisation" means the Organisation named and described in Schedule 1 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

1.2 In this Agreement:

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

2 Term of Licence and Extensions

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

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

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

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

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

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

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

2.6

2.6.1 In the event that the Organisation owns or has erected substantial improvements on the Land and wishes to have a further licence of the Land which will extend or renew the licence granted by this Agreement beyond 35 years or such substitute statutory period under the Resource Management Act 1991 requiring a subdivision consent to be obtained for a lease or licence then provided:

- (a) the Organisation has given not more than nine months and not less than six months notice to the Council prior to the end of the then current Term requesting that the Council grant a further licence of the Land;
- (b) the Council wishes to grant a further licence or other right of occupation over the Land to the Organisation;
- (c) the performance conditions set out in clause 2.2 have been substantially complied with; and
- (d) the conditions set out in clause 5.3 have been satisfied for the purposes of any further or renewed licence term, then,

2.6.2 The Council will first offer a new licence for the Land to the Organisation for a further term on the following basis:

- (a) by giving written notice to the Organisation not less than four months prior to the end of the then current Term stating the terms of the proposed new licence which, except for the term (which shall be not less than 15 years), shall be solely at the discretion of the Council provided that the parties agree the terms of any new licence will be on the basis of the Organisation retaining ownership of the Improvements for the duration of the further term;
- (b) The Organisation shall within three months of the date of receipt of the Council's notice notify the Council in writing that:
 - (i) the Organisation accepts the Council's offer of a further licence of the Land on the terms notified by the Council; or
 - (ii) the Organisation rejects the Council's offer.
- (c) If the Organisation fails to give the notice referred to in paragraph 2.6.1(a) or fails to give a notice under paragraph (b)(i) (in both cases time being of the essence) then the Organisation shall be deemed not to desire a further licence of the Land and shall have no further rights under this clause 2.6.
- (d) If the Organisation gives the notice referred to in paragraph (b)(ii) of this clause the Council shall be entitled to grant a further lease, licence or other right of occupation over the Land to any other party on the terms stated in the notice given by the Council under paragraph 2.6.2(a) of this clause provided that if the Council wishes to materially vary such terms it shall first offer the Organisation the further opportunity of accepting a licence on such varied terms by giving a further written notice stating the varied terms and such further offer shall be open for acceptance by the Organisation for the same time and in the same manner as that set out in this clause and the provisions of this clause shall apply in respect of the acceptance of such varied offer.

2.6.3 If the Council does not wish to grant a further licence or other right of occupation over the Land the Council will give written notice not less than four months prior to the end of the then current Term to the Organisation of such decision and the Organisation shall have no further rights under this clause 2.6.

3 Annual Licence Fee

- 3.1 The Organisation shall pay the Council the Annual Licence Fee during each year of the Term on the date and the frequency set out in Schedule 1.
- 3.2 The initial Annual Licence Fee shall be the amount, plus GST, set out in Schedule 1.
- 3.3 Where the initial Annual Licence Fee is a peppercorn rent (for example \$1.00 per annum plus GST) the Council may at its discretion by notice in writing to the Organisation ("conversion notice") convert the amount of the Annual Licence Fee to a substantive Annual Licence Fee

("substantive Annual Licence Fee") which shall comprise:

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

3.4 In the case of a conversion notice given by the Council under clause 3.3 the substantive Annual Licence Fee shall take effect from the date stipulated in the conversion notice given by the Council and may, at the discretion of the Council, be reassessed by the Council at the intervals and at the dates provided for in Schedule 1, calculated from the date of conversion. In any case where a substantive Annual Licence Fee applies from the Commencement Date the substantive Annual Licence Fee may at the discretion of the Council be reassessed at the intervals and at the dates set out in Schedule 1.

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

4 Outgoings

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

4.2 The Organisation shall pay all Outgoings direct or otherwise as the Council directs and in respect of the Land, excluding the Improvements, shall pay a proportion of such Outgoings as are apportioned by the Council, which may include Outgoings which are shared with other organisations or persons.

4.3 The Organisation shall pay Rates to the Council unless remitted by operation of any policy implemented by the Council in relation to the remission of Rates.

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

5 Repair Maintenance and Replacement

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

- a) keep and maintain the Improvements (both external and internal and including all plant, fixtures and fittings, floor coverings and surfaces) in good serviceable and substantial

repair and condition, repairing and replacing as necessary, and will at the end or earlier determination of the Term yield and deliver up the Improvements to the Council in such good serviceable and substantial repair and condition;

- b) redecorate, by painting or staining as applicable, those parts of the exterior and interior of buildings and structures comprising the Improvements when they reasonably require repainting and redecoration, to a standard approved by the Council, such approval not to be unreasonably withheld;
- c) make good (by repairing or replacing as necessary) any damage to the Improvements at any time during the Term;
- d) keep and maintain, repairing and replacing as necessary, the stormwater and wastewater systems on the Land which serve the Improvements;
- e) ensure that all toilets, sinks, drains waste, fittings and pipes on the Land are not blocked and are used for their designed purposes only and are regularly inspected, cleaned and maintained and repaired and replaced as necessary;

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

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

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

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

6 Insurances

- 6.1 The Organisation shall keep the Improvements together with all fixtures, fittings, plant, equipment and chattels on the Land insured against loss, damage or destruction by fire, earthquake, flood, lightning, storm, aircraft, electric fusion, machinery breakdown, malicious damage, inevitable accident and other usual risks for the value specified in Schedule 1 or such other value as is approved by the Council.
- 6.2 In the event the Improvements or any part of the Improvements at any time during the Term being partially destroyed or damaged by fire or other insurable extraneous peril then and so often as the same shall happen all moneys received in respect of such insurance shall be expended by the Organisation with all reasonable speed in repairing the damage sustained.
- 6.3 In the event of the Improvements being totally destroyed or damaged by any cause as to render the Improvements unusable or in the reasonable opinion of the Council to require demolition or reconstruction, the Organisation shall, if the Council consents to rebuilding or reinstating and so requires, rebuild or reinstate the Improvements provided that the Organisation shall not be required to expend more than the available proceeds of insurance towards such rebuilding and reinstatement. If the Council should not permit rebuilding or reinstating the Term shall immediately cease and determine and the Organisation will at its own cost demolish and clear the debris and have the Land cleared to the satisfaction of the Council.
- 6.4 The Organisation shall during the Term at its own cost take out and keep in full force and effect at all times a public liability insurance policy for a sum of not less than the sum set out in Schedule 1 for any single event or such greater sum required by the Council from time to time and shall within 30 days of the execution of this Agreement or request for additional cover produce to the Council a copy of the policy or certificate of currency.

7 Nature of Licence/Public Use

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

Safety at Work Act 2015.

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

8 Permitted Use

- 8.1 The Organisation shall use and occupy the Improvements and use the Land in common with others for the Permitted Use and shall provide the Community Benefits in accordance with the Performance Measures provided for in clause 9, all as set out and described in Schedule 1.
- 8.2 If at any time the Council is of the opinion that the Improvements and the Land are not being used or are not being sufficiently used for the Permitted Use or are being used for activities other than on a not-for-profit basis the Council, after making such enquiries as it thinks fit and giving the Organisation the opportunity of explaining the use of the Improvements and the Land, if the Council is satisfied that the Improvements and the Land are not being used or not being sufficiently used for the Permitted Use or are being used for activities other than on a not-for-profit basis, may terminate this Agreement by notice in writing to the Organisation.
- 8.3 The Organisation shall not:
- a) carry on on the Improvements or the Land any noxious, noisome or offensive act, trade, business, occupation or any act, matter or thing which may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers or owners of any adjoining land or any other licensee, occupier or user of any other part of the Land;
 - b) bring or permit to be brought on to the Improvements or the Land any item of a flammable, volatile or explosive nature or any contaminant (as defined in s2 of the Resource Management Act 1991) without first complying with the provisions of all laws then in force relating to the handling and storage of such materials and the requirements of the insurers of the Improvements;
 - c) allow, carry on on the Improvements or the Land any use or activity which may cause loss or damage to the Improvements or the Land or any adjoining land, or become an annoyance, nuisance or disturbance to the Council or any other user or occupier of the Land on any adjoining land;
 - d) release into the environment, discharge, deposit, place or dispose of on or near the Land any contaminant referred to in clause 8.3(b) except in accordance with an approval given under environmental health and safety legislation;
 - e) carry on any illegal or immoral activity; or

- f) carry on any use which is not a permitted use under the District Plan.

9 Community Benefits and Performance Measures

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

10 Legislation, Bylaws and Health and Safety

- 10.1 The Organisation shall at all times during the Term at its own cost comply with all legislation, bylaws, regulations or directions (statutory or otherwise) made or issued by any Authority including the Council as relate to the Land or the Improvements and the undertaking of the Permitted Use.
- 10.2 The Organisation shall at all times during the Term:
- a) forthwith notify the Council in writing of any accident which takes place on the Improvements or the Land and of any actual or potential hazards which exist on the Improvements or the Land;

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

11 Indemnity

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

12 Assignment or Subletting

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

13 Consequences on Termination

- 13.1 On termination of this Agreement by effluxion of time or surrender the Organisation shall have the right to transfer the Improvements to any body or organisation approved by the Council having objects similar to the objects of the Organisation and which shall prohibit the distribution of its assets among its members and which body or organisation shall enter into a licence agreement with the Council for the use and enjoyment of the Improvements on the Land on such terms and conditions as determined by the Council.
- 13.2 On termination of this Agreement the Organisation shall yield and deliver up to the Council the Improvements and to the extent applicable the Land in good, clean and substantial order, condition and repair, fair wear and tear or damage by fire earthquake tempest or other inevitable accident alone excepted.

- 13.3 On termination of this Agreement by effluxion of time or surrender, breach of conditions or otherwise the Improvements shall revert to the Council without any compensation whatsoever being payable to the Organisation by the Council.

14 Council's Right to Inspect and Undertake Work

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

15 Alterations, Replacements or Construction of New Improvements

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

16 Sale of Liquor Act

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

17 Council's Role as Statutory Authority

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

18 Reserves Act 1977

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

19 Disputes and Mediation

- 19.1 The parties shall meet and discuss in good faith any dispute between them arising out of this Agreement.
- 19.2 If the discussions referred to in clause 19.1 fail to resolve the relevant dispute, either party may (by written notice to the other party) require that the dispute be submitted for mediation by a single mediator appointed by the Council and such appointee shall conduct the mediation at his/her discretion, including the determination of procedural rules and timetable.
- 19.3 Neither party may issue any legal proceedings (other than for urgent interlocutory relief), in respect of any such dispute, unless that party has first taken reasonable steps to comply with clauses 19.1 and 19.2.

20 Quiet Enjoyment - Conduct

- 20.1 The Organisation paying the Annual Licence Fee and observing all the covenants and agreements expressed and implied in this Agreement shall quietly hold and enjoy the rights of use and occupation conferred by this Agreement throughout the Term without any interruption by the Council or any person claiming under the Council.
- 20.2 The Organisation will conduct the Permitted Use on the Improvements and the Land in a quiet and orderly manner so as not to cause a nuisance or annoyance to the occupiers of any neighbouring properties or any other licensee, occupier or user of any other part of the Land and in particular the Organisation shall at all times during the Term comply with the conditions of noise control as set by any Authority including the Council.

21 Cancellation

- 21.1 The Council may (in addition to the Council's right to apply to the Court for an order for possession) cancel this Agreement by re-entering the Improvements and the Land at the time or at any time thereafter if the Organisation:
- a) makes default for a period of 30 days in payment of any licence fee required to be paid pursuant to the terms of this Agreement; or
 - b) makes default for a period of 30 days in payment of any of the moneys agreed to be paid by it under or by virtue of any loan the Council may have made or shall make to the Organisation for the purposes of the Improvements or the undertaking of the Permitted Use; or
 - c) makes any default in performance of any other obligation whatsoever contained in this Agreement and such default continues for a period of 30 days; or
 - d) suffers or permits this Agreement and the rights and privileges granted by this Agreement or the Land or the Improvements to be seized under any proceedings for execution issued in pursuance of any judgment; or
 - e) passes any resolution to wind up; or

- f) becomes insolvent or its affairs or assets are placed under any sort of management or receivership; or
- g) ceases to undertake the Permitted Use on the Land;

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

22 General

Goods and Services Tax (GST)

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

Suitability

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

Non-Waiver

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

Costs

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

Entire Agreement

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

Amendment

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

23 Notices

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

- a) In the case of a notice under 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 s361 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.

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

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

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

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

File number: 2114.03.10 **Approved for agenda** ☒
Report to: Council
Meeting date: 20 December 2018
Subject: Relationship Agreement: Northland Mayoral Forum and Te Kahu o Taonui
Date of report: 07 December 2018
From: Louise Miller, Chief Executive
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

Following an historic meeting between the Mayors of Northland's three district councils and Chair of the Northland Regional Council with the Iwi Chairs Forum, Te Kahu o Taonui, it was agreed that there was merit in building a mutually beneficial governance to governance relationship that spans the region.

In order to progress this, council and iwi chief executives were asked to develop an Agreement document to underpin this relationship. The intention is that the draft Agreement will form the foundation from which to advance a collective regional relationship and the draft is provided at **Attachment 1**.

All Northland councils and Northland Iwi are now being asked to endorse the draft Agreement document. Should Council agree to endorse the Agreement and progress a relationship, it is proposed that respective council leaders and iwi leaders sign the Agreement document as part of the National Iwi Chairs Forum meeting, being hosted by Te Rūnanga o Ngai Takoto, preceding the Waitangi Day celebrations, in February 2019.

Recommendations

That Kaipara District Council:

- 1 *Receives the Chief Executive's report 'Relationship Agreement: Northland Mayoral Forum and Te Kahu o Taonui' dated 07 December 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 *Endorses the draft Agreement document, Attachment 1 to the aforementioned report, between the Mayoral Forum and Te Kahu o Taonui; and*
- 4 *Delegates to the Mayor the authority to sign the Agreement and attend the signing ceremony in February 2019.*

Reason for the recommendations

To formally endorse the draft Agreement between the Mayoral Forum and Te Kahu o Tanui and delegate the authority to sign the agreement on behalf of Council to the Mayor.

Reason for the report

This report seeks endorsement of the draft Agreement between the Mayoral Forum and Te Kahu o Taonui from Kaipara District Council.

Background

There are nine iwi authorities in Taitokerau / Northland¹. These nine iwi make up Te Kahu o Taonui, or the Taitokerau Iwi Chairs Forum. The nine groups are listed in Table 1 below with the corresponding district that their rohe/area of interest covers. All of these groups fall, either wholly or partly, in the Northland region.

Iwi Authority	Overlapping iwi rohe and district council boundaries
1. Ngāti Kuri	Far North
2. Te Aupouri	Far North
3. Ngāi Takoto	Far North
4. Te Rarawa	Far North
5. Ngāti Kahu	Far North
6. Whangaroa	Far North
7. Ngāpuhi	Far North, Whangarei, Kaipara (Auckland)
8. Ngātiwai	Far North, Whangarei, Kaipara (Auckland)
9. Ngāti Whātua	Far North, Whangarei, Kaipara (Auckland)

Table 1 Overlapping iwi rohe and district council boundaries

Councils currently have a mixture of individual relationships with iwi, Treaty settlement groups and hapū in their respective districts/region. Most of these relationship mechanisms are not collective arrangements, have a narrow focus and are often based on specific legislative functions. For Kaipara District Council, we are working on a Mana Enhancing Agreement with Te Roroa and have a longstanding Memorandum of Understanding (MOU) with Te Uri o Hau. Te Roroa and Te Uri o Hau are not classed as an iwi authority for the purposes of this Agreement.

There has also been, for many years, a relationship between the region's iwi and council chief executives, who have been meeting under the banner of the Iwi and Local Government Agency Chief Executives Forum (ILGACE). While ILGACE provides an operational level regional forum, it is not supported by an equivalent overarching governance to governance level forum.

On Tuesday 13 June 2017, an historic first introductory meeting between the Mayors of Northland's three district councils and Chair of the Northland Regional Council and the Iwi Chairs Forum, Te Kahu o Taonui, took place in Kaikohe, hosted by Te Rūnanga A-Iwi-O Ngāpuhi.

The meeting, sought by council leadership and iwi leadership, provided an opportunity for introductions and an initial discussion to see if there was a common desire to meet more regularly with the view to building a strategic governance relationship.

¹ As mandated under the Maori Fisheries Act 2004

Both council leaders and iwi leaders confirmed at this meeting their shared desire to build a stronger relationship. From here, ILGACE was asked to develop a document which would act as a framework around which a governance relationship could be built.

The Agreement

Considerable progress has been made by ILGACE to discuss and agree a common understanding of the purpose and basis upon which a governance relationship between iwi and local authorities can be progressed. The final draft Agreement document, which has been agreed to unanimously by ILGACE, is attached for Council's consideration and endorsement.

The development process for this Agreement has highlighted that the foundation of the Agreement, both the common understanding and words used to describe the relationship, is particularly important to ensure the successful establishment and creation of a robust and enduring relationship.

There is significant opportunity for both council and iwi through a strengthened governance relationship. Aside from Council's statutory obligation, there are significant economic, social, environmental and cultural benefits that could be advanced by working more closely together for the mutual benefit of Northland. Such a collective voice would provide a powerful strategic regional voice at a national level to advance regional growth and well-being aspirations.

The Agreement sets out, at a high level, the framework around which the relationship would initially be progressed. Broadly, it provides the context to establishing the relationship, sets out a shared purpose and vision, principles, membership, common goals / shared benefits sought and administrative details.

The Agreement does not cut across any existing relationships and agreements held between Council and individual iwi and hapū which would remain in place (e.g. Memorandums of Understanding (MOUs) or future Mana Whakahono ā Rohe agreements). Rather, this Agreement would look to grow and progress district and regional issues and initiatives, while at the same time strengthen any current activities.

Kaipara District Council

The draft Agreement was presented and discussed at a Council workshop on 06 December 2018 where minor editorial was suggested. Members were asked to provide editorial suggestions to staff to progress. However, it was indicated that due to the long negotiation process to date, the importance of the language in the document to the parties involved, and the timing of the other endorsement decisions, it would be difficult to incorporate suggestions.

All Northland councils have their December 2018 council meetings before the Kaipara District Council meeting on 20 December 2018. Staff will verbally update Council on the decisions made by the other councils at the meeting.

Factors to consider

Community views

Council is not required to consult the community on the Agreement.

Policy implications

There are no policy implications with this report.

Financial implications

There are no financial implications with this report.

Legal/delegation implications

There are no legal/delegation implications.

Options

Council has two options:

Option 1: Endorse the draft Agreement between the Northland Mayoral Forum and Te Kahu o Taonui.

Option 2: Not endorse the draft Agreement between the Northland Mayoral Forum and Te Kahu o Taonui.

Assessment of options

Option 1. This is the recommended option. The creation of this document has taken 18 months and significant negotiation between the parties involved and it presents an excellent opportunity to strengthen Northland local government relationships with Northland Iwi. It is now in a form that all parties are comfortable taking to their respective governance bodies for endorsing.

Option 2. If this option is taken, the Agreement as positioned will not proceed and it is likely that this will negatively impact on Council and Iwi relations.

Recommended option

Option 1 is the recommended approach.

Assessment of significance

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

Next steps

Given the importance of this relationship to both Council and iwi, should the Agreement be endorsed by Council, it is proposed that the Agreement be signed by council leaders and iwi leaders as part of the National Iwi Chairs Forum meeting, being hosted by Te Rūnanga o Ngāi Takoto, preceding the Waitangi Day celebrations, in February 2019.

If Council endorses the Agreement, staff will work to finalise the necessary arrangements.

Attachments

- Attachment 1: Draft Agreement between the Mayoral Forum and Te Kahu o Tanui

The Agreement

between the

Northland Mayoral Forum

and

Te Kahu O Taonui

Table of contents

Context of this Agreement - Kupu whakataki

The Agreement

1. Purpose - Whainga
2. Vision - Te Moemoea
3. Leadership - Rangatiratanga
4. Principles for the Relationship
5. Common Goals - Nga Whainga Orite
6. Monitoring and evaluation - Aroturuki me te Arotake
7. Dispute resolution - Hakatatu Tawha
8. Amendment and termination - Hakarereketanga me te Hakamutunga

Context of this agreement- Kupu whakataki

The Treaty of Waitangi / Te Tiriti o Waitangi is the founding document of this country and the beginning of a building of a new nationhood. It was signed in 1840 at Waitangi and sets the parameters for progressing the future of the relationship.

For Te Kahu o Taonui (Taitokerau Iwi Chairs Forum), The Treaty of Waitangi / Te Tiriti o Waitangi, together with He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence), provides the agreement to allow the beginning of a new nation, and the basis of Māori relationship with all New Zealanders as represented by government, including local government.

In November 2014, the Waitangi Tribunal found that Northland Māori who were signatories to Te Tiriti o Waitangi did not cede sovereignty¹ and this position has been held by successive northern Māori leaders. The Tribunal has also recognised the intention to establish a mutually beneficial relationship between Māori and the Crown, based on principles of The Treaty of Waitangi / Te Tiriti o Waitangi.

An historic first meeting was held between Te Kahu o Taonui and the Mayors of the three Northland district councils and the Chairman of Northland Regional Council (Northland Mayoral Forum) on Tuesday 13 June 2017 (the parties).

The meeting was sought by council leadership and Iwi leadership to foster a more cohesive and inclusive governance to governance relationship between Local Government and Iwi Authorities of Taitokerau.

This agreement encourages and supports a long-term relationship between the Northland Mayoral Forum and Te Kahu O Taonui in a manner that respects the indigenous heritage of the region.

The parties, while each bring their own perspective to the table, share common goals and aspirations for the environmental, social, cultural and economic wellbeing of the region.

The parties acknowledge that a relationship informed by the role of the region as the birthplace of our nationhood, could also be the blueprint for building a region that enables all communities to prosper and do well.

¹ Wai 1040: Te Paparahi o te Taki – Stage One.

The Agreement

1. Purpose- Whāingā

The purpose of this relationship is to work together and invest in an intergenerational relationship that is based on mutual respect, is enduring and provides continuity through a shared vision, purpose and goals for mutually beneficial outcomes.

2. Vision- Te Moemoea

This relationship seeks to progress the following shared vision:

Te Taitokerau – the birth place of the nation, a region that leads the way in caring for the wellbeing of its people and its environment.

3. Principles

Three principles are inherent to The Treaty of Waitangi / Te Tiriti o Waitangi; and the intent of these is preserved and advanced in this Agreement.

Partnership

Partnership is about mutual good faith and reasonableness. Local Government and Iwi Māori will act towards each other mutually and in good faith.

Participation and Decision Making

Both Local Government and Iwi Māori need to be equally and fully informed of each other's interests and views. When exercising the right to govern, decision makers must be equally informed. For the parties involved, full information will be provided in order to participate in the decision-making process. This is connected closely to the principles of good faith and active protection.

Active Protection

Active protection requires participating and informal decision making processes and judgement as to what is reasonable in the circumstances. This relates to Māori interests as part of the promises made in The Treaty of Waitangi / Te Tiriti o Waitangi, where there is a commitment that all Māori culture, traditions, and taonga will be protected.

In practice these principles mean:

- a) The parties, in pursuit of common goals and objectives both agree to work together to uphold the wellbeing of our communities so that none get left behind and all have an equal opportunity to contribute.
- b) The parties will work in a manner that recognises and respects the:
 - mana, authority and kaitiakitanga status of Iwi and the mana and authority of Councils who are parties to this agreement
 - the desire of the parties to enhance the cultural, social, economic, and environmental wellbeing of all people
 - shared desire to provide for effective participation by Iwi to provide for empowered and more effective Council governance and to provide for strong communities in Northland
 - shared obligation to sustainably manage the Northland environment for current and future generations.
- c) The parties will show the highest levels of integrity, transparency and flexibility towards each other.
- d) They will ensure there are no surprises but a proactive intent to engage early, constructively and positively on matters of shared priority and interest.

4. Leadership- Rangatiratanga

a. Te Kahu O Taonui - Tai Tokerau Iwi Chairs Forum

The Taitokerau Iwi Chairs' Forum, Te Kahu O Taonui comprises all Chairs from nine iwi authorities which are:

- Ngāti Kuri
- Te Aupouri
- Ngāi Takoto
- Te Rarawa
- Ngāti Kahu
- Ngāpuhi
- Whaingāroa
- Ngāti Whatua
- Ngāti Wai

The Chairs are supported by their respective Chief Executives.

b. Mayoral Forum - Kahui Koromatua

The Northland Mayoral Forum comprises the District Council Mayors and Regional Council Chairman for:

- Far North District
- Kaipara District
- Whangārei District
- Northland Region

The Councils are supported by their respective Chief Executives.

5. Common Goals- Ngā Whaingā Orite

Shared benefits sought through this relationship include:

- a) Achieving an enabling and consistent regional policy and regulatory environment across the region
- b) A relationship model that gives effect to the three principles.
- c) Better communications and collaboration between the parties to understand each other's perspective and develop more shared understandings
- d) Identifying and engaging in joint ventures of mutual benefit
- e) Joint advocacy to central government on shared regional priorities e.g. provision of digital infrastructure
- f) Equitable resourcing and meaningful engagement that facilitates increased involvement of both parties, together, increasing buy-in and minimising potential conflict and costly formal challenges later in the process.

6. Monitoring and evaluation- Aroturuki me te Arotake

6.1 Governance Meetings

The governance representatives of the parties will meet twice per year (generally to be held during the months of May and November) to maintain the relationship, progress projects of mutual benefit and review this agreement. Responsibility for hosting, chairing and administering these meetings will alternate between Te Kahu o Taonui and Northland Mayoral Forum.

6.2 Executive Management Meetings

The Iwi Local Government Agencies Chief Executives (ILGACE) will meet quarterly or half yearly to ensure ongoing working relationships are meaningful and consistent throughout respective organisations. ILGACE members and their working relationships will be guided by the ILGACE Terms of Reference.

7. Dispute resolution- Hakatatu Tawhā

The parties will endeavour to address any issues at the immediate time such issues arise. The meeting times set out above also provide strategic opportunities to address any ongoing relationship issues.

Where possible, issues will be dealt with kanohi ki te kanohi between staff representatives before involving governance bodies.

Where an issue cannot be resolved between the parties, that issue may be referred to an agreed third party to facilitate a resolution.

8. Amendment and termination- Hakarerekētanga me te Hakamutunga

This agreement shall become effective upon signature by all parties and shall remain in effect until such a time as agreed by the parties.

This agreement may be amended at any time by written agreement of the parties.

Either party may terminate this agreement but only after consultation with the other party.

Unless otherwise agreed in writing, any termination of this agreement shall not affect the validity or duration of activities undertaken pursuant to this agreement that have been initiated prior to, but not completed, at the time of such termination.

This statement of agreement demonstrates the willingness of parties to, in the best of mutual faith, pursue reconciliation and work for a better future for the wellbeing of all people.

IN WITNESS WHEREOF, the undersigned have signed this agreement.

DONE this ----- day of 2018.

FOR THE MAYORAL FORUM

_____ (Chairperson, NRC) _____

_____ (Mayor, Far North) _____

_____ (Mayor, Whangārei) _____

_____ (Mayor, Kaipara) _____

FOR TE KAHU O TAONUI

_____ (Chairperson) _____

_____ (Chairperson) _____

_____ (Chairperson) _____

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_____ (Chairperson) _____

_____ (Chairperson) _____

_____ (Chairperson) _____

File number: 4702.04.04 **Approved for agenda** ☒

Report to: Council

Meeting date: 20 December 2018

Subject: Smokefree Kaipara Policy – Panel recommendations

Date of report: 29 November 2018

From: Paula Hansen, Policy Planner

Report purpose ☒ **Decision** ☐ **Information**

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

Summary

The Kaipara District Council has supported being smokefree within parks, playgrounds, sports fields and swimming pools for a number of years. The Northland District Health Board (NDHB) and the Cancer Society approached Council to revise and extend Council's Smokefree in Parks and Reserves Policy. Council staff worked with the NDHB and Cancer Society to update this Policy (Attachment 2) and presented this to Council at its 23 August 2018 meeting.

Council sought feedback on the direction of the Policy in order to understand the community's views with a panel made up of Councillors Curnow, Joyce-Paki and Wethey with Mayor Smith as Chair, charged with making a recommendation on a final Policy to the full Council based on this community feedback.

Recommendation

That Kaipara District Council:

- 1 *Receives the Policy Planner's report 'Smokefree Kaipara Policy – Panel recommendations' dated 29 November 2018 and its Attachments 1 and 2; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes and upholds the Smokefree Kaipara Policy Panel's recommendations; and*
- 4 *Adopts the Smokefree Kaipara Policy, circulated as Attachment 2 to the afore-mentioned report; and*
- 5 *Delegates the Chief Executive and the Mayor to approve minor editorial changes that do not affect the intent of the Smokefree Kaipara Policy.*

Reason for the recommendation

The Policy has undergone community consultation and has received positive support. The recommended Policy has been amended to reflect the majority of submitters who did not support the

Policy being extended to the district's beaches or outside social housing facilities. The Policy promotes the protection of the district's children and youth by actively promoting community health and well-being as part of local government services. The Policy also contributes to central government's goal of being smokefree by 2025.

Reason for the report

This report seeks the endorsement of the Smokefree Kaipara Policy as final based on the recommendations of the Panel charged with providing these to Council. The recommendations have been made after consideration of the feedback received by the public on the direction provided within the Policy.

Background

Central government has committed to a goal of New Zealand becoming smokefree by 2025. This means a smoking population of less than 5%. There is huge potential for councils to contribute to becoming smokefree. The Health Act 1956 has a number of sections relevant to tobacco control and local authorities, stating that it is the duty of every local authority to improve, promote and protect public health within its district. A number of councils have already committed to the Smokefree 2025 Vision and are now including vape-free areas in areas that are designated smokefree.

Northland experiences a higher burden from smoking than the rest of New Zealand. The prevalence of smokers in Northland is 19.1%, for Kaipara 17% compared with 15.1% for New Zealand. Smoking in Northland is related to 25% of all deaths (47% of all Māori deaths, and 18% of non Māori deaths). Smoking related hospitalisations in Northland (1,161 per 100,000 hospitalisations) are 1.5 times higher than the national rate.

The Kaipara District Council has supported being smokefree within parks, playgrounds, sports fields and swimming pools for a number of years. During the Long Term Plan 2018/2028 process the NDHB and the Cancer Society approached Council to revise and extend Council's Smokefree in Parks and Reserves Policy. Council staff worked with the NDHB and Cancer Society to update this Policy and presented this to Council at its 23 August 2018 meeting.

Council sought feedback on the direction of the Policy during October 2018, in order to understand the community's views with a panel made up of Councillors Curnow, Joyce-Paki and Wethey with Mayor Smith as Chair, charged with making a recommendation on a final Policy to the full Council based on this community feedback. The Panel met on 12 November 2018 (minutes Attachment 1) to discuss the community feedback and agree on recommendations to go to Council.

Issues

In keeping current with modern health issues the Policy needed to not only include tobacco products but also the need to include e-cigarettes and other similar devices (i.e. to discourage the normalisation of smoking or vaping around children). The intention however is not to discourage vaping as a step towards quitting smoking. It was also recognised that to be successful the Policy would need to extend to contractual agreements related to the use and occupation of Council assets.

The feedback showed that there was strong support with 70% or more of the respondents in support of all existing areas and most of the proposed extended areas; playgrounds, parks, reserves, sports fields, skateparks, swimming pool complexes, transport hubs, Council-owned buildings and facilities including entranceways, outdoor pavement areas. 65% of submitters supported Council investigating the designation of areas in towns centres as smokefree.

Other areas with less support included beaches (43%) and exterior areas around social housing (59%).

1) *Beaches*

Only 43% of respondents indicated they want the Policy to be applied to beaches. The practicalities of applying the Policy to beaches was considered, and gauged to be impractical given that one beach is over 100km long, and people sometimes camp for a week or so at some of the district's beaches. In light of these issues it may not be feasible to apply the Policy to beaches. It was proposed that the adverse impacts of smoking and butt-littering at beaches could be discouraged through other Council activities such as anti-litter campaigns with targeted messaging.

2) *Social housing*

Concerns raised by submitters were about the extension of the Policy to outside the units. A current Policy exists requiring no smoking inside these units. The Policy proposed to extend this to the outside of the units. This was perceived to disadvantage whanau who smoke and consequentially affect their ability to obtain social housing.

Deliberations determined social housing should effectively be considered similar to a private residence and not a public facility that anyone had free access to at anytime. Imposing a smokefree policy to outside the unit may be seen to be a burden on people's rights if the Policy is to be applied both inside and outside of the building. As such, rewording to clarify that the Policy refers to inside of social housing and not to outside of social housing buildings would be considered more reasonable.

3) *Investigating the designation of areas in towns centres as smokefree*

When considering the investigation into smokefree areas, it was acknowledged that Council should also consider the flow on effect of having these areas. Smokers may move on to other spaces which have an unintended greater negative impact as a consequence. It was thought that when considering where smoking is not allowed, that Council should also consider where smoking could occur. This was to address any perceived infringement of people's rights to be able to smoke, remembering that smoking is legal and Council's need to balance that with other people's rights to not inhale someone else's secondhand smoke. Further investigations will be guided by central government's ongoing policy direction and the public perception of smoking and a favour towards the rights of the non-smoker and children.

The Panel discussed about providing a framework within the Consolidated General Bylaw (the Bylaw) that would allow Council to formally designate areas as being either smokefree or a smoking area. When Council investigates areas within town centres to become smokefree, the Bylaw may provide a way to give the designation and provide enforcement of these areas as smokefree. This will need to follow a consultation process for any affected township. The Bylaw, however is on a 10 year review cycle and this Policy may be superseded either through a policy review process or central government direction

changes before the Bylaw's next review. Potential changes in the Policy to place more restrictions on smoking in public places are viewed as likely given central government's commitment to being smokefree by 2025. The Policy has words added to reflect the opportunity to give it teeth through the Bylaw.

4) Outdoor pavement dining

There was strong support for outdoor pavement dining areas to be smokefree however only 38% supported this to be made compulsory. As a result it is considered that the initial direction of this being a volunteer action that businesses can undertake. This will mean that Council will seek to work with businesses in order for them to have smokefree outdoor pavement areas on a volunteer basis.

5) Smokefree Kaipara Policy Direction

As a result of the feedback received by the community it is being recommended to reword the Policy and apply the Smokefree Kaipara Policy to the following areas:

- 1 Council-owned and/or controlled parks, playgrounds, sports fields, reserves and skate parks;
- 2 Swimming pool complexes;
- 3 Bus and taxi shelters;
- 4 Inside social housing;
- 5 All Council-owned, controlled, leased, or occupied buildings and facilities including within four metres of their entranceways, openings and any surrounding outdoor public areas;
- 6 All existing contractual agreements to hire, lease or occupy, Council-owned, or controlled, land, buildings and facilities or equipment use will be required to incorporate smokefree provisions on renewal;
- 7 All new contractual agreements to hire, lease or occupy, Council-owned, or controlled, land, buildings and facilities or equipment use will be required to have smokefree provisions;
- 8 Council funded, run and supported events will be smokefree;
- 9 Outdoor dining areas, where café and restaurant owners or managers voluntarily agree to implement this Policy;
- 10 Council will also investigate designating areas in town centres as smokefree;
- 11 Council will also investigate designated smoking areas where practicable and necessary.

No changes were proposed to the objectives or purpose. An Action Plan has been included in the Policy to help give direction on the types of activities that will be undertaken to give effect to the revised Policy. This section has included some wording around establishing a framework within the Consolidated General Bylaw. These actions are categorised into three areas:

- 1 Communication, engagement, and monitoring e.g. appropriately located smokefree signs, and educational and promotional material.
- 2 Smokefree areas and events e.g. working with local businesses who volunteer to become smokefree, lease agreements for Kaipara District Council property and contracts/agreements for events run, funded or sponsored by Kaipara District Council.
- 3 Cessation support e.g. promoting where smokers can get help.

This also includes Council signalling that Council will work co-operatively with Mana Whenua and partner agencies throughout the district to implement the Policy.

Council will investigate the establishment of a framework in the Consolidated General Bylaw to allow designated smoking or smokefree areas that can be enforced where appropriate through a Council resolution. This will include a public consultation process prior to Council resolution being made.

This implementation approach aligns well with the approach taken by other local government authorities who have Smokefree policies. Monitoring by the NDHB shows that the use of signs and educational material has been particularly successful for our own Smokefree parks and playgrounds.

Factors to consider

Community views

Council has undertaken a consultation process which allowed the community to provide feedback on the direction of the Smokefree Kaipara Policy. Since feedback has already been gained it is considered that no other feedback is required.

Policy implications

The implementation of the Smokefree Kaipara Policy means that it has to be considered more often through the day to day management of public spaces (e.g. parks, reserves, and pavement areas within townships) and assets (e.g. social housing, Licence to Occupy, funding agreements, and swimming pools). Process may need to be reviewed to take this Policy into account when making decisions. The Significance and Engagement Policy is not triggered for the decision before Council.

Financial implications

The smokefree signs needed to implement this Policy will be delivered through existing budgets, primarily through the replacement of existing signs and new signs when required.

Educational and promotional material will be provided in partnership with key agencies such as the NDHB. Existing communication channels such as social media and Council News will be used to promote this Policy.

Policy staff will advise other internal team members of the Policy's scope and implementation as part of their core business activities.

Any external communications related to contractual agreements will be managed through core business activities.

Legal/delegation implications

There are no legal or delegation implications when adopting the Smokefree Kaipara Policy.

Options

There are essentially two options to consider:

Option A: Accept the Panel's recommendations and adopt the Policy.

Option B: Decline the Panel's recommendations and reconsider the whole Policy.

Assessment of options

Option A: Supports central governments direction for New Zealand to become smokefree by 2025. This helps prepare the community for this change and to be in a better space if a more hard-line approach is put forward by central government. Non-smoking is starting to be seen as the norm and the Policy also continues this messaging. With these messages being seen in more places it will have a greater impact on smoking rates in public places. This may include minor edits.

Option B: Will require the full Council to debate the Policy. By reducing the number of areas that are smokefree will mean that the Policy will not be able to make much of an impact on smoking rates in public places. People will not be as conscious of their smoking.

Assessment of significance

Council has sought the views of the community on the expanded Smokefree Kaipara Policy and as such in terms of Council's Significance and Engagement Policy this decision is not considered significant.

Recommended option

The recommended option is **Option A**.

Next step

Council to provide a press release around the adoption of the Policy and what it means for the Kaipara district. Council's website will need to be updated and implementation of the Policy can begin.

Attachments

- Attachment 1 – Deliberation meeting 12 November 2018 Minutes
- Attachment 2 – Smokefree Kaipara Policy to be adopted

Smokefree Kaipara Policy 2018 Review Panel

Deliberations

Minutes

Date: Monday 12 November 2018

Time: Meeting commenced at 10.02 am
Meeting concluded at 11.47 am

Venue: Wairoa Room, Kaipara District Council Dargaville Office, 42 Hokianga Road,
Dargaville

	Report
1	Deliberations on Smokefree Kaipara Policy

Present

Mayor Jason Smith (Chair), Councillor Anna Curnow and Councillor Karen Joyce-Paki

Name	Designation	Item(s)
Kathie Fletcher	Policy Manager	All
Paula Hansen	Policy Planner	All
Lisa Hong	Governance Advisor	All (Minute-taker)

Apologies

Deputy Mayor Peter Wethey

1 Deliberations on Smokefree Kaipara Policy

Policy Planner gave a verbal summary of the report.

Panel members discussed issues outlined in the report and other issues as below:

- Enforcement and penalties;
- Smoke and vape shops;
- Role of local and central government;
- Four well-beings;
- Community engagement and budget;
- Civic Buildings Strategy;
- Community halls handed back to the community and consistent approach to Council-owned or controlled land;
- Council-owned land and Licences to Occupy;
- Council occupied property;
- Next general bylaw review.


The Panel recommended to Council to adopt the Policy as consulted (Attachment 3 of the report), with the following amendments:

- i. 'Beaches' to be removed from the list of smokefree areas (Part 5 item 4 deleted)
- ii. 'Social housing' to be amended to 'Inside social housing' on the list of smokefree areas (Part 5 item 5 amended)
- iii. 'Council-owned' to be amended to 'Council-owned, -controlled or -leased' in the list of smokefree areas (Part 5 item 6 amended)
- iv. 'All new or renewing contractual agreements to hire, lease or occupy Council-owned or controlled land, facilities or equipment use are now smokefree' (Part 5 item 7 amended)
- v. 'Council will also investigate designated smoking areas where practicable and necessary' to be added to the list of smokefree areas (Part 5 item 11 added)

- vi. Addition of Council's intention to establish a framework in the Consolidated General Bylaw, which will allow designated smoking or smokefree areas to be established and be enforced where appropriate through a Council resolution. This will involve a public consultation process prior to Council resolution.

The Panel directed staff to make final editorial changes to reflect the discussion held at the meeting, with a draft proof to be circulated to the Panel for approval before it is brought to be 20 December 2018 Council meeting.

Meeting closed at 11.47am.

	Title of Policy	Smokefree Kaipara		
	Sponsor	Regulatory Manager	Adopted/authorised by	Council
	Author	Paula Hansen & Kathie Fletcher	Date adopted/authorised	December 2011
	Type of Policy	Operational	Last review date	December 2016
	File Reference	4702.04.04	Next review date	December 2021

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced			
1.0	Dec 2011	Paula Hansen	Adopted by Council in December 2011
2.0	Dec 2016	Mark Schreurs	The adopted Policy was moved to Council's current Policy template. Definitions and some background were added. No changes were made to the Policy itself so the Policy was not re-submitted to Council for formal re-adoption.
3.01	June 2018	Paula Hansen & Kathie Fletcher	Draft update – previously called Smokefree Parks and Playground Policy

1 Background

This Smokefree Kaipara Policy will contribute toward Council's key messages promoting safe and healthy environments and thriving communities. It also supports the goal of a smokefree Aotearoa by 2025 by attempting to reduce the uptake of smoking.

Council adopted a Smokefree Parks and Playgrounds Policy in December 2011. On 30 June 2015, Council signed a Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025. This statement has the vision that:

'Our children and mokopuna will be free from tobacco/smoke and enjoy tobacco/smokefree lives. At least 95% of the Tai Tokerau population will be smokefree. Tobacco will be expensive to purchase and difficult to access.'

Building on this commitment, Kaipara District Council is providing leadership by increasing smokefree places and facilities throughout the district. Our aim is to support the health and well-being of Kaipara's communities and our visitors by reducing the prevalence of smoking, smoking behaviours and the impacts of second-hand smoke.

To support compliance to this Policy and to eliminate confusion, smoking, vaping (the use of electronic cigarettes) and the use of heated tobacco products (HTP) are included in this Policy. Vaping and the use of HTPs mimic smoking and their emissions can create a nuisance and may result in public confusion and reduced compliance.

Exposure to vaping may act as a trigger for people who have recently quit smoking therefore providing smokefree and vape-free areas is intended to support relapse prevention. The Ministry of Health has stated; the evidence on vaping indicates they carry much less risk than smoking cigarettes but are not risk free.

This Smokefree Kaipara Policy will contribute toward Council's key messages promoting safe and healthy environments and thriving communities. It also supports the goal of a Smokefree Aotearoa by 2025 by attempting to reduce the uptake of smoking and reduce our smoking population.

Councils throughout New Zealand are progressively increasing areas in their districts to be smokefree. These include, for example, parks, playgrounds, sports fields, outdoor dining areas,

transport hubs, CBDs, beaches, Council-owned buildings and funded events, social housing and other designated public and civic spaces.

Kaipara District Council will work co-operatively with Mana Whenua, the Northland District Health Board (NDHB), the Cancer Society and other partners to implement this Policy.

2 Objectives

This Policy aims to work towards the following objectives:

- a) Contribute to improving the health of residents by reducing the prevalence of smoking and the impacts of second-hand smoke.
- b) Reduce the visibility of smoking in public places to positive role model to our children.
- c) Deliver Council leadership and advocate for a smokefree district.

3 Purpose

Kaipara District Council will be proactive and demonstrate leadership by promoting a smokefree lifestyle as being desirable throughout the Kaipara district. Council will send a positive message that our children's health and the environment should be protected from the effects of smoking.

4 Definitions

Council means the Kaipara District Council unless otherwise stated.

Park means all land administered by Council for public recreation (regardless of its classification under the Reserves Act 1977 if any) including Council's sports fields and swimming pools.

Playground means any Council-administered play equipment such as swings, slides and climbing frames as well as the grounds in which they are sited.

Smokefree means to refrain from the smoking of tobacco products, vaping (the use of electronic cigarettes) and the use of heated tobacco products (HTPs).

5 Policy Statement

Council will collaborate with partner organisations and agencies to promote Kaipara as a smokefree district, focusing on the benefits of discouraging smoking in public places and reducing environmental litter.

Council will partner with health, local businesses, organisations and agencies to encourage and support any business or organisation that wishes to become a smokefree area.

From 2018 the following areas in the Kaipara district will be smokefree:

- 1 Council-owned and/or controlled parks, playgrounds, sports fields, reserves and skate parks;
- 2 Swimming pool complexes;
- 3 Bus and taxi shelters;
- 4 Inside social housing;
- 5 All Council-owned, controlled, leased, or occupied buildings and facilities including within four metres of their entranceways, openings and any surrounding outdoor public areas;

- 6 All existing contractual agreements to hire, lease or occupy, Council-owned, or -controlled, land, buildings and facilities or equipment use will be required to incorporate smokefree provisions on renewal;
- 7 All new contractual agreements to hire, lease or occupy, Council-owned, or -controlled, land, buildings and facilities or equipment use will be required to have smokefree provisions;
- 8 Council funded, run and supported events will be smokefree;
- 9 Outdoor dining areas, where café and restaurant owners or managers voluntarily agree to implement this Policy;
- 10 Council will also investigate designating areas in town centres as smokefree;
- 11 Council will also investigate designated smoking areas where practicable and necessary.

6 Implementation

- a) These areas will be promoted as smokefree areas through signage, promotion and marketing.
- b) The Policy will be implemented in unison with a community education and health programme. Resources to support quit smoking will be made readily available throughout the district.

7 Smokefree Kaipara District Action Plan 2018/2021

This Action Plan identifies specific activities we will do to create a Smokefree Kaipara district in four areas of responsibility:

- a) Around our assets and facilities.
- b) Making our public areas smokefree.
- c) Having smokefree events in our district.
- d) Informing the public of our smokefree goal.

As part of the Action Plan, Council will work co-operatively with Mana Whenua and partner agencies throughout the district to implement the Policy.

Council will establish a framework in the Consolidated General Bylaw to allow designated smoking or smokefree areas that can be enforced where appropriate through a Council resolution. This will include a public consultation process prior to Council resolution being made.

Communication, engagement, monitoring	Responsibility	Timeframe
Establish an action plan group to facilitate the implementation of the Policy.	Council, NDHB, Cancer Society, Te Ha Oranga, Medical Centre, Business Forum	End of December 2018
Develop a communication plan to include: <ul style="list-style-type: none"> signage and messaging, to include stop smoking support messaging where appropriate; 	Council, NDHB, Cancer Society	End of December 2018

Communication, engagement, monitoring	Responsibility	Timeframe
<ul style="list-style-type: none"> identify multi-lingual opportunities and communication networks for smokefree messaging. 		
Actively work with neighbouring councils and partners on smokefree educational activities and promotions.	Council, NDHB, Cancer Society	Ongoing
Advocate to central government on smokefree legislation.	Council	June 2019
Develop a monitoring and evaluation programme for the Policy	Council, NDHB, Cancer Society	June 2019
Smokefree areas and events	Responsibility	Timeframe
Work with Mana Whenua to implement this Policy.	Council, NDHB, Cancer Society	Ongoing
Work with restaurant and café business owners, taxi companies and bus transport companies to designate outdoor dining, shelter and waiting areas to become smokefree.	Council, NDHB, Cancer Society,	December 2018
Work with Council staff to make Council events smokefree.	Council	December 2018
Work with Council's Property Team to ensure all new and renewal of leases capture Council's Smokefree Kaipara Policy.	Council	December 2018
Review signage in parks and playgrounds and add or improve signage.	Council	May 2019
Investigate potentially smokefree areas in all town centres throughout the district.	Council, NDHB, Cancer Society,	June 2019
Stop smoking support		
Help link smokers to local stop smoking services.	NDHB, Cancer Society, Te Ha Oranga, Medical Centre	Ongoing
Provide stop smoking support resources at all Council-funded events and facilities.	NDHB, Cancer Society, Te Ha Oranga, Medical Centre	Ongoing
Provide multi-lingual stop smoking support resources throughout district.	NDHB, Cancer Society, Te Ha Oranga, Medical Centre	Ongoing

File number: 3201.05 **Approved for agenda** ☒
Report to: Council
Meeting date: 20 December 2018
Subject: Class 4 Gambling Venues Policy – Adoption
Date of report: 05 December 2018
From: Kathie Fletcher, Policy Manager
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

Council's Class 4 Gambling Venues Policy (the Draft Policy) is required to be reviewed every three years. Council adopted a Statement of Proposal at its September 2018 meeting, with an accompanying draft Class 4 Gambling Venues Policy (the Draft Policy) for public consultation. The consultation period opened on 02 October 2018 and closed at 5pm 05 November 2018. In response, 33 submissions, and two late submissions, were received. 17 submitters wished to speak in support of their submission with 14 submitters doing so at the Hearings.

Council formed a Hearings Panel (the Panel) at its July 2018 meeting who were delegated the responsibility to hear and make recommendations on a final policy (**Attachment 1**) to the full Council. The Panel comprised of Mayor Jason Smith, Councillor Anna Curnow and Councillor Peter Wetthey. Hearings and deliberations on the draft Gambling Policy occurred on 28 November 2018.

This report seeks the final adoption of the reviewed Policy as recommended by the Hearings Panel (**Attachment 2**). This report also provides an overview of the points raised in these submissions and the reasons for the recommendations by the Hearing Panel.

Recommendations:

That the Kaipara District Council:

- 1 *Receives the Policy Manager's report "Class 4 Gambling Venues Policy – Adoption" dated 05 December 2018 and its Attachments 1 and 2; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the Draft Class 4 Gambling Venues Policy, presented as Attachment 2 of the afore-mentioned report; and*
- 4 *Delegates the Chief Executive and the Mayor to approve minor editorial changes that do not affect the intent of the Class 4 Gambling Venues Policy.*

Reason for the recommendation

Council is required to adopt a reviewed Class 4 Gambling Policy every three years. The final Policy has considered all of the submissions and the considerations it must under s101 of the Gambling Act 2003.

Reason for the report

To present the Draft Class 4 Gambling Venues Policy for adoption by Council as recommended by the Hearings Panel.

Background

In 2004 all local authorities were required to adopt a Class 4 Gambling Venues Policy regulating non-casino gambling machines (pokies) in their districts as required by s101 of the Gambling Act 2003 (GA 2003). The purpose of this Policy is to state the Council's position regarding Class 4 gambling and to provide guidance as to the conditions required for relocation of a Class 4 gambling venue in the Kaipara district.

This Policy is required to be reviewed triennially. The last review was in 2015 meaning that another review was due in 2018. As part of this 2018 review, feedback was sought from a number of key stakeholders. This initial feedback showed general support for Council's current Policy with its sinking lid approach, however a number of stakeholders asked for Council to consider a 'capped' approach to machine numbers, and to consider rewording the relocation policy. This led Council officers to consider a sinking lid versus capped approach, as well as a number of other amendments to the Policy. Following this analysis, Council decided to consult on a roll-over of the sinking lid approach, believing it the most suitable method to strike a balance between providing for entertainment and gambling opportunities for those who wish to partake, while minimising negative social and economic impacts of gambling.

Council adopted the Statement of Proposal and an amended draft of this Policy for public consultation at its 27 September 2018 Council meeting. The sinking lid approach was included as the preferred approach by Council but left the consultation scope open to allow submissions on a capped approach. Council formed a Hearings Panel (the Panel) at its July 2018 meeting, who were delegated the responsibility to hear and make recommendations on a final policy (Attachment 1) to the full Council. The Panel comprised of Mayor Jason Smith, Councillor Anna Curnow and Councillor Peter Wethey. Hearings and Deliberations on the draft Policy occurred on 28 November 2018.

Consultation on the Draft Policy and Statement of Proposal opened on 02 October 2018 and ended at 5pm 05 November 2018. Hearings and Deliberations were held on 28 November 2018. 35 submissions were received including two late submissions.

Issues

Under s101 of the Gambling Act 2003 Council must:

- i) have regard to the social impact of gambling within the territorial authority district;
- ii) specify whether or not Class 4 gambling venues may be established in the territorial authority district and, if so, where they may be located;

and Council may;

- i) specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 gambling venue; and
- ii) include a relocation policy.

When determining the Policy on whether Class 4 gambling venues may be established in the Kaipara district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, Council may have regard to any relevant matters, including:

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

A relocation policy is a policy that sets out if and when Council will grant consent in respect of a venue within its district where the venue is intended to replace an existing venue (within the district) to which a Class 4 gambling venue licence applies.

Prior to consultation, the Council considered these social impacts and concluded that, overall, the Kaipara still had high deprivation levels, which poses higher socio-economic risks. Kaipara district also has slightly more pokies per head of population than the national average. While it is acknowledged that pokies provide a positive social impact by providing funding for local not for profit organisations, there are also negative social impacts that are experienced. A balance between the positive impacts from allowing not for profit organisations to continue their activities needs to be balanced against the negative social impacts of gambling on individuals, families and the wider community. The funding distributed is only a percentage of what is spent in pokies, the harms experienced potentially affect five other people associated with a problem gambler, gambling problems disproportionately affect people over 65 years, Māori and Pacific communities, significant demographic groups in the Kaipara district. It could be viewed therefore that the negative impacts are more keenly felt than the positive.

Balancing the wider community impacts, Council must ask itself - if one community group disappears due to lack of funding what would the impact be in comparison to if one gambler becoming addicted and the cumulative effects on their self, their family, their workplace and the wider community potentially if that person has to resort to crime to keep up with their addiction.

Overview of submissions

Of the submissions eight submitters supported the current sinking lid approach with the remaining 27 seeking the capped approach.

Those that supported a sinking lid approach were predominantly public health organisations, and associated Māori and Pacific services focused on helping problem gamblers. They highlighted concerns over the harm problem gambling does to Kaipara's most vulnerable whanau. They noted the high levels of deprivation in the Kaipara community and how gambling affects some members of the community disproportionately to others (i.e. only a small number of people in the community regularly play pokies and it is these regular players who could each be losing around \$6,536 - \$9,204 per annum).

Those calling for a capped approach were mostly those who regularly received funds from pokie machine gambling, either directly from their own machines or indirectly through grants. These submitters highlighted the importance of these funds to the community. They noted that the funding raised from pokies is essential to keep many clubs and civic services operating and to develop new community facilities. They considered that gambling (e.g. raffles, lotteries and proceeds from pokies) is a common way for clubs and schools to raise funds.

One notable exception to the above trend was the Parihaka Sports Club who, despite being eligible for and having been awarded funding from pokies in the past, chose to submit in support of the sinking lid approach. The Parihaka Sports Club has made the decision to no longer receive funding from pokies as it conflicts with their hauora values.

Sinking lid verses capped approach

There were a number of submissions seeking that the Class 4 Gambling Policy approach be changed from a sinking lid to a capped approach. In terms of considering social impacts, both negative and positive (activities funding can provide) there was not enough evidence to show that a capped approach would result in a greater positive social impact. Likewise, there was not enough information provided that showed how well the sinking lid approach was working to reduce negative social impacts within the community. Sinking lid could be considered to be the more restrictive approach as it reduces the amount of machines and reduces funding benefits. It should be noted that with reduced machines in the district since 2015 there has also been an increase in spending within the district. There is no clear evidence that shows the reduction of available machines will result in reduced harm.

The capped approach is seen as being less restrictive as it allows the current number to be maintained even if a business decides to close down. There is a perception that there will be less money available should more pokie venues close and that this will result in negative social impacts to the community. There is no clear evidence to suggest that this is the case.

Communities at risk

There has been quite a bit of research around what determining communities at risk of having problem gamblers. It is shown that areas of a high socioeconomic deprivation and with a high percentage of Pacific or Māori population are more likely to have issues with problem gamblers.

The Gambling Policies Review – Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy report provided at Council's July 2018 meeting showed that the deprivation of communities that had pokie machines were between decile levels between 7 and 10, 10 being the most deprived and 1 being the least deprived. The Kaipara district has an above average to high Maori population compared to the national average.

This means that demographically most of the Kaipara district has potentially a higher risk of having problem gamblers.

Economic implications

This also ties in with funding implications below. If people were to put money back into the community or local economy instead of gambling, these monies would better support local retail, family education and sports opportunities or donations to charitable organisations or school fundraising events, this would mean more money would be available to support organisations. Currently in the Kaipara district approximately \$3 million is spent on pokies and last year only \$800,000 was returned to the community as grants. If monies spent on gambling were directed to supporting local business there is more opportunity to create localised funding and potentially at a greater amount. There is some evidence that suggests increased gambling spending is not only due to higher disposable incomes but also because pokies offer a way to launder criminal earnings created through the sale of illegal drugs.

Funding implications

One of the submitters was Pub Charity Limited. It was noted that Pub Charity Limited who distributed money to the communities is a limited liability corporation i.e. it is not actually a charity and is a profit-making organisation. It was also noted that out of the potential \$1,200,000 that could have been returned to the community only \$800,000 came back into the Kaipara district with the remaining \$400,000 being given to communities outside of the district. This would mean that should one of the main venues happen to close down there is still potential for funding to be gained at the current limit. The logic being if money obtained from pokies located in the Kaipara district can be distributed outside the district, then money from outside the district can be distributed within the Kaipara district.

It was acknowledged by the Hearings Panel that Council needs to consider how to better locate and facilitate organisations to gain funding through alternative means.

Arguments supporting a capped approach included:

- There is no evidence to show a direct correlation between gaming machine numbers and problem gaming rates;
- Significant measures are already in place to minimise harm from gaming machines;
- KDC's social impact arguments are not supported by robust data;
- Gambling problems need professional help and removing pokies and gaming machines is not a cure for gambling problems;
- Sinking lid will encourage greater internet gambling resulting in the money going offshore rather than back into the community;
- Community groups, sports clubs, schools, art organisations in the Kaipara are reliant on the pokies grant money for operations and to provide minimal or free subscriptions to children, youths and members who may not be able to afford participation in the group's or club's activities.

Deliberations recognised that Kaipara district, however, is more vulnerable to gambling problems than other parts of the country. 2007 research by I Dyal found two in five regular pokie players already have a gambling problem or are at risk of developing one.

Gambling harm disproportionately affects people over 65 years, Māori and Pacific communities and people from low socio economic communities. Kaipara district's population comprises of high numbers of people in these demographics. Problem gambling compounds other health problems these communities are suffering and increases disparities between Māori/Pacific communities and non-Māori communities.

A 2014 Ministry of Health report estimates that the total burden of harms is greater than common health condition such as diabetes or arthritis (Submission 8).

There are likely to be complex and multi-faceted reasons including specific socioeconomic aspects e.g. gender, age, culture, poverty, influencing a gambling problem.

Social impact assessment conducted in 2006 for Whangarei District Council illustrated there was a net economic loss to Whangarei community of \$4.7 million even after taking into account gambling funds returned to the community.

Relocation policy

While there was some support to relax the relocation policy this would not take into account the impacts of venues in high deprivation areas nor research that shows an effective measure to reduce harm is to relocate out of high deprivation areas.

Kaipara district's five out of seven venues are in high deprivation areas with 44 of the 60 pokie machines clustered there (73%). A high Māori population lives in these areas. There are not many options open to Council to support the relocation of venues out of high risk areas in the district as Kaipara has a high deprivation range from 7 to 10.

Conclusion

Therefore after taking into consideration the submissions for and against a sinking lid policy, the social impacts of gambling and in light of inconclusive evidence, the Hearings Panel decided to take a precautionary approach and retain the status quo of a sinking lid policy.

Factors to consider

Community views

The views of the community have been sought through the special consultative procedure under s83 of the LGA 2002 as required by the Gambling Act 2003. A total of 33 submissions and two late submissions were received and given due consideration by the Hearings Panel. No further consultation is required.

Policy implications

Council is required to review its Class 4 Gambling Venues Policy under the GA 2003. If there was no review undertaken, Council would not be complying with the legislation.

Under s102(6) of the GA 2003 'a policy does not cease to have effect because it is due for review or is being reviewed'.

Financial implications

There are no financial implications for Council.

Legal/delegation implications

The GA 2003 requirements (particularly the requirement to consider the social impacts of gambling) have been considered and the special consultative procedure under s83 of the Local Government 2002 has been undertaken as required.

Options

Option A: Adopt the draft Class 4 Gambling Venues Policy as notified as final and consulted on, with or without any minor editing changes.

Option B: Not adopt the draft Class 4 Gambling Venues Policy as final and seek to reconsider a different Policy approach.

Assessment of options

Option A, adopting the Draft Policy without changes, would mean that Council is satisfied with the Panel's recommendation and that it provides for the appropriate response to ensure that harm from gambling is not made worse within Kaipara's communities. This takes a precautionary approach in the absence of more concrete evidence on social impacts to support either a sinking lid or a capped approach.

Option B would mean that Council would need to look at other ways to address the matters it is required to under s101 of the Gambling Act 2003 (see above).

Assessment of significance

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

Recommended option

The recommended option is **Option A**.

Next Step

Council staff will communicate Council's decision through usual communication channels and implement the Policy.

Attachments:

1. Minutes from Deliberations
2. Final wording of Class 4 Gambling Policy for adoption

Meeting	Class 4 Gambling Venues Policy Hearing Panel
Date	Wednesday 28 November 2018
Time	Meeting commenced at 1.30pm Meeting concluded at 2.35pm
Venue	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

Deliberations Minutes

Hearing Panel:

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
Councillor Anna Curnow

Contents

1	Opening.....	3
1.1	Present.....	3
1.2	Apologies	3
1.3	Confirmation of Agenda	3
1.4	Conflict of Interest Declaration	3
2	Decision	3
2.1	Class 4 Gambling Venues Policy – Deliberations.....	3
	Closure	4

**Class 4 Gambling Venues Policy Deliberations
Wednesday 28 November 2018 in Dargaville**

1 Opening

1.1 Present

Mayor Jason Smith, Deputy Mayor Peter Wethey and Councillor Anna Curnow

In Attendance

Name	Designation	Item(s)
Kathie Fletcher	Policy Manager	All
Paula Hansen	Policy Planner	All
Lisa Hong	Administration Assistant	All (Minute-taker)

1.2 Apologies

Nil.

1.3 Confirmation of Agenda

Moved **Smith/Curnow**

That the Panel confirms the Agenda.

Carried

1.4 Conflict of Interest Declaration

Name	Interest
Councillor Anna Curnow	Councillor Curnow is a member of the Dargaville Community Development Board

2 Decision

2.1 Class 4 Gambling Venues Policy – Deliberations

Policy Manager **3201.05**

The Policy Manager tabled 'Needs assessment prepared for the Addiction Team, Ministry of Health: Gambling Harm Reduction Needs Assessment' (Sapere Research Group, 02 March 2018)ⁱ.

The Panel discussed:

- Relationship between the sinking lid approach and reduction in harm
- Difficulties in measuring harm
- At-risk populations and the deprivation index
- Economic implications, including multiplier effect
- Community and sports funding mechanism through Pub Charity Limited, and monies retained in the District
- Next review in 3 years' time
- Need to look into alternative funding possibilities for community and sport activities, and other potential partnerships for Council
- Venue relocation
- Alternative ways to support local businesses.

Moved Smith/Wethey

That the Class 4 Gambling Venues Policy Hearings Panel:

- 1 *Receives the Policy Manager's report "Class 4 Gambling Venues Policy– Deliberations' dated 21 November 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends that the Kaipara District Council adopts the Draft Class 4 Gambling Venues Policy as notified as the final Class 4 Gambling Venues Policy.*


Carried

Closure

The meeting closed at 2.35pm.

**Kaipara District Council
Dargaville**

ⁱ Needs assessment prepared for the Addiction Team, Ministry of Health: Gambling Harm Reduction Needs Assessment' (Sapere Research Group, 02 March 2018)

 KAIPARA DISTRICT <small>Kaipara he Orangasoi</small> <small>Tairāwhiti Te Taihokitahi</small>	Title of Policy	Class 4 Gambling Venues Policy		
	Sponsor	General Manager Community (Acting)	Adopted/authorised by	Council
	Written By	Paula Hansen	Date adopted/authorised	23 June 2015
	1st commenced date	2004	Last Review Date	September 2018
	Type of Policy	Legislative	Next Review Date	September 2021
	File Reference	3201.04.01		

Document Control			
Version	Date	Author(s)	Comments
1.0	June 2015	Paula Hansen	Periodic review, minor editing
2.0	09/07/2015	Mark Schreurs / Paula Hansen	Making the final draft into a final version following adoption.
3.0	09/2018	Natalie Robinson	Statutory review – editing

1 Background

- 1.1 The Gambling Act 2003¹ requires the Kaipara District Council (the Council) to adopt a policy relating to the number and location of Class 4 gaming machine gambling venues in the district.
- 1.2 The policy must specify whether or not Class 4 venues may be established in the district and if so, where they may be located. The policy may specify any restrictions on the maximum number of gaming machines that may operate at Class 4 venues, and may include a relocation policy.
- 1.3 This policy must be reviewed at least every three years, and if the policy is amended, it must follow the requirements of the special consultative procedure as set out in the Local Government Act 2002.

2 Purpose

- 2.1 The purpose of this Policy is to state the Council's position regarding Class 4 gambling venues and to provide guidance as to the conditions required for relocation of a Class 4 gambling venue in the Kaipara district.

3 Objectives

- (a) To ensure the Council and the community has influence over the provision of new Class 4 gambling venues in the Kaipara district.
- (b) To enable the Council and the community to influence the operating of existing Class 4 gambling venues in the Kaipara district.
- (c) To allow those who wish to participate in Class 4 gambling to do within the Kaipara district.
- (d) To minimise any potential negative social and economic impacts of Class 4 gambling venues in the Kaipara district.
- (e) To ensure the Kaipara district community is able to maximise the benefits from Class 4 gambling venue proceeds returned to the community.

4 Establishment of Class 4 gambling venues

- 4.1 No new Class 4 gambling venues may be established in the district except as provided for in clause 6 of this Policy.
- 4.2 Class 4 gambling activities will only be permitted to be undertaken in premises holding 'On Licences' and 'Club Licences' granted under the Sale and Supply of Alcohol Act 2012 (SSAA) or premises which are Totalizer Agency Board (TAB) venues.

¹ <http://www.legislation.govt.nz/act/public/2003/0051/latest/DLM207497.html?src=qs>

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

- 5.1 Council has set a 'sinking lid' on the number of gaming machines in the district.
- 5.2 The total number of machines within all venues will be restricted to the number at each venue licensed on 18 September 2003. These numbers will not increase and will potentially lead to a decrease in the number of venues and machines operating within the district.

6 Relocation of existing Class 4 gambling venues permitted under specific circumstances

- 6.1 Council may permit existing Class 4 gambling venues to relocate where:
 - a) Due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. Examples of such circumstances include, **but are not limited to**, the following:
 - i. Expiry of lease;
 - ii. Building considered to present a significant health and safety risk;
 - iii. Acquisition of property under the Public Works Act; and
 - iv. Site redevelopment.
 - b) An existing Class 4 gambling venue is seeking relocation to a newly developed, modern premises.
 - c) In the case of a club only², two or more existing clubs are merging, and a relocation is involved, including to a new site.
- 6.2 Any permission to establish a Class 4 venue at a new site will be subject to the following conditions:
 - a) The intended holder of the Class 4 gambling venue licence must remain the same at the new location as it was in the previous location (with the exception of clubs merging as permitted in 6.1(b)).
 - b) The vacated site will not be able to be used as a Class 4 gambling venue.
 - c) The number of gaming machines permitted to operate at the new venue will not exceed:
 - i. the number permitted to be operated at the existing site; **or**
 - ii. in the case of clubs, where two or more clubs that merge, they may consolidate the number of gambling machines operated at the merged venue to the lesser of 30 gambling machines or the sum of the number of gambling machines previously operated by each club individually.

7 Where Class 4 gambling venues may be established on relocation

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

² As defined in section 4 of the Gambling Act 2003

8 Kaipara District Council Consent Application

- 8.1 Applications for Council's consent must be made on the approved form and must provide:
- a) Name and contact details for the application;
 - b) Street address of premises proposed for the Class 4 licence;
 - c) Names of management staff;
 - d) Details of liquor licence(s) applying to the premises;
 - e) If applicable, copies of the Class 4 gambling venue licences held by merging clubs, confirming the current number of machines licensed to be operated in the merging club venue;
 - f) Evidence as to how venues are merging i.e. forming a new legal entity; and
 - g) Evidence that the applicant satisfies the requirements of this Policy.
- 8.2 Where an application meets all of the criteria within the Class 4 Gambling Venues Policy, a non-refundable fee, as specified in Council's most recent Fees and Charges, must accompany the application. The amount of the application fee will be set by Council in accordance with section 150 of the Local Government Act 2002, and shall include consideration of the cost of processing the application.
- 8.3 A decision to consent to a relocation under this Policy, including any assessment of the sufficiency of information provided, will be made by the Chief Executive, or a person delegated to do so on his/her behalf.

File number: 3208.00 **Approved for agenda** ☒
Report to: Council
Meeting date: 20 December 2018
Subject: Temporary Road Closure 17 February 2019, Arcadia Road, Paparoa - Approval
Date of report: 13 December 2018
From: Wendy Campbell, Corridor Access Co-ordinator
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

The Hibiscus Motorsport Club Inc. (HCMC) has made an application to have Arcadia Road, Paparoa temporarily closed on 18 February 2019 from 9:00am to 6:00pm (earlier if finished before) for the purpose of holding the NRSS (Northern Rally Sprint series) Rally Sprint, Round 2.

The HCMC has been holding this particular event in the Kaipara district since 2000. It is very popular Rally Sprint Series run in conjunction with five other car clubs. The application for road closure for the HCMC rally event was advertised in the Lifestyler newspaper on Tuesday 27 November 2018 and closed for objections on Monday 10 December 2018. The Kaipara District Council has received no objections to this proposal.

Recommendation

That Kaipara District Council:

- 1 *Receives the Corridor Access Co-ordinator's report 'Temporary Road Closure 17 February 2019, Arcadia Road, Paparoa - Approval' dated 13 December 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 Hibiscus Motorsport Club Inc's (HCMC) application for the temporary road closure of Arcadia Road, Paparoa from Sunday 17 February 2019 from 09:00am to 06:00pm for the purpose of holding the Northern Rally Sprint Series (NRSS) Rally Sprint, Round 2 and, as a condition of approval, HCMC is to carry out a letter drop to all residents/businesses located within the extent of the road closures at least two weeks prior to the event.*

Reason for recommendation

Council can allow for a safe event for the community, event participants and road users during the event. Traffic Management calls for a detour to be in place while the event is happening. The closure will have a minimum impact on traffic and pedestrians.

Reason for the report

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, the Council is required to advertise any road closures at least 42 days in advance of the event. The HCMC has submitted an application for a temporary road closure. The report provides some background to enable a decision to be made on continuation of this event.

Background

The HCMC has been holding a rally sprint event on Arcadia Road, Paparoa in the Kaipara district since 2000. It is a very popular Rally Sprint Series run in conjunction with five other Car Clubs. Local groups including the Lions Club, Paparoa use the event as a fund raising opportunity. A search of the CSR system on "Arcadia Rally" shows that the only complaint received to date regarding this particular event was following the 2016/2017 Rally Sprint. The complaint made was in relation to the deteriorating pavement on Arcadia Road and concerns around appropriateness of such an event being allowed to proceed on a poor road surface. The complainant also raised concerns around Council's decision not to charge the HCMC for remediation works following the event.

Following both pre and post event inspections, Council was unable to attribute any specific damages as a direct result of the HCMC event. The damages identified were attributed to an already worn pavement and exposed subgrade and were insignificant, as in not triggering any immediate maintenance more than what was already deemed necessary. The section of concern on Arcadia Road was also programmed for pavement strengthening work utilising targeted forestry rate funding. This is why Council did not look at charging the HCMC for any damages.

Currently, the road has now been strengthened to a high standard suitable for HPMV (High Productivity Motor Vehicles) for current forestry harvesting. The road is in an excellent standard with a well-bound pavement suitable for all user types.

The previous HCMC event held on 18 February 2018 had inspections carried out prior to and after the event taking place. No complaints were received after the event and the HCMC has reapplied to hold their event again on 17 February 2019.

Issues

The proposed Traffic Management Plan requires the road to be closed for nine hours on a Sunday between the hours of 09:00am to 06:00pm. This is likely to cause some nuisance to the residents located within the closure. However, no objections have been received during the notification period.

It would be seen as best practice for the event organiser to also do a letter drop to all residents located within the closure and this would be a condition of approval.

Factors to consider

Community views

The HCMC has been holding the NRSS Rally Sprint Round 2 in the Kaipara district since 2000. It is a very popular event bringing visitors to the area with financial gain from local businesses. Also, the local Lions Club and other groups raise funds with these events, which are then used to support local people and initiatives.

Policy implications

None.

Financial implications

Council has received from Motorsport NZ a Road Damage Bond of \$500 including a public liability insurance certificate. The required bond, under the 2018/2019 Fees and Charges of \$5,825.00 to cover road damages will be paid in full on providing approvals to proceed.

If Council is able to prove damages as a result of the rally sprint, then the bond will be held and reparation costs will be on-charged to the organisation. Video inspections are carried out by Council Roding Inspectors both pre and post event, to ensure any damages are recorded.

Legal/delegation implications

Local Government Act 1974, s319 – General powers of Council in respect of roads.

Section 319(1)(h) includes “to stop or close any road or part thereof in the manner and upon the conditions set out in s342 and Schedule 10”.

Options

Option A (Recommended): Approve the application to allow the event to proceed.

Option B: Decline the application.

Assessment of options

Option A: Council will inspect Arcadia Road before and after the rally sprint and any damages caused by the event will be charged to the applicant. With Arcadia Road now strengthened and controls in place to manage any damages that occur as a direct result of the event, we see no reason why the event should not proceed.

Option B: By declining the application, Council could potentially stop a very popular event with negative implications for the community including local businesses. Arcadia Road will not be at risk of major damages as a direct result of the rally event.

Recommended option

The recommended option is **Option A**.

Assessment of significance

Not significant.

Next step

Advise the applicant of Council’s decision. If approved, give public notice of the decision to close part of the road under Clause 11A of Schedule 10 of the Local Government Act 1974.

Attachments

- None

File number: 4107.913 **Approved for agenda** ☒

Report to: Council

Meeting date: 20 December 2018

Subject: Request for authorisation to award Construction of New Pump Station (PS2) and WW Rising Main (CON913.02 - Construction)

Date of report: 12 December 2018

From: Matthew smith, Planning and Design Engineer

Report purpose ☒ **Decision** ☐ **Information**

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

Summary

We are seeking authorisation to award Contract 913.02 – Construction of New Pump Station (PS2) and WW Rising Main 18.19 to United Civil Ltd for the contract sum of **\$1,633,266.84 (excl. GST)** for the construction of the Dargaville Wastewater Pump Station 2 and its Wastewater Rising Main Upgrade.

Contract 913.02 was publically notified and tenders were received from two submitters, though one submission contained a conforming price and two alternatives, by the closing date of 05 December 2018. United Civil Ltd provided the best price with the best submission making them the preferred tenderer.

Recommendation

That Kaipara District Council:

- 1 *Receives the Planning and Design Engineer's report 'Request for authorisation to award Construction of New Pump Station (PS2) and WW Rising Main (CON913.02 - Construction)' dated 12 December 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 award of Con 913.02 to United Civil Ltd for the sum of \$1,633,266.84 excl. GST.*

Reason for the recommendation

United Civil had the best tender submission and the best price and is the preferred supplier.

Reason for the report

We are seeking authorisation to award Contract 913.02 – Construction of New Pump Station (PS2) and WW Rising Main 18.19 to United Civil Ltd for the contract sum of **\$1,633,266.84 (excl. GST)** for the construction of the Dargaville Wastewater Pump Station 2 and the Wastewater Rising Main Upgrade.

Background

The Wastewater Pump Station 2 in Dargaville and subsequently its rising main is in need of an upgrade to reduce wet weather overflows, and to mitigate further failures of the rising main that has failed on multiple occasions over the past few years.

Issues

Contract 913.02 was publically notified and tenders were received from two submitters, though one submission contained a conforming price and two alternatives, by the closing date of 05 December 2018. United Civil provided the best price with the best submission making them the preferred tenderer with a total contract price of **\$1,633,266.84** excl. GST and a Tender Evaluation Team score of **50.83**.

The tenders received were:

1. United Civil Ltd - \$1,633,266.84 excl. GST, score 50.83
2. United Civil Ltd - \$1,637,772.96 excl. GST, score 50.83
3. United Civil Ltd - \$1,670,604.96 excl. GST, score 50.83
4. Broadspectrum - \$2,617,345.35 excl. GST, score 47.83

Budgets for this project have been provided over Years 1 to 3 in the long Term Plan as follows:

Year	Budget	Cumulative Budget
2018/19	\$1,056,000	\$1,056,000
2019/20	\$506,000	\$1,562,000
2021/22	\$363,000	\$1,925,000

It is proposed to complete the project over two financial years (2018/19 & 2019/20) completing the Rising Main portion first (**\$865,666.17**), carry over the remainder of the 2018/19 financial year's budget (approximately \$190,000), and utilise **\$100,000** of the Dargaville Wastewater renewals budget from the 2019/20 financial year to be able to complete the pump station portion of the contract (**\$767,600.67**) next financial year. **\$100,000** would then be reallocated from the project's 2020/21 budget to the Dargaville Wastewater renewals budget in 2020/21.

Factors to consider

Community views

This project has been identified in the Long Term Plan and consulted with the community.

Financial implications

Budgets for this project have been provided over Years 1 to 3 in the long Term Plan as follows:

Year	Budget	Cumulative Budget
2018/19	\$1,056,000	\$1,056,000
2019/20	\$506,000	\$1,562,000
2021/22	\$363,000	\$1,925,000

These budgets are sufficient to allow completion of the project as tendered.

Legal/delegation implications

Council approval is required to award the contract as its value exceeds the Chief Executive's delegation of \$500,000.

Options

Option A: Decline to award the contract.

Option B: Award the contract to United Civil Ltd for \$1,633,266.84 excl. GST.

Assessment of options

Option A: Wet weather overflows would not be reduced, and the risk of further failures to the rising main would not be mitigated.

Option B: This would enable the strategy of reducing wet weather overflows, and reduce the risk of further failures to the rising main as per the projects identified in the Long Term Plan.

Assessment of significance

Not significant in accordance with Council's Significance and Engagement Policy.

Recommended option

The recommended option is **Option B**

Next step

If approved, Council employees will then negotiate the terms with the preferred tenderer working within the financial limitations as identified above. The Contract will then be awarded and replacement of the rising main will be undertaken in the current financial year, and upgrade of the pump station next financial year.

Attachments

Nil

5 Information

File number: 41 QR/NTAQR

Approved for agenda ☒

Report to: Council

Meeting date: 20 December 2018

Subject: Northland Transportation Alliance Quarterly Update

Date of report: 04 December 2018

From: Neil Cook, Acting NTA Manager

Bernard Petersen, Acting Roding Manager

Report purpose ☐ **Decision** ☒ **Information**

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

Summary

The Northland Transportation Alliance (NTA) shared business unit wishes to provide Kaipara District Council with a quarterly update into operation and development issues and successes. The following report will focus on current areas of significance, including capital projects, Government Policy Statement and the roll-out of the new Road Maintenance and Renewals Contract.

Recommendation

That Kaipara District Council receives the Northland Transportation Alliance Manager's and KDC Acting Roding Manager's report 'Northland Transportation Alliance Quarterly Update' dated 04 December 2018 and the information contained therein.

Reason for the recommendation

To ensure the Kaipara District Council is kept informed of Northland Transportation Alliance operation and development issues and successes.

Reason for the report

To provide a quarterly report to the Kaipara District Council on Northland Transportation Alliance operational and development issues and successes.

NTA Restructure

The NTA restructure is ongoing with individual staff consultations complete. The new structure was approved by the Executive Team on 03 December 2018 (although there are some issues around the cadet positions) and will be presented to staff on 12 December 2018 with a view to filling the first-tier jobs before Christmas.

Update on Collaborative Activities

- **Speed Management Review**

With the introduction of the Ministry of Transport's new *Land Transport Rule: Setting of Speed Limits 2017*, NTA has a speed management review project sharing resources and expertise. NTA is creating a regional speed management process using the Land Transport guidelines to identify and prioritise catchments of roads for speed reviews on a regional level. Key stakeholder organisation representatives are currently being engaged.

The next stage will be to request information from key stakeholders regarding their priority roads for compilation and consideration as part of the overall process.

- **State Highway Liaison Meetings**

The first newly established NZTA liaison meeting with Council is proposed to be presented at the December Council briefing on 06 December 2018 with Council representative Bernard Petersen in attendance.

Financials

The KDC Roding Team is working through Forecast One. Once approved, up-to-date figures can be provided.

Targeted Enhanced Financial Assistant Rate (TEFAR) Programme Application

A new targeted enhanced funding assistance rate (TEFAR) has been approved by the NZ Transport Agency to assist councils in bringing forward new high and very high priority locally-led improvement activities for the 2018-21 National Land Transport Programme (NLTP).

The Government Policy Statement on land transport (GPS) establishes new key priorities of safety and access, supported by environment and value for money. The Transport Agency and Local Government New Zealand (LGNZ) have been working together to explore how best to assist councils to take up the opportunities provided by the GPS, which has increased the funding available nationally for locally-led activities.

This work recognises there may be financial challenges for some councils to take up these opportunities. TEFAR will mean an additional 19.5% more funding, from 61% to 80.5% for KDC delivered improvement activity classes provided projects meet the range of requirements.

Projects that qualify for the TEFAR are those that fit within the five National Priority Programme areas and are assessed by the Investment Assessment Framework (IAF) as having a High or Very High results alignment with the government's transport priorities. TEFAR can apply for both development and implementation of improvement activities. The National Priority Programmes support the government's transport objectives of safety, mode shift, resilience and regional economic development.

An application has been made to The Transport Agency for TEFAR for five projects:

- School Zone Signage and Upgrades
- Pouto Road Safety Improvements
- Baylys Beach Road Safety Improvements
- Mangawhai Shared Path
- Tinopai Footpath
- Tomarata Road Foot/Cycle Bridge

Attachments

- None

File number: 4102.48 **Approved for agenda** ☒
Report to: Council
Meeting date: 20 December 2018
Subject: Kaipara District School Zones Safety Improvements
Date of report: 04 December 2018
From: Bernard Petersen, Acting Roothing Manager
Report purpose ☐ **Decision** ☒ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

School Zone safety improvements have been determined as a priority concern which needs addressing. In order to address this, the schools in the Kaipara district needed to be prioritised in a manner which was robust enough to encapsulate a range of potential factors. A prioritisation mechanism was established which considered the use of 13 influential factors.

The prioritisation mechanism enabled further compilation of school zone safety improvement packages which are planned for the next four years. School Zones Package 1 (2018/2019) is planned for construction this financial year.

Recommendation

That the Kaipara District Council receives the Acting Roothing Manager's report 'Kaipara District School Zones Safety Improvements' dated 04 December 2018 and the information therein.

Reason for the recommendation

To ensure Council is kept informed of the school zone safety improvements programme across the Kaipara district.

Reason for the report

The purpose of this report is to provide Council with insight into the process followed in order to prioritise school zone safety improvements across the Kaipara district. The report highlights the process followed as well as the final school zones packages derived from the prioritisation mechanism.

Background

The Kaipara district has 23 schools (confirmed via the Ministry of Education). Each of these schools was researched in order to determine the school zone safety of each respective school.

School Zones were defined as parts of roads near schools which include:

- The length of roadside used for short term parking, bus stops, crossing facilities, school entrances, etcetera (all of these effectively contributing to the "Hazard Area"; and
- The distance from the warning sign to the "Hazard Area" (in each direction).

The primary treatments considered for the School Zones Safety Improvements, were as follows:

- Traffic Note 37 (Revision 2) – 40 km/hr Variable Speed Limits in School Zones; and
- Traffic Note 56 (Revision 1) – Active School Warning Signs.

The primary treatments took into account numerous contributing factors, which are listed below:

- The level of school-related activity on the road frontage outside the school. This was taken as an assumption based on the school roll, whether the school is located in an urban or rural environment, and whether off-road parking is available for pick-up and drop-off.
- The speed limit of the road associated with the school-related activity.
- The Average Daily Traffic (ADT) and One Network Road Classification (ONRC) of the associated road (this was used to determine the importance of the road – whether the road is considered a “main route”).
- Any speed-related crashes within 200 m from the school within the past 10 years (this was obtained from the NZ Transport Agency’s (NZTA) Crash Analysis System (CAS)).
- Physical constraints identified outside the school.
- The school roll and off-street facilities were also looked at to identify whether a large number of vehicles were likely to enter and exit the school facilities.

Once the data was gathered and analysed, the schools were prioritised based on various exposures to risk factors and consequences. The exposures to risks were based on ADT, % Heavy Vehicles, Speed, number of expected students at the side of the road, physical constraints, etcetera. The consequences were based on the type of school (i.e. where a primary school would have a higher risk than a high school).

The prioritised list of schools are as follows (from highest to lowest prioritisation):

- | | |
|--------------------------------------|--------------------------------|
| 1. Mangawhai School | 13. Selwyn Park School |
| 2. Te Kopuru School | 14. Tangowahine Primary School |
| 3. Ruawai College (SH 12) | 15. Matakōhe School |
| 4. Otamatea Christian School (SH 12) | 16. Pouto School |
| 5. Kaiwaka School | 17. Aranga School (SH 12) |
| 6. Otamatea High School | 18. Arapohue School |
| 7. Tangiteroria School | 19. St. Joseph’s School |
| 8. Ruawai Primary School (SH 12) | 20. Tinopai School |
| 9. Maungaturoto School | 21. TKKM o Ngaringaomatariki |
| 10. Dargaville High School | 22. Kaihu Valley School |
| 11. Dargaville Intermediate School | 23. Paparoa School |
| 12. Dargaville Primary School | |

Following the initial prioritisation of the schools according to the process highlighted above, the schools are divided up into school zone packages taking into account their priorities and also their locations, with the intention of improving school zones safety in a staged manner. The packages exclude schools located on state highways (with the onus being on NZTA to conduct any form of safety improvements).

The packages are as follows:

- School Zones Package 1 (2018/2019):
 - Mangawhai Beach School
 - Otamatea High School
 - Kaiwaka School
- School Zones Package 2 (2019/2020):
 - Te Kopuru School
 - Tangiteroria School
 - Dargaville High School
 - Dargaville Primary School
 - Dargaville Intermediate School
 - Selwyn Park School
- School Zones Package 3 (2020/2021):
 - Maungaturoto School
 - Pouto School
 - St Joseph's School
 - Kaihu Valley School
- School Zones Package 4 (2021/2022):
 - Tangowahine Primary School
 - Matakohe Road
 - Arapohue School
 - Tinopai School
 - TKKM o Ngaringaomatariki
 - Paparoa Road

The typical process followed for the School Zone packages will be to investigate and identify the full scope of safety improvement requirements of each of the respective schools. This includes, but is not limited to further school related traffic flow patterns, direct contact with the respective schools, conceptual designs, costings, etcetera.

Once the full scope of required works have been identified, the respective School Zones Safety Improvements for each school will enter the detailed design and tender documentation preparation stage, which will also involve further consultation with the schools. When this is complete, the required scope of works will be procured, and the physical works will be implemented within the programmed financial years.

School Zones Package 1 (2018/2019) has been through the investigation and design stage, with this package of school zone improvements being procured collaboratively with the Ministry of Education, who will be doing improvement works at Otamatea High School.

The procurement approach used for School Zones Package 1 will entail a unique procurement process consisting of two Principals to the contract, with the procurement scheduled to go to the open market early December 2018.

School Zones Package 1 entails the following improvements:

Otamatea High School and Mangawhai Beach School have received initial safety improvements by means of 40 km/hr Variable Speed Limit signs being installed within the 2017/2018 financial year. Further improvements as part of the School Zones Package 1 include the construction of a bus bay and the consequential shifting of the footpath at Otamatea High School (Ministry of Education will be conducting surface improvement works). Kaiwaka School will receive additional footpath in order to complete the link from the existing footpath infrastructure to the school entrance. Mangawhai Beach School will receive kea crossing upgrades, making the crossing compliant with current standards, as well as improving the effectiveness of the crossing.

Once the School Zones Package 1 has been procured, investigations will start on the School Zones Package 2 (2019/2020)

Issues

There are no current issues associated with this process or the resulting packages of school zones safety improvements.

Factors to consider***Community views***

Customer Service Requests received from the community regarding school zones safety improvements suggests that the community will be supportive of safety interventions being undertaken.

Policy implications

There are no current policy implications associated with this prioritisation process or the resulting packages.

Financial implications

The school zone improvements have been included in the Long Term Plan roading capital works budgets for implementation, with the first three packages planned for construction within the 2018/2021 three-year funding round.

The school zone safety improvements have been approved for subsidy at 61% from NZTA.

There are no other current financial implications.

Legal/delegation implications

There are no legal or delegation implications associated with this prioritisation process or the resulting packages.

Assessment of significance

This decision does not meet Council's criteria for significance under the Significance and Engagement Policy (February 2018).

Next step

The school zone safety improvements will be carried out in the respective packages allocated to the next four years of the LTP, with School Zones Package 1 (2018/2019) currently in the tender documentation preparation stage.

Attachments

- N/A

5.3 Chief Executive's Report for the month of November 2018

Chief Executive **2002.02.18/December**

Recommended

That Kaipara District Council receives the Chief Executive's Report for the month of November 2018, the tabled Part Two: November 2018 Financial Report, and the information contained therein.



Chief Executive's Report

For the month of November 2018

Part One

- a) Chief Executive's overview**
- b) Activities report**
- c) Looking Forward**

Part Two

Financial Report for November 2018

(the Financial Report was not available at the time of print and will be tabled at the meeting)

Part One

a) Chief Executive Overview - November

November saw a majority of my time focused on working with the wider team to produce and submit our latest Provincial Growth Fund applications. There is one final application for roading that will be submitted as soon as we have finalised the programme to align with NZ Transport Agency (NZTA) priority works. If successful, these applications will signal a significant investment in the future economic resilience of the Kaipara District.

Work on understanding and creating an action plan to support the delivery of the resource consent process was undertaken during November. Following this, an action plan was created and the response includes a number of different workstreams; all of which are currently being progressed by the GM and her team.

The investment in Customers Services made earlier this year, is continuing to deliver results, with the average call abandonment reduced to 12%, the average speed of answer 1 minute 38 seconds and the longest wait time 34 minutes 41 seconds. Whilst I and the team celebrate the improvements achieved, we also recognise the need to continue to seek improvement and reduce all our all waiting times.

The Northland Transportation Alliance (NTA) restructure and the appointment process for the new NTA Manager were commenced. I was on the panel for the Manager appointment process and I am confident that Calvin Thomas will be successful in bringing the new structure together and ensuring the NTA is able to deliver the programme we have agreed.

At the close of November, I have managed to meet the majority of community and external stakeholders identified when I took up my role in September. In addition, I have now attended a number of wider Northland Chief Executive meetings such as ILGACE (Iwi and Local Government Agencies Chief Executive Group) and NIF (Northland Intersectoral Forum); the second of which I will be joint Chair from February 2019.

Internally, we have continued to embed the organisational values and I look forward to the next staff engagement survey, to see the outcome of the work on how our people feel about working for Kaipara District Council.

b) Activities Report

1 Roads and footpaths

The NTA restructure is ongoing with individual staff consultations complete. The new structure goes before the Chief Executive Forum on 03 December with a view to filling the first tier of jobs before Christmas.

The Roding Manager's position is being covered with Bernard Petersen acting in the position.

Operational and Maintenance

This season's sealed pavement repairs are well underway despite being held up due to poor weather conditions preventing work from progressing. The programme is set to continue through to late March 2019.

November claim processing is still in progress so it is too soon for the Key Performance Measure (KPM) results. The claim process, including audit checks, will be completed and the KPM measures run by close of business on the fifth working day of the month.

The Contractor remains on track with inspections and has none overdue.

Capital

Contract 889 Tara Road Culvert Replacement was awarded to Fulton Hogan.

Road Safety

The year's road toll now stands at five with a fatality on State Highway 12 at Matakohē and a fatality at State Highway 1 at Topuni in November. This brings the number of fatalities to four on the state highway within the Kaipara District Council territorial area and one fatality on the Kaipara District Council network. The toll is the same as this time last year.

The Kaipara Alcohol Accord Christmas campaign has been finalised and will be based on the One More Tear campaign using key rings handed out by Licensees.

Five new safety signs have been completed for key risk sites in the district and are to be installed in December.

A child restraint education clinic is to be held in Dargaville Thursday 06 December 2018.

Young Driver Learner Licence programmes are set for 17 – 21 December and 14 -18 January.

The Volunteer Mentor Driver programmes across Dargaville and Maungaturoto had 28 students and 71 mentoring hours for November with four licences being obtained.

2 Parks and Reserves

Mangawhai Community Park: Resource consent application update

Work has continued on the Pioneer Village buildings to get these completed for final Code of Compliance signoff. Once this is complete, we can move to a Licence to Occupy as set out in the Development Agreement.

Taharoa Domain

Continued plant/pest eradication. Continued spraying and tidying tracks around the Domain ready for the summer season. Still awaiting resource consent for toilet at Lake Waikare.

Camp grounds

Bookings are busy with both camp grounds now full over Christmas until approximately 10 January. Anniversary Weekend is also fully booked at both camp grounds. A lot of new campers this year due to advertising through mediums like Facebook, Radio, TV – on the RV Explorers Series.

Busy time of year with school camps. We have had Kings School hike down the Hokianga Coast over the Bluff and then settle at Promenade Point for the night. This included 120, 12-13 year old boys and this has been an annual event for over 18 years.

We are expecting Otamatea College, Rodney College and Massey High School early December to camp, along with an open water swim event being held at Lake Waikare Outdoor Education Centre on Saturday 15 December and Project Jonah training day being held at Pine Beach.

Pou Tu Te Rangi Harding Park

We have installed a speed bump to slow traffic as it goes down the hill before it joins the two-way system. This can be moved or removed if needed. Work has also been done around the swampy area near the road T-junction to help drain the area so it can be developed.

Capital Works

The first contract from MBIE has been received for signing for the Matakohe toilet upgrade and footpath project. The team has attended a D-Day breakfast this month in Maungaturoto and talked to locals regarding the upgrading of the toilet block there.

All parties concerned have agreed to removing the Heli Landing site at Mangawhai Heads and making this a carpark. We will advertise to let the community know this will be available for parking and that there are other landing sites available for the Rescue Helicopters.

Maintenance Contract 860

The Maintenance Contract continues to perform well in most areas, however they are falling behind in Garden Maintenance. This has been raised with the Contractor and staff will continue to monitor to make sure they catch up.

3 Community Team Activities - November

- Working with Pou Tu Te Rangi Harding Park Governance Committee on a Provincial Growth Fund application for a feasibility report to look at the potential opportunities for the site;
- Working with Sport Northland on formal documents for the potential running of the Kauri Coast Community Pool;
- Attended the Four Well-being's framework workshop in Wellington;
- Citizens Awards Event was held at Sportville. There were eighteen nominations with six people being successful;
- On Sunday 16 December Ruawai is hosting the opening of the walkway along the stopbank. This will be a fun day with stalls, food etcetera. The Community Team will have a pop-up gazebo there to gauge the community on what they are wanting for their town as well as highlighting the work that has been done in Ruawai.

- The Community Team had a pop up presence at the Paparoa Gala Day gathering feedback and ideas for the community. This information was reported back to Progressive Paparoa at their monthly meeting and included plans to continue to support activity zones.
- Had a walk of the proposed Matakohē shared path with NZTA, Opus, Te Uri o Hau and Parks. Identified areas of environmental and cultural significance and possible impact on route for the path
- Mangawhai Community Plan coastal connections project is in progress with a site visit with key stakeholders to identify route and design elements to improve beach access from Wintle Street to Sellars Reserve
- Graphics created for signage to be installed at Mangawhai Community Plan project sites to increase visibility of the plan and the aligned projects. Plans for creating a Mangawhai Community Plan page link on the new Council website.
- Working with:
 - Mangawhai Waka Ama Inc.
 - Hakaru Hall and Domain Society
 - Whakapirau Residents Association – linked them with civil defence to start planning for a community response plan
 - Maungaturoto Residents Association – the Learn to Ride track building work started mid-month.

4 Four Waters

Earlier this month central government announced that it will initially report back to Cabinet in June 2019 with detailed policy proposals for regulation of the Three Waters to enable drafting of legislation to commence. It will then report to Cabinet in late 2019 with detailed policy proposals for service delivery arrangement to enable drafting of legislation to commence. In this regard the following high level options will be assessed:

- i Proceed with regulatory reform only, with voluntary, sector-led reforms to service delivery arrangements;
- ii Establish a three waters fund to support voluntary service delivery improvements; and
- iii Create an aggregated system of dedicated, publicly owned drinking water and wastewater providers.

Broadspectrum's construction capabilities have increased and they are now assisting with remedial works in the Mangawhai drainage network, conducting network and asset investigation as requested to support with capital work improvements.

The asset maintenance programme is up-to-date with a third of the manhole inspection programme completed at Kaiwaka. Manhole assets are in generally in good condition and no major remedial work is required.

The Ruawai Water Scheme is currently facing production constraints due to the dry weeks earlier this month. The water treatment plant demand exceeded the normal outflow and water carts were filled at a daily rate of three trucks. Swimming pools were also filled at both the primary and high school. Mangawhai and Glinks Gully water consumers may face similar constraints during the holiday with population increases.

Inflow to the Mangawhai Wastewater Treatment Plant for the month to 28 November 2018 totalled 14,555m³, which is up approximately 6.4% when compared to November 2017 volumes. The plant is stable and continues to operate within resource consent limits.

Trility are undertaking an internal asset condition audit of the Mangawhai Wastewater Treatment Plant.

In Flood Protection, Raupo and district-wide drain spraying, Murphy Bower preparation for construction and the stopbank cycleway are all activities underway.

The 2018/2019 Four Waters capital works programme is well underway and is summarised below as follows:

- Sewer pump station VA Mangawhai (CON909) is out to tender for construction with a closing date of 30 November 2018;
- Sewer pump station 2 and rising main in Dargaville (CON913) is out to tender for construction with a closing date of 05 December 2018;
- Dargaville High School watermain relocation (CON903.01) design has been awarded and the construction contractor is about to be appointed;
- Baylys Coast to Logan Street watermain replacement (CON910.01) design has been awarded with potholing, geotechnical investigation and design having commenced;
- Maungaturoto raw watermain replacement (CON911.01) design is at evaluation stage;
- Montgomery Avenue and Ruawai watermain replacements (CON912) design is underway;
- Mangawhai Wastewater Treatment Plant Upgrade is at the scope and early design phase with WSP OPUS;
- Quail Way Stormwater improvements (CON879) is progressing with construction along Moir Point Road and Quail Way;
- The Mangawhai Community Wastewater Scheme Irrigation extension (CON906) will commence in December 2018 with headworks and GPS locations of sprinkler positions.

We continue to liaise with the NRC regarding our consents and compliance and we have been reviewing a proposal from a consultant to rectify the issues at Kaiwaka Wastewater. We expect a similar proposal for Te Kopuru Wastewater in due course.

5 Solid Waste

The Bickerstaffe Road Closed Landfill rehabilitation tender period is due to close on 30 November. There have been a number of interested parties accessing the tender documents.

Some improvements are underway at the Dargaville Transfer Station to help lessen the impact on the immediate neighbourhood. This revolves around the noise associated with the bottle collection point in the recycling area.

Litterbins that have been identified as hotspots for illegal dumping (in the Dargaville area) are the Band Rotunda and Totara Street toilet area. In conjunction with some publicity around this issue, the Totara Street bin will be relocated into a more open area away from the toilets, with the recycling bin being removed as this was being used as a general rubbish bin. The Band Rotunda bins will be removed completely if there are no improvements after the publicity efforts.

6 Planning and Regulatory – November 2018

Planning	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Resource Consent Applications	53	57	71%	23.7	72%
224 Applications	7	16	100%	1.0	
Service Requests	145	111	85%		89%
<ul style="list-style-type: none">15 lots were created last month, 7 in the Mangawhai area, 5 in Otamatea and 3 in the wider district.Resource consent processing efficiency has decreased again this month (down to 71%) with 20 out of 28 non-notified consents being processed within 20 working days. This is due to staff being on pre-booked leave and continued senior staff vacancies (and despite continued overtime being worked).					
Building	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Building Consent Applications	80	67	90%	14.0	92%
CCC Applications	53	0	100%	1.	98%
Service Requests	146	105	91%		92%
<ul style="list-style-type: none">The total number of building consents received for November was 67. The combined value of these projects totalled \$12,353,027. There were 27 new dwellings and relocates received for the month of which 19 were within Mangawhai valued at \$6,444,800. There were three commercial consent applications received.					
Regulatory	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Alcohol Applications	22	10		19.2	
Food Control Audits and Inspections	20	18	100%		77%
Service Requests	230	277	96%		98%
Department is tracking well. A number of complex illegal activities are still being actively pursued.					
BCA Accreditation	Due	Completed		YTD % Completed	
		YTD	Nov 2018		
BCA Audits	3	18	1	90%	
Competency Assessments	1	8	0	89%	
Audit Reviews and Competency Assessments will be completed following the BCM returning from annual leave in December. The majority of BCA IANZ audit GNC actions have been submitted and we are awaiting confirmation of closure. There are only four outstanding key actions, which are due for closure by end of January 2019, despite the BCA having until end of March 2019 to complete these.					

Policy

November activities have included finalising legislatively required policies and bylaws as well as the aspirational Kaipara Smokefree Policy. This has required a lot of commitment to Mana Whenua, stakeholder and public consultation, hearings and deliberations. It has also necessitated regular discussion with our colleagues at our

peer territorial authorities to ensure technical and operational needs are being met and where possible there is a consistent approach across Northland. As a result of this work elected members have also had an increased workload.

The continuous stream of tasks and effort by the Policy Team has meant Kaipara District Council has met the legal timeframes of all this month's associated bylaw and policy reviews. Work on the District Plan review has focused on planning our community engagement for 2019 and securing key consultancies to provide baseline data to ensure we can successfully implement RPS requirements and elected members' top priorities as identified in the Long Term Plan.

Climate change, Mana Whenua engagement and relationships remain high on the policy agenda.

7 LIMs Overview

A Land Information Memorandum (LIM) is a property information report compiled by Council. This is typically obtained by a potential buyer when looking to purchase a property and must be issued within 10 working days of receipt. In November, all 60 LIM applications received were processed on time, taking an average of seven working days.

8 LGOIMA Overview – 01 to 30 November

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

Year to date we have received 64 LGOIMA requests to the end of November 2018.

Name	Subject	Time Taken	Number of Requests Year to Date
Clive Boonham	Late delivery of rates invoice - third query	45 minutes	9
Peter Rothwell	Property file for Lot 31 DP 152387	45 minutes	6
Joel Cayford	Mangawhai Point subdivision - Jessie Trust	45 minutes	1
Joel Cayford	Wastewater development contributions payable and triggers	45 minutes	2
Gary Serjeant	Complaints from Mina Henare	2 hours	2
AA Northland District Council	Parking infringements and revenue generated	30 minutes	1
Aaron Norman	Unregistered and roaming dogs in Dargaville	1 hour	1
Kerry Sorensen-Tyrer	Recycling	1 hour	1
David Kelly	Complaint regarding RM170469	1 hour	2
Henderson Reeves	Transferred from Whangarei District Council - Tangiteroria Tavern water sample	1 hour	2
Clive Boonham	Incorrect rates invoices	45 minutes	10

Name	Subject	Time Taken	Number of Requests Year to Date
James Gardner-Hopkins	RM070204 record of applications and decisions	45 minutes	1
Clive Boonham	Legal advice relating to oldest debt first policy	30 minutes	11
Julia Wade	Dogs at 293 Kings Road	45 minutes	1
Taxpayers Union	Costs of Koha	10 minutes	14
Taxpayers Union	Staff salaries over \$200,000	10 minutes	15

9 Customer Services and Library

Library

Progress has been made on the Dargaville Library development and we expect it to be completed in March 2019. This will relieve some of the pressure caused by the limited space in the building. Work has begun on the Paparoa Library building and should be complete in January 2019.

During November the Dargaville Library hosted a national Storylines author tour, fundraised for Movember, promoted the Office of Treaty Settlements Ngapui mandate and visited the local Blind Foundation Support Group with resources.

Librarian Simie Simpson has been chosen as a judge for the 2019 New Zealand Childrens' Book Awards.

Customer Services

Another great result for Customer Services where there have been continued improvements in all facets of customer telephone enquiries. The average call abandonment reduced to 12%, the average speed of answer was 1 minute 38 seconds and the longest wait time 34 minutes 41 seconds.

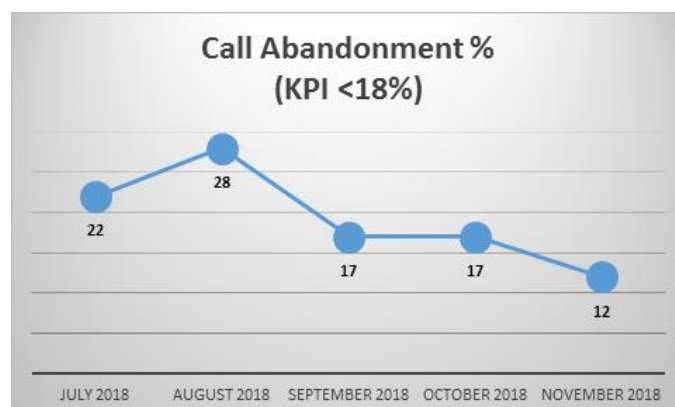
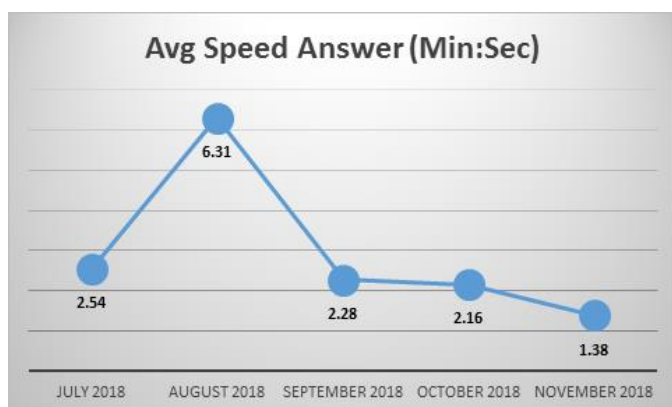
To support the 'continuous improvement' working environment, they have analysed the November results and found that within the first week of the month, one customer experienced a wait time of 34 minutes 41 seconds. For the remainder of the month, the longest wait time was less than 20 minutes.

They also found that customers are experiencing the longest waits and abandoning the most calls during the lunch break period. To assist with improving this, they are now scheduling break times to have as many staff as possible available. They are also mindful, that 'requests for callback' contribute to the longest wait time, so they are consciously working on this as well.

General Manager Darla Blake is extremely proud of their efforts and value they bring to Kaipara District Council customers. It is worth noting, Customer Services were award KDC Team of the Quarter in November.

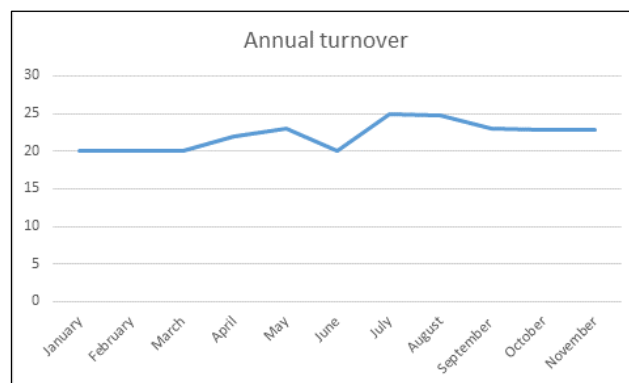
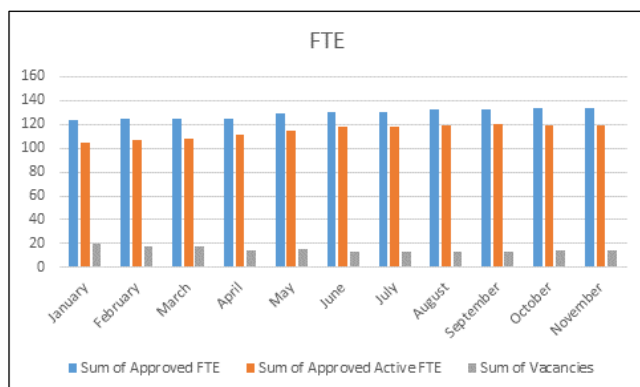
November stats

Total Customer interactions	Emails	Reception	Total Calls	Average speed answer (min:secs)	Average call abandonment (%)	Calls FTE	Longest wait time (min:secs)	First contact resolution (%)
5,814	1,283	1,860	2,671	1.38	12	3.28	34.41	86.4



10 People and Capability

People and Capability update:



c) Contract Acceptances

Contract 899: Tara Road Culvert Replacement

Price: \$355,092.13

No. of Tenders: 5

Contract Manager: Stantec NZ Ltd

Awarded to: Fulton Hogan Ltd

Budget: \$560,000

Tender Method: Lowest Price Conforming

d) Looking Ahead

January 2019

Monday 21 January	Mangawhai Community Park Governance	Mangawhai Office	2.00 pm
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February 2019

Monday 04 February	Council Briefing	TBC	9.30am
Tuesday 12 February	Taharoa Domain Governance Committee	Lake Waikare Centre	2.00pm
Wednesday 13 February	Remuneration and Development Committee	TBC	TBC
Thursday 21 February	Raupo Drainage Committee	Ruawai	10.00am
Thursday 28 February	Council meeting	TBC	9.30am

Part Two

November 2018 Financial Report

(the Financial Report was not available at the time of print and will be tabled at the meeting)

5.4 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Recommended

That Kaipara District Council receives the Resolutions Register and Action Tracker dated 11 December 2018 and the information contained therein.

**Kaipara District Council
Resolutions Register at 11 December 2018**

Meeting Date	Agenda Item Number	Item Name	Details	Assigned	Status	Comments	Due
13/02/2017	6.4	Establishment of Older Persons Committee	Will look at other ways of engaging with older members of the community.	GM GSD	In Progress	On hold until the People's Panel recruitment has been completed (Oct - Dec).	Feb 2019
26/06/2017	7.6	Kauri Coast Community Pool – Licence to Occupy and maintenance grant	Agrees to develop Terms of Reference for a joint Council/Trust Kauri Coast Community Pool Management Committee to investigate reducing operating costs, reviewing fee structure, seeking external funding for programmes, improving the range of programmes, improving dedicated times for the elderly and promoting the pool to achieve increased attendance	GM GSD (DL)	Completed	Terms of Reference have been agreed on and finalised with the Management Committee.	June 2018
			Delegates the Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust on the standard terms and conditions	GM GSD (DL)	In Progress	This is being reported to this December Council meeting for a decision.	Dec 2018
			Re-assesses its involvement in the Kauri Coast Community Pool after the 2017/2018 swimming season.	GM GSD (DL)	In Progress	This is being reported to this December Council meeting for a decision.	Dec 2018
11/07/2017	1.7.2	Notice of Motion 2	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 RPP	In Progress	Terms of Reference for the Planning and Regulatory Working Group is under consideration by Councillors and included in the March 2018 Council agenda. The intention is that this Working Group review the policy. Working group met on 11 April 2018. Staff to create a policy based on guidance from this meeting. Policy Team is aiming to have a draft ready in December.	Feb 2019
			3) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure	GM RPP	In Progress	As above	Feb 2019
			4) That any related current delegations be amended to reflect policy	GM RPP	In Progress	As above	Feb 2019
			5) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM RPP	In Progress	As above	Feb 2019

26/09/2017	6.6	Stopbank reinstatement - land known as Section 73 75 part 44 Block XV of the Tokatoka Survey District	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	See update below 20/11/2018 Council meeting (Line 73)	June 2019
			Notes that the works are to be funded by Raupo Drainage Targeted Rate.	COO (SP)	In Progress		June 2019
14/11/2017	6.13	Northpower – Assignment of Lease	Approves the assignment of the grazing licence from Northpower to Highview Investments Limited	GM R,F&IT (JB)	Completed		
			Delegates to the Chief Executive responsibility for execution of the Deed or Assignment on Council's behalf.	GM R,F&IT (JB)	In Progress	As it's a Deed this needs to be executed by two elected Members. Still Waiting for Northpower and Highview to execute the Deed and return same to Council for Execution.	Dec 2018
11/12/2017	6.5	Mangawhai Museum Partial Surrender of Lease	Approves the Partial Surrender of the Lease by the Mangawhai Museum	GM R,F&IT (JB)	Completed		
			Approves the grant to the Mangawhai Museum of a non-exclusive licence to use the surrendered area for the use permitted in its lease	GM R,F&IT (JB)	In Progress	Location of the Arts Building has now been identified so this can be excluded from non-exclusive licence area.	Dec 2018
			Delegates to the Acting Chief Executive responsibility for the finalisation of the Deed of Partial Surrender of Lease	GM R,F&IT (JB)	In Progress	The Deed of Partial Surrender can be finalised now with updated plans However Museum have advised they now want to new lease rather than a partial surrender. They have been advised the policy is now for LTO rather than lease. A draft LTO will be provided to the Museum so they can consider.	Dec 2018
25/01/2018	7.4	Reserve Contributions (use of) Policy: Adoption of reviewed Policy	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		
			Consults on the reviewed Policy as part of the draft Long Term Plan process	GM RPP	Completed	Adopted at May 2018 Council Meeting	June 2018
			Prioritises the review of Reserves and Open Space Strategy (ROSS)	GM RPP	In Progress	Review underway. Pre consultation with key stakeholders. A briefing to Council was provided in Nov. A workshop is planned in the New Year with Council.	May 2019
28/03/2018	6.1	Private Seal Extension Policy 2018: Adoption for Community Engagement	Adopts the draft 'Kaipara District Private Seal Extension Policy 2018', circulated as Attachment 1 to the above mentioned report, and seeks community feedback on the draft Policy with the following amendments: □ to link to Rating Policy and re-worded for clarity to laypeople, in plain English; □ add interest and maximum term of less than 10 years, and obligations of those that do not agree	COO	Completed	Adopted at 23 November 2018 Council meeting.	Dec 2018
			Delegates the Chief Executive and Councillors Wethey and Geange to approve the final wording	COO (HvZ)	Completed	As above	Dec 2018

26/04/2018	5.2	Forecast Two 2017/2018	Approves the forecast as set out in the forecast sections in the above mentioned report and its attachments, and determines that no further action is required at this point in time	GM R,IT&F	Completed		
			Notes that the revised forecast shows increased operating revenues of \$1.6 million, reduced operating costs of \$0.4 million, increased capital funding of \$0.3 million and reduced capital expenditure of \$1.7 million from the estimates in Forecast One	GM R,IT&F	Completed		
			Approves the revised capital expenditure schedules, listed in Attachment 4 of the above mentioned report, and the carry forwards to the Long Term Plan 2018/2028	GM R,IT&F	Completed		
			Notes that forecast debt is currently projected in the order \$48.2 million which is a reduction of \$13.9 million compared with the planned \$3.8 million reduction in the Annual Plan. The increased reduction is due to release of available general reserves, property sales and development contribution payments for the Mangawhai Community Wastewater Scheme (MCWWS)	GM R,IT&F	Completed		
			Approves the out of limit position in terms of clause 6.3 of the Treasury Management Policy (this to be reviewed in six months)	GM R,IT&F	Completed		
			Notes that the Chief Executive is to provide Council with a full briefing on all options on the proceeds from the forestry asset sale	GM R,IT&F	In Progress	Council Briefing held in November 2018, further information sought, and this item will come to the February 2019 Council Briefing	Feb 2019
23/05/2018	5.1.3	Issues and Options: Reserve Contributions	Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018		Completed	Approved as part of the LTP	
			Continues to fund the existing \$100,000 p.a. budgets (\$150,000 for Mangawhai Park for 2018/2019 year only) for each of the three priority parks from reserve contributions as a priority over other reserve projects (and without being required to participate in the contestable funding round), until an alternative funding source is arranged, subject to each governance committee providing a business plan that conforms to the funding criteria of the policy	GM R, IT&F, GSD (IL)	In Progress	Approved as part of the LTP, but process is being worked through. The Council Briefing on 6 December looked at LTP projects.	TBC
			Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy	GM GSD (DL)	In Progress	This was reported to the 6 December Council briefing. Progress with this is dependent on future Council approval	TBC
			Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes	GM R,IT&F	In Progress	Awaiting ROSS review	
	5.1.7	Issues and Options: Mangawhai Community Wastewater Scheme	Approves the inclusion of \$20.05 million in the Long Term Plan 2018/2028 for the upgrade and extension of the Mangawhai Community Wastewater Scheme to accommodate new connections	GM GSD	Completed	Approved as part of the LTP	

26/07/2018			Agrees that the \$20.05 million shall be funded through debt	GM GSD	Completed	Approved as part of the LTP	
			Agrees that the growth portion of \$20.05 million debt servicing and financing be levied on future connections with the associated revenue raised from development contributions	GM GSD	Completed	Approved as part of the LTP	
			Notes that investigations of future disposal options to provide additional disposal capacity will be undertaken concurrently and a preferred option recommended to Council for approval	GM I	In Progress	Looking to amend existing consent to increase capacity for future disposal as an initial option (estimate existing farm has 8-10 years capacity). Will then progress finalising the long term disposal options and seeking consent for the preferred option.	June 2019
	5.1.15	Issues and Options: Pensioner Housing	Approves the continued investigation of alternative options for the land it owns at Fagan Place in Mangawhai, including the possibility of working with external partners	GM R,IT&F (JB)	Completed	Approved as part of the LTP	Dec 2018
			Requests the Chief Executive reports the results of the investigation to Council	GM R,IT&F (JB)	In Progress	Investigating scope and timeline	Dec 2018
	4.2	Road Vesting: Settlement Road, Hakaru, Kaiwaka	Agrees in principle to the vesting and purchase of a portion of private property, the area being 0.0300ha (300m ²) of land for road being Lot 5 Revised subdivision plan RM170473 highlighted in yellow on aerial map (see Attachment 1 to the above mentioned report) for road reserve (Settlement Road) in Hakaru, Kaiwaka, subject to the costs associated being no more than \$1,500 + GST for the land itself and \$1,500 + GST for additional costs	GM I	Completed	The invoice for \$3450.00 incl. GST was paid on the 6.11.2018 (compensation for Lot 5 DP 522560 Road to Vest).	Nov 2018
			Delegates the Acting Chief Executive to finalise the acquisition of the aforementioned land	GM I	Completed	As above	Nov 2018
	4.4	Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy	That this item lie on the table until a meeting with the Kauri Coast Community Pool Trust is held with Elected Members and Council officers.	GM GSD	In Progress	This is being reported to this December Council meeting for a decision.	Dec 2018
	4.11	Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence	Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy	GM R,IT&F	In Progress	In negotiation with Golf Club on terms and conditions in respect of Surrender and LTO	Nov 2018
			Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977	GM R,IT&F	In Progress	Notification was done in August, No objections received. Once the LTO and Surrender deed are finalised this will be reported to Council for final decision.	Nov 2018
23/08/2018	4.1	Smokefree and Vape-free Kaipara Policy - Confirmation of draft Policy for consultation	Agrees with the direction provided for in the draft Smokefree Kaipara Policy, circulated as Attachment Two to the aforementioned report, incorporating feedback provided	GM RPP	Completed		
			Approves the draft Smokefree Kaipara Policy in accordance with Council's Significance and Engagement Policy, incorporating feedback provided	GM RPP	In Progress	Deliberations meeting held 12 November 2018. A report is being prepared for the December 2018 Council meeting recommending adoption.	Dec 2018

		Forms a panel of three Elected Members, being Councillors Wethey, Joyce-Paki and Curnow to consider submissions and make recommendations to Council	GM RPP	Completed		
4.2	Alcohol Control Bylaw and Statement of Proposal - Adoption of drafts for consultation	Determines that a bylaw is the most appropriate way of addressing the perceived problem(s) associated with alcohol consumption in a public place	GM RPP	Completed		
		Adopts the Statement of Proposal for the Kaipara District Public Places Alcohol Control Bylaw including draft bylaw for public consultation	GM RPP	Completed		
		Agrees that the proposed alcohol control areas below and their associated controls as shown in the Statement of Proposal (circulated as Attachment Three to the aforementioned report) are to be consulted on alongside the draft Alcohol Control Bylaw. These being to [please see 23/08/18 minutes]	GM RPP	Completed	Alcohol Control Bylaw adopted at November 2018 Council meeting and will become operative on the 19th December	Dec 2018
		Forms a Hearing Panel made up of three Elected Members, being Councillors Curnow, del la Varis Woodcock and Joyce Paki, one of whom will be the chair of the panel, and delegates to the Hearing Panel the responsibility to hear submissions and to provide recommendations to Council	GM RPP	Completed		
4.3	Budget Carryovers 2017/2018	Approves the carryover of the following budgets from the 2017/2018 financial year to the 2018/2019 financial year [please see 23/08/18 minutes]	GM R,IT&F (GMI)	Completed		Dec 18
4.5	Road stopping and amalgamation: 623 Golden Stairs Road, Paparoa	Agrees in principle to the stopping of a portion of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report) under s116 of the Public Works Act subject to reaching prior agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement, subject to the sale price being no less than \$7,800 plus GST (if any), and that the purchaser meets all costs associated with the transaction	GMI	In Progress	Deposit payment of \$3450.00 incl GST was received on the 6.11.2018. Next step is for the Purchaser to arrange the Legalisation Survey Plan for the subject Land at their cost. Once the Survey Office Plan is approved by LINZ the Purchaser is to pay the balance (\$4,800.00 + GST).	Feb 2019
		Delegates authority to the Chief Executive to finalise the sale of the stopped portion of road of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report)	GMI	In Progress	As above	Feb 2019
25/10/2018	4.1 Temporary Road Closure 08 December 2018, Dargaville Christmas Parade - Approval	Approves the Dargaville Lions Club's application for the temporary road closure of Victoria Street from Totara Street and including Totara Street to the west side of the Central Hotel Carpark; All of Parenga Street, Totara Street, Kapia Street; All of Hokianga Road south of Victoria Street; and Edward Street from Victoria Street to the north of the Central Hotel Carpark on Saturday 08 December 2018 between the hours of 09:00am to 2:00pm and, as a condition of approval, the event organiser is to do a letter drop to all residents/businesses located within the extent of the road closures at least two weeks prior to the event.	GMI	Completed	The Applicant has been advised of Council's decision. Event is scheduled for 8 December 2018.	Dec 2018

	4.2	National Environmental Standards on Plantation Forestry Regulation 2017, District Plan Update	Approves the amendments to the Operative District Plan in accordance with the requirements of the National Environmental Standards for Production Forestry Regulations 2017 as detailed in Attachments 1 5 of the afore mentioned report, in accordance with sec 44A(4), (5) and (6) of the Resource Management Act (RMA) without going through the Schedule 1 public notification process of the RMA.	GM RPP	In Progress	Will be completed in December with notification planned to the community in early December and operative DP change on 18th December 2018.	Dec 2018
	4.3	Climate Change Working Group, Formation and Terms of Reference	Appoints Mayor Smith and Councillors Curnow, del la Varis Woodcock, Joyce-Paki and Wethey to the Climate Change Working Group	GM RPP	Completed		
			Directs the Chief Executive to update the Local Governance Statement to include the Climate Change Working Group Terms of Reference, circulated as Attachment 1 to the aforementioned report with the following amendments: □ delegations section deleted; and □ fourth bullet point under the responsibilities section deleted	GM RPP	Completed		Dec 2018
	20/11/2018	4.1	Adopts the final Alcohol Control Bylaw (circulated as Attachment 2 to the afore mentioned report)	GM RPP	Completed		
			Agrees that, in light of information and evidence provided, the following alcohol control areas and associated controls are adopted (Attachment 3 to the afore mentioned report contains final maps showing the Alcohol Control Areas): [Please see minutes]	GM RPP	In Progress	Will become operative on the 19th December	Dec 2018
			Agrees that an Alcohol Control Bylaw be put in place from 8.30pm to 7.00am the following day all year round for the Tinopai area as shown in Map 11 of Attachment 3	GM RPP	In Progress	Will become operative on the 19th December	Dec 2018
			Delegates the authority to the Regulatory Manager, Licensing Team Leader and the Monitoring and Compliance Team Leader the authority to grant exemptions to an alcohol control area under clause 12 of the Alcohol Control Bylaw 2018	GM RPP	In Progress	Will become operative on the 19th December. Delegations register being updated.	Dec 2018
		4.2	Adopts for public consultation - the Statement of Proposal for the Taharoa Domain Bylaw and associated draft Bylaw as presented in the circulated Attachment 2 of the aforementioned report	GM RPP	In Progress	Submission period opened on 4th December 2018 and runs until the 8th February 2019	
			Delegates to the Chief Executive and the Mayor to approve minor typographical changes and any changes that do not affect the intent of the draft Bylaw	GM RPP	Completed		
			Delegates to the Taharoa Domain Governance Committee including representatives from Te Roroa and Te Kuihi, the responsibility to hear submissions and make recommendations on the final Taharoa Domain Bylaw to Council with the Mayor acting as Chair	GM RPP	In Progress	Discussions underway to determine representatives from Te Roroa and Te Kuihi	Jan 2019

4.3	Plan Change 4 – Fire Safety, Environmental Court Decision	Directs Council officers to amend the Operative District Plan in accordance with the Environment Court's decision on Plan Change 4 to the Kaipara District Plan dated 24 October 2018, circulated as Attachment 1 to the afore mentioned report	GM RPP	In Progress	Will be completed in December with notification planned to the community in early December and operative DP change on 18th December 2018.	Dec 2018
		Approves Plan Change 4 to the Kaipara District Plan in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991	GM RPP	Completed		
		Resolves to delegate to the Chief Executive the authority to publicly notify in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991 the 'operative date' at least five working days beforehand	GM RPP	Completed	Notification occurred on 3rd December 2019 in Mangawhai paper and 4th December 2018 Kaipara Lifestyler.	
4.4	Private Road Seal Extension Policy 2018 Adoption	Adopts the Private Road Seal Extension Policy 2018, as set out in Appendix 4 of Attachment 1 to the aforementioned report	GM I	In Progress	Adopted Policy to be added to the Policy Register and Council's website.	Jan 2019
4.5	Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai	Adopts Option B – reduce the speed limit in the full review area to 50km/hr, as set out in Attachment 1 (Tara Road, Kaiwaka Mangawhai Road and Moir Street: Speed Limit Review – 31 October 2018) to the aforementioned report	GM I	In Progress	Public notification of the new speed limit and amendment of the bylaw in progress.	Jan 2019
		Adopts the amendments to the Kaipara District Speed Limit Bylaw 2005, as set out in Appendix 3 of Attachment 2 ('Tara Road, Kaiwaka Mangawhai Road and Moir Street: Submission Recommendations') to the aforementioned report	GM I	In Progress	Public notification of the new speed limit and amendment of the bylaw in progress.	Jan 2019
4.6	Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions	Delegates authority to the Mayor and Chief Executive to impose and rescind water restrictions if required within the Kaipara district in accordance with Clauses 1609.1 and 1609.2 of the Kaipara District Council's General Bylaws 2008, Part 16, Water Supply	GM I	Completed		Nov 2018
		Instructs the Chief Executive to report to the next available Council meeting the details of any water restrictions imposed or rescinded	GM I	In Progress	If and when required.	May 2019
4.7	Murphy Bower Stopbank Options Report	Resolves that the Murphy Bower stopbank located on SECT 73 75 PT 44 BLK XV TOKATOKA SD is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under New Stop Bank and the upgrade of the existing section of the stopbank as highlighted by the area marked under Option 2 as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST	GM I	In Progress	Meeting with landowner being arranged. If no agreement can be reached with the landowner regarding approval to enter private property to undertake the works, then Council will need to proceed with statutory process to obtain authority to enter property to construct the public works.	June 2019

		Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank: a) \$128,000 to come from financial year capital works projects; b) \$50,000 from Management services (identified to start hydraulic modelling); c) \$42,000 from the stopbank maintenance budget	GM I	In Progress		June 2019
		Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded	GM I	In Progress		June 2019

6 Public Excluded Council agenda items 20 December 2018

Recommended

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

- *Confirmation of Public Excluded Council minutes 29 November 2018; and*
- *Council nomination to Pou Tu Te Rangi Joint Management Committee*

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:

<i>General subject of each matter to be considered:</i>	<i>Reason for passing this Resolution</i>	<i>Ground(s) under Section 48(1) for the passing this resolution:</i>
<i>Confirmation of Public Excluded Council minutes 29 November 2018</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>
<i>Council nomination to Pou Tu Te Rangi Joint Management Committee</i>	<i>S7(2)(a) protect the privacy of natural persons, including that of deceased natural persons</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>

7 Open Council agenda 20 December 2018

Closure

**Kaipara District Council
Dargaville**