



Kaipara te Oranganui

**KAIPARA  
DISTRICT**

Two Oceans Two Harbours

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## Kaipara District Council Meeting Agenda

**Date:** Wednesday 11 December 2019

**Time:** 9.30am

**Location:** Dargaville Town Hall  
37 Hokianga Road  
Dargaville

**Elected Members:** His Worship the Mayor Dr Jason Smith  
Deputy Mayor Anna Curnow  
Cr Jonathan Larsen  
Cr Karen Joyce-Paki  
Cr Victoria del la Varis-Woodcock  
Cr Mark Vincent  
Cr Peter Wethey  
Cr David Wills  
Cr Eryn Wilson-Collins

*For any queries regarding this meeting please contact  
the Kaipara District Council on (09) 439 7059*



Wednesday, 11 December, 2019

9:30 am

Conference Room, Northern Wairoa Memorial Hall, Dargaville

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**Minutes of the Ordinary meeting of  
Kaipara District Council**

**Date:** 27 November, 2019  
**Time:** 9:30 a.m  
**Location:** Conference Room, Northern Wairoa Memorial Hall, Dargaville

Member Present Mayor Jason Smith  
Deputy Mayor Anna Curnow  
Cr Jonathan Larsen  
Cr Karen Joyce-Paki  
Cr Victoria del la Varis-Woodcock  
Cr Mark Vincent  
Cr Peter Wethey  
Cr David Wills  
Cr Eryn Wilson-Collins

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**1. Opening**

**1.1 Karakia**

Cr Karen Joyce-Paki opened with a Karakia

**1.2 Apologies**

None

**1.3 Confirmation of agenda**

The Council to confirm the Agenda.

**Moved By:** Mayor Smith

**Seconded By:** Deputy Mayor Curnow

That the Kaipara District Council confirms the agenda for the meeting held  
Wednesday 27 November 2019.

**Carried**

#### 1.4 **Conflict of interest declarations**

The following declarations were made:

Cr Karen Joyce – Paki declared she was a staff member of the Department of Conservation/interested party in item 5.8 and Cr Eryn Wilson-Collins declared an interest in item 6.5.

#### 2. **Confirmation of open Council minutes 25 October 2019**

**Moved By:** Mayor Smith

**Seconded By:** Cr Wethey

That the unconfirmed Open minutes of the Kaipara District Council meeting held 25 October 2019 be confirmed as a true and correct record, with the following amendments: the removal of 'Conference Room' in the meeting location title.

**Carried**

#### 3. **Presentations and petitions**

- 3.1 Dr Damian Wojcik – presented on potential health and safety issues with street lighting.

#### 4. **Maiden speeches**

Cr Mark Vincent, Cr David Willis, and Cr Eryn Wilson-Collins delivered their maiden speeches.

#### 5. **Decisions**

##### 5.1 **Committee structure, membership and outside appointments for the 2019-2022 triennium**

**Moved By:** Mayor Smith

**Seconded By:** Cr Wills

That Kaipara District Council:

- a) Notes the committee structure, chairs and members of those committees, for the 2019—2022 triennium as listed in the revised Mayor's memo tabled at the meeting (attached)
- b) Notes the appointment of Brenda Jackson as the Council's West Coast Ward representative on the Kaipara Community Health Trust for the term ending 30 November 2022.
- c) Nominates Rob Harding, Councillor Karen Joyce-Paki and Councillor Peter Wethey as Council representatives to be appointed to the Pou Tu Te Rangi Joint Management Committee by the Minister of Conservation.

- d) Appoints Kaipara District Council representatives to outside organisations as recommended in the revised Mayor's memo tabled at the meeting (attached).

**Carried**

## **5.2 Committee Terms of Reference for the 2019-2022 triennium**

**Moved By:** Mayor Smith

**Seconded By:** Deputy Mayor Curnow

That Kaipara District Council:

- a) Adopts the Committee Terms of Reference for the 2019—2022 triennium as attached to this report as Attachment A.
- b) Delegates the Chief Executive to update Council policies to reflect the new committee structure and delegations.
- c) Delegates the Mayor and Chief Executive the authority to make minor editorial changes that do not alter the intent of the Committee Terms of Reference for the 2019—2022 triennium.

**Carried**

## **5.3 Elected member remuneration**

**Moved By:** Mayor Smith

**Seconded By:** Cr Wills

That the Kaipara District Council recommends to the Remuneration Authority that the following remuneration structure be applied:

### **Option one**

<b>Role / Name</b>	<b>Base annual payment</b>	<b>Description</b>
Deputy Mayor – Anna Curnow	\$55,000	To provide leadership, assist with duties and responsibilities of the Mayor, as determined by the Mayor and Deputy Mayor.
Councillors (7)	\$43,489	No additional responsibilities.

**Carried**

#### 5.4 Code of conduct - list of investigators

**Moved By:** Cr Joyce-Paki

**Seconded By:** Cr Wilson-Collins

That Kaipara District Council:

- a) Approves Code of Conduct Investigators for the Kaipara District Council as follows: John Laws, Paul Sill, Lynn Booker, Campbell Gourlay, Margaret Robins, LGNZ Equip Ltd.

**Carried**

Meeting adjourned for morning tea at 10.50am

Meeting reconvened at 11.05am

#### 5.5 Dargaville de-sludging contract

**Moved By:** Deputy Mayor Curnow

**Seconded By:** Cr Wethey

That Kaipara District Council:

- a) Awards contract 928.02 to Hydra-Care (NZ) Ltd (Option 2 Geotextile dewatering) – Contract Price \$1,472,935.14 + GST
- b) Delegates to the Chief Executive the authority to negotiate the terms and conditions of the contract

A division was called.

Result:

Councillor name	Vote (for / against / abstain)
Deputy Mayor – Cr Anna Curnow	For
Cr Karen Joyce-Paki	For
Cr Jonathan Larsen	For
Cr Mark Vincent	For
Cr Peter Wethey	For
Cr David Wills	For
Cr Eryn Wilson-Collins	For
Mayor – Dr Jason Smith	For

**Carried**

[Secretarial note: Cr del la Varis-Woodcock declared a conflict and did not vote on this item].

## 5.6 Northern Bass temporary road closure

**Moved By:** Cr Larsen

**Seconded By:** Cr Wethey

That Kaipara District Council:

- a) Approves the application for the temporary road closure, which includes Settlement Road, Kaiwaka as shown on the proposed Traffic Management Diagram (attachment A of this report) from 7:00am on Sunday 29 December 2019 to 12:00pm on Wednesday 1 January 2020.
- b) Notes that a condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure.

**Carried**

## 5.7 Partial Road Stopping & Disposal – 35d Taranga View Road, Mangawhai.

**Moved By:** Deputy Mayor Curnow

**Seconded By:** Cr Wethey

That Kaipara District Council:

- a) Agrees that the subject land is not required for further public works.
- b) Agrees to investigate the road stopping application in terms of the Local Government Act 1974 (LGA) of part of Seacoast Road (0.1014 ha) approximately for potential sale and amalgamation to the adjoining property Owner at 35d Taranga View Road, Mangawhai.
- c) Requests Council staff seek an appropriate bond from the Applicant to cover initial Council processing costs and commence LGA stopping process
- d) Confirms that the applicant is to meet all costs involved with road stopping application.
- e) Requests Council staff firstly seek Ministerial approval for the partial stopping in accordance with Sec 342 pf the LGA and if Ministerial approval granted;
  - i. Authorise Council officers to initiate the road stopping process for the road land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.
  - ii. Approve the disposal of the (subject land) to the Owners of 35d Taranga View Road subject to a successful road stopping process.
- f) Delegates the Chief Executive the authority to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the road land with the adjoining owner, 35d Taranga

View Road, Mangawhai, provided any such agreement is conditional upon the road being stopped.

**Carried**

[Secretarial note: Cr del la Varis-Woodcock declared a conflict and did not speak or vote on this item].

## **5.8 Taharoa Domain Bylaw**

**Moved By:** Mayor Smith

**Seconded By:** Deputy Mayor Curnow

That Kaipara District Council:

- a) Adopts the Taharoa Domain Bylaws as presented in Appendix B of this report.

**Carried**

Meeting adjourned for lunch at 12.15pm

Meeting reconvened at 12.45pm

## **6. Information**

### **6.1 Mangawhai Community Plan Report**

**Moved By:** Cr Larsen

**Seconded By:** Cr Wethey

That Kaipara District Council:

- a) notes the report on the planning and implementation of the Mangawhai Community Plan

**Carried**

### **6.2 Mangawhai summer management plan**

**Moved By:** Cr Wethey

**Seconded By:** Deputy Mayor Curnow

That Kaipara District Council:

- a) Notes the Mangawhai Summer Management Plan report

**Carried**

### 6.3 Decisions made under temporary delegation

**Moved By:** Deputy Mayor Curnow

**Seconded By:** Cr Wilson-Collins

That Kaipara District Council:

- a) Notes the decision made by Mayor Jason Smith and Deputy Mayor Peter Wethey under temporary delegation during the election period in 2019.

**Carried**

### 6.4 Exceptions and Quarterly Report

Cr Larsen left at 1.55pm.

Cr Larsen re-entered the room at 1.57pm.

**Moved By:** Mayor Smith

**Seconded By:** Cr Wethey

That Kaipara District Council:

- a) Notes the September 2019 Quarterly report.
- b) Notes the October 2019 Exceptions report.

**Carried**

### 6.5 Pending resolutions from the 2016-2019 triennium

**Moved By:** Mayor Smith

**Seconded By:** Deputy Mayor Curnow

That the Kaipara District Council:

- a) Notes the pending council resolutions from the 2016-2019 triennium.

**Carried**

### 7. Closure and karakia

Cr Joyce-Paki closed the meeting with a Karakia.

**The meeting closed at 2.05pm.**

**Kaipara District Council  
Dargaville**





**Attachment B: Outside organisations and recommended appointments**

Red text = exceptions

Organisation	Purpose	Recommended appointment/nomination
Funding Committee for Creative Communities Scheme (KDC)	To allocate the Creative Communities Scheme fund (granted by Creative New Zealand and administered by KDC)	Councillor Victoria del la Varis-Woodcock
Funding Committee for KiwiSport/Rural Travel Fund (KDC)	To allocate KiwiSport and Rural Travel Fund (granted by Sport Northland and Sport New Zealand, and administered by KDC)	Councillor Victoria del la Varis-Woodcock (Chair)
Joint Civil Defence Emergency Management Committee	To fulfil functions as defined in section 17 of the Civil Defence Emergency Management Act 2002	Deputy Mayor Anna Curnow (as the alternate), <b>Mayor Jason Smith to represent Council (as the principal, as per the Civil Defence Emergency Management Act 2002)</b>
Kaipara Community Health Trust	To ensure appropriate and high quality health services are retained and enhanced for our community	<b>Brenda Jackson for West Coast Ward (appointed by the Mayor as per the Kaipara Community Health Trust Deed)</b>
Kaihu River Working Group (NRC)	To advise and make recommendations to NRC on all matters pertaining to the development and implementation of the Kaihu River Management Plan	Councillor Karen Joyce-Paki
Kaipara Moana Negotiations Reference Group	To participate in the negotiation process between Kaipara Uri and the Crown	Mayor Jason Smith (lead), Councillor Mark Vincent (second)
Northland Chamber of Commerce	To represent and promote the interests of industry and commerce in Northland	Councillor Eryn Wilson-Collins
Northland Road Safety Trust	To allocate funding for road safety promotion	Councillor Jonathan Larsen
Pouto Catchment Working Group (NRC)	To support and advocate the implementation of the existing catchment plan objectives as approved by NRC	Councillor del la Varis-Woodcock
Pou Tu Te Rangi Joint Management Committee	To co-govern the Pou Tu Te Rangi pā site with Te Uri o Hau	<b>Rob Harding, Councillor Karen Joyce-Paki, Councillor Peter Wethey (nominated to be appointed by the Minister of Conservation as per the Te Uri o Hau Claims Settlement Act 2002)</b>
Regional Transport Committee (NRC)	To advise on, implement and monitor the Regional Transport Plan and liaises with external bodies	Councillor David Wills, Councillor Peter Wethey (alternate)
Sport Northland Board of Trustees	To define and monitor the Sport Northland's purpose, direction and priorities	Councillor David Wills
Volunteering Northland	To celebrate, support, highlight and motivate volunteering in Northland	Councillor Mark Vincent



Kaipara District Council Committees, Membership and External Appointments 2019-2022

	Mayor Smith	Dep Mayor Curnow	Vincent	Joyce-Paki	Wilson-Collins	Larsen	Wethey	della V-W	Wills	EXTERNALS
<b>Internal KDC Committee Membership</b>										
<b>Statutory</b>										
District Licensing Committee			X							Farnsworth, Lambeth and Vincent until 2020
Pou-tu Te Rangi/Harding Park				X			X			Rob Harding (Mayor's nomination) + 3 Te Uri O Hau
Raupo Drainage Committee		X							X	Ian Beattie (Chair), Gent, Le Gros, Hart, Madsen, McKinley
<b>Joint Governance</b>										
Mangawhai Community Park Governance Committee		Chair			X	X		X		Te Uri o Hau rep, Chair of Friends of MCP, Maurice Langdon
Taharoa Domain Governance Committee				X		Chair (Rotate)				Te Roroa rep, Te Kuihi rep
<b>Committees</b>										
Audit, Risk and Finance		X			X	X	X (Dep Chair)		X	External Chair Stana Pezic
Awards and Grants Committee (First half of term)			X	X	X	X	Chair	X		
Awards and Grants Committee (2nd half of term)		X			X	X	Chair		X	
Remuneration and Development Committee	Chair	X			X		X		X	
Kaipara Horizons Committee	Chair	X	X	X						
<b>Internal KDC Committees TALLY</b>	2	6	3	4	4	4	5	2	4	
(NB Mayor is a member of every KDC Committee).										
<b>External Appointments</b>										
Kaipara Community Health Trust										EXTERNAL - Brenda Jackson
Kaihu River Working Group (NRC)				X						
Pouto Catchment Working Group (NRC)								X		
Regional Transport Committee (NRC)							Alternate		X	
Civil Defence Emergency Management	X (1)	Alternate								
Kaipara Moana Negotiations Group	X (Lead)		X							
Northland Chamber of Commerce					X					
Northland Road Safety Trust						X				
Sport Northland Board of Trustees									X	
KDC Rep on Creative Communities Kaipara								X		
KDC Rep on Kiwi Sport/Rural Travel Fund Committee								Chair		
Volunteering Northland			X							
<b>External Appointments TALLY</b>	2	0	2	1	1	1	0	3	2	
<b>GRAND TOTAL</b>	4	6	5	5	5	5	5	5	6	

**Background concepts**

1) Oath sworn by all elected members to serve all Kaipara District.

2) Inaugural KDC Council Meeting 25 October Mayoral Speech noted:

+ "cross-pollination" of elected members across Kaipara District.

+ collaboration with others, including iwi partners, other councils, NRC.

+ fast-growing district plus skilled elected members = opportunities.

3) Previous term (2016-19) Committee Structure used as foundation doc.

4) KDC Customer Perception Survey 2019 top community priorities incl:

+ financial management

+ preparedness for the future

**Design Principles**

1) Talents and skills of elected members to be spread across District and subjects, particularly with the 3x Priority Parks of Kaipara District.

2) Mixture of experienced and new councillors on committees - all treated as equals, comparable amounts of engagement, balance sought.

3) Chart shows councillors in colourbands by ward, for clarity.

4) Blend of committee and external representative roles sought, KDC committees first priority but balanced number of roles sought.

5) New Deputy Chair role for Audit, Risk and Finance Committee to work closely with external chair and key KDC officers for supporting financial management governance.

6) New amalgamated Awards and Grants Committee, combining several grants committees and helping streamline governance of grants. All EMs to serve on this, on rotation.

7) New committee with focus on long-term 'horizon' matters of scale for KDC. Intended to be a clearing-house for future Kaipara matters which may currently appear distant and therefore small but will likely become significant as they draw nearer. Examples include Kaipara Moana Treaty Settlement, climate-smart ideas, predicted sea level rise, 3 waters review, possible Northport expansion, etc. Refers matters to full Council for decision.

8) Creative Communities Scheme Committee and KiwiSport/Rural Travel Fund Committee both to function as independent community committees, not council committees. External appointments to include elected members. KDC to provide administrative support to these committees.

9) Whole of Council will continue to work on regulatory matters and make all regulatory decisions. No regulatory working group is intended.

10) Hearings Panels and Bylaw Panels will be in addition to this list, as required.



# Draft 2020/21 Annual Plan

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Sue Davidson, GM Sustainable Growth and Investment

## Purpose/Ngā whāinga

The Council has to approve an annual plan for 2020/21. It is appropriate that prior to this Council approves the basis for the preparation of the proposed Annual Plan for 2020/21 and resolve whether to consult on this document to give staff time to prepare consultation documents if required.

## Executive summary/Whakarāpopototanga

This report recommends that staff prepare the proposed Annual Plan 2020/21 on a total rates percentage increase of 5.49% (after factoring in growth). This is higher than the total rates increase projected in the 2018/28 Long Term Plan (LTP), of 4.83% (after factoring in growth). This is due to increase in costs, some of which have been outside of Councils control and also improvements have been made to services, for which there is a cost. This is Option One presented in the report.

Option Two recognises the ability for Council to seek further information but puts at risk the ability for staff to meet statutory timeframes, due to the uncertainty around consultation (or not) with the community.

Option Three highlights further reductions that could be made by Council to reduce the total projected rates increase to that projected in the LTP (4.83% after factoring in growth). The impacts of these reductions need to be properly considered by Council if this option is to be adopted.

None of the options trigger the Council's Significance and Engagement Policy, so staff are recommending that consultation with the community is not required.

## Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the proposed Annual Plan 2020/21 be prepared on the basis of Option One.
- b) Agrees that consultation on the proposed Annual Plan 2020/21 is not required as this plan does not include significant or material differences from the Long Term Plan for the 2020/21 year.

## Context/Horopaki

The development of the proposed Annual Plan 2020/21 is based on the third year of the LTP. The purpose of an annual plan is to;

- contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and
- identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and

- provide integrated decision making and co-ordination of the resources of the local authority; and
- contribute to the accountability of the local authority to the community.

Kaipara District Council is a high growth council. Whereas in the past the priority was repayment of debt under the Commissioners, the Council is now looking to provide amenities for its residents and to ensure that renewal and management of assets is adequately provided for.

Provision has also been made for a capital expenditure programme of \$28 million, which includes some of the Kaipara Kickstart programme that will not be completed by June 2020. Council sets the rates for what is needed each year.

There are likely to be two additional targeted rates included in the proposed Annual Plan. These are still being investigated and if they are included, will only affect approximately 70 properties.

The targeted rates are:

- A proposed targeted rate for Raymond Bull Road sealing that will be contributed to by the ratepayers that benefit. Initial consultation has occurred, \$640,000 capital cost.
- A proposed targeted rate for those residents in Springs Road, Dargaville, who are to connect to the Council sewerage scheme and are to pay for the extension of wastewater reticulation, \$200,000 capital cost.

The LTP (page 32) shows the following rates rises (after factoring in growth) has been taken into account. These figures also exclude water by metre and penalties.

Year	2017/18	2018/19	2019/20	2020/21
Forecast Increase for Total Rates per LTP (after factoring in growth)	2.65%	4.97%	5.26%	4.83%

Growth in the LTP has been set at increasing 1% through to 2019/20 and .5% from 2020/21 through to 2028. Actual growth from increased properties was 1.2% last year and this looks like being validated in the future. Staff have used 1% for the proposed Annual Plan 2020/21.

The proposed Annual Plan 2020/21 total rates rise is 5.49% (after factoring in growth) compared to the LTP forecast of 4.83%

The rates for each area or property haven't been calculated yet but targeted rates are down due to reducing the depreciation funded and general rates have increased.

## Discussion/Ngā kōrerorero

The Council produced an LTP in 2018 for the 2018/2028 period. In the years where there is no LTP, the Council is required to produce an annual statement setting out its work programme and financial information for the coming year.

The Annual Plan 2020/21 is the third year of the LTP and provides the community with updated information on levels of service, sources of funds and expenditure for the year. The Council may decide to consult, so the basis of the Annual Plan 2020/21 is being provided earlier so staff can prepare for this.

In the LTP, Council set the rates increase policy at 4.2% (after factoring in growth) for 2020/21. This was derived from the Local Government Cost Index based on the premise of operating costs being stable and allowing a further 2% for the impact of capital expenditure. The LTP also recognised that the Council would exceed this policy limit until 2022.

## Operating Revenue and Expenditure

It was highlighted to Council during the development of the Annual Plan 2019/20 that in order to keep the rates rises to that planned in the LTP, reductions were made to costs that would not be sustainable nor repeatable in 2020/21.

The following costs (\$000) highlight changes that are beyond the control of Council.

▪ Rise of Insurance costs	60
▪ Elected Members remuneration increases set by the Remuneration Authority	140
▪ Increase in Resource/Building Consents costs net of fees, including rent	343
▪ Compliance with new food regulations	80
▪ Compliance with Health and safety legislation-recruitment, operations and training	35
<b>Total increase in costs out of Councils control</b>	<b>658</b>

Other increases that have occurred over the last two years (000s):

▪ Building partnerships with iwi (staff and Te Roroa grant)	120
▪ Increases in software licences	200
▪ Improving services by bringing Animal Control/Noise/Parking in house*	60
▪ Other costs of recruiting staff and additional training	25
▪ Other staff to better service the ratepayers*: (governance, rates collection, business excellence, IT, quality and communications)	640
▪ Contribution to Northland Inc for economic development	25
▪ Contribution to NRC joint water storage project	100
<b>Total increase in costs</b>	<b>1170</b>

\*as set out in the table above there have been a number of additional staff appointed since the LTP was finalised. These have largely been allocated to key areas of service underperformance – customer services, planning and animal control. Evidence in the customer perception survey and performance indicators in the CE report illustrate the improved outcome from our communities from these additional staff .

These costs have been mitigated by the following:

▪ Additional Income Kai iwi lakes	50
▪ Reduced funding of depreciation (from 100% to 90%) - one off	150
▪ Mowing of Berms removed – minor decrease in level of service	50
▪ Harvesting of Forestry - one off	200
▪ Reduced toilet cleaning costs	50
▪ Reduction in emergency works	100
▪ Reduction in vacant staff positions	194
▪ Reduction in District plan-one off	250
<b>Total offset/mitigation of costs</b>	<b>1044</b>

The above costs and savings have been included in the forecast rates rise and staff consider further cuts will impact on services.

Council should note that the reductions or mitigations detailed above which are one off will be incremental in accounting for rates increases at the next annual plan. These total \$600,000.

Improvements since the last term of elected members has been as follows:

- Improved response to customer calls
- Improved relationships with iwi
- Improved connection and collaboration with the community
- Improved collection of outstanding debts
- Additional planning for the future – looking at community aspirations. In the past, responses have been reactive
- Improved animal control

### **Capital Expenditure**

Increased capital works will be completed in the 2020/21 year. The LTP originally provided for \$19,999,000 but that has now increased to \$28,302,491. This is primarily because Kaipara Kickstart projects were originally provided in the 2019/20 plan. It was quickly realised that improved planning and design time was needed to ensure successful project delivery.

The overall impact of the change in capital programme is to increase capital expenditure by \$8.2m. The increase is caused by capital projects funded by the Provincial Growth Fund. This does not represent a significant variation from the 2018/28 LTP as most of the funding is provided by an external source.

### **Debt**

Debt at 30 June 2019 was \$45m. The LTP estimated debt to be \$46m at the end of June 2021. The proposed Annual Plan 2020/21 forecasts debt to be at \$52 million. There is an increase in capital works each year and this means that council will fund \$2m to \$4m more in debt each year, however, this will result in better community outcomes and improve our ability to deliver the programme we have committed to.

### **Consultation**

To decide to consult with the community on the proposed Annual Plan means that Council must identify the issues it wants to consult on and will require time and staff resource to prepare a consultation document. Consultation process will also include engagement with the community, coordination of responses, hearings and the production of detailed documents. Hence a full consultation is estimated to cost \$43,400 which is unbudgeted. An informal annual plan update could cost \$16,000.

Under the Council's Significance and Engagement Policy, the changes outlined in this report do not meet the threshold to be considered significant, therefore staff are recommending that consultation with the public on the proposed Annual Plan is not required.



## Options

### Option One

Approve the preparation of the proposed Annual Plan 2020/21 on the basis that the rates increase will be 5.49% (after factoring in growth). This is the recommended option.

#### Policy and planning implications

Under this option the changes from the LTP are not material and consultation would not be a requirement.

#### Financial implications

The change in the rates rise will be from 4.83% to 5.49%.(after factoring in growth) Additional costs are \$387,000 over and above that detailed in the LTP.

#### Risks and mitigations

A number of the increases have been beyond Councils control or there has been investment to improving service. Any reduction in costs is likely to mean a drop in levels of service but these would not be significant as per the policy.

A risk could be that the increase means a number of people on fixed income could find the rates more difficult to pay.

### Option Two

Elected members don't make a decision or request more information.

#### Policy and planning implications

Staff would not have the confidence about consultation and if council decided to consult in early 2020, it would be unlikely the annual plan could be adopted within the statutory timelines.

#### Financial implications

The change in the rates rise would be unknown and still up for further discussion

#### Risks and mitigations

Council may not be able to adopt the annual plan in the timeframe set out in the Local Government Act.

### Option Three

Elected members reduce rates further to reduce the increase to ratepayers. For this option, staff have identified where further savings are possible, highlighted below:

Item	\$000s	Impact
Northland Inc	25	This is a new contribution to have some control and contribution to the Regional Plan. No grant has been made to date.
NRC water storage solution	100	NRC would continue to work with Far North District Council and the government. This may impact on KDCs involvement in the project going forward.
Reduce staff resource (3)	180	This will have impacts on service.

Reduce roading operations budget (road metalling)	82 share	39% of \$210,000 is \$82,000. This will reduce level of service but not substantially as the total operations metalling budget is \$2.1 million
<b>Total reduction</b>	<b>\$387</b>	

The gap between the LTP (4.83% after factoring in growth) and what is proposed in this report at Option One (5.49% after factoring in growth), is \$387,000. The table above provides a method available to elected members to reduce this difference.

### **Policy and planning implications**

Consultation is not a requirement as the variation to services is not significant.

### **Financial implications**

Rates would be in line with the increase in the LTP but there would be some detrimental impact on service. Reducing these costs would create a further issue next year if they were put back in the budget.

### **Risks and mitigations**

There will be some detrimental impact on services and the risk will be increased customer dissatisfaction. Under the Commissioners staff and costs were kept to a minimum and there was high dissatisfaction with services. Over the past two years investment was made to improve the customer experience. Further cuts will undermine this improvement. Other Councils may not believe we are contributing our share of costs to the region's future and Kaipara District Council may not be able to secure additional funding from central government if the council doesn't contribute initial funding.

There may be savings this year but the next year the gap will be bigger as there are one off changes being made that will still impact on future years.

## **Significance and engagement/Hirahira me ngā whakapapa**

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

## **Next steps/E whaiake nei**

The proposed Annual Plan 2020/21 will be collated for publication next year

## **Attachments/Ngā tapiritanga**

Number	Title
1	Capital works Programme 2020/21
2	Prospective Financial Statements

Sue Davidson, 11 December 2019

# Kaipara District Council

## Prospective financial statements

For the year ended:	Annual Plan	LTP	Annual Plan
30 June	2019-2020	2020-2021	2020-2021
	\$'000	\$'000	\$'000

### Prospective Statement of Comprehensive Revenue and Expense

#### Revenue

Rates	36,884	39,022	39,859
Subsidies and grants	32,005	12,865	20,093
Activity income	6,499	5,436	6,044
Contributions	3,019	3,071	3,046
Investments and other income	340	353	339
<b>Total revenue</b>	<b>78,746</b>	<b>60,748</b>	<b>69,381</b>

#### Expenses

Activity costs	28,663	24,699	25,200
Employee benefits	12,692	11,210	13,631
Finance costs	2,780	2,700	2,700
Depreciation	11,010	10,997	10,856
<b>Total expenses</b>	<b>55,145</b>	<b>49,606</b>	<b>52,386</b>

<b>Surplus/(deficit) for the period</b>	<b>23,601</b>	<b>11,142</b>	<b>16,995</b>
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#### Other comprehensive revenue and expense

(Items that will not be reclassified subsequently to surplus or deficit)

Gain/(loss) on revaluation	13,311	13,268	13,268
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<b>Total comprehensive revenue and expense for the period</b>	<b>36,912</b>	<b>24,409</b>	<b>30,263</b>
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# Kaipara District Council

## Prospective financial statements

As at	Annual Plan	LTP	Annual Plan
30 June	2019-2020	2020-2021	2020-2021
	\$'000	\$'000	\$'000

### Prospective Statement of Financial Position

#### Net assets/equity

Accumulated comprehensive revenue and expense	425,697	433,861	479,142
Asset revaluation reserves	245,084	264,809	241,988
Restricted reserves	5,389	5,624	5,772
Council created reserves	-14,550	-18,332	-17,531

<b>Total net assets/equity</b>	<b>661,620</b>	<b>685,961</b>	<b>709,370</b>
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#### represented by

#### Current assets

Cash and cash equivalents	563	629	1,926
Trade and other receivables	6,548	7,263	8,317
Accrued revenue	3,438	2,875	1,641
Other financial assets	115	115	115
Non current assets held for sale	186	186	186

<b>Total current assets</b>	<b>10,849</b>	<b>11,068</b>	<b>12,185</b>
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less

#### Current liabilities

Trade and other payables	13,329	10,630	11,219
Provisions	148	145	135
Employee entitlements	1,111	476	905
Public debt	600	332	3,031

<b>Total current liabilities</b>	<b>15,188</b>	<b>11,583</b>	<b>15,289</b>
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<b>Working capital/(deficit)</b>	<b>-4,340</b>	<b>-515</b>	<b>-3,105</b>
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plus

#### Non current assets

Property, plant, equipment	720,724	739,686	770,370
LGFA Borrower notes	704	643	704
Biological assets	1,017	500	1,045
Other financial assets	278	276	279

<b>Total non current assets</b>	<b>722,723</b>	<b>741,104</b>	<b>772,398</b>
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less

#### Non current liabilities

Public debt	47,657	45,665	49,068
Provisions	4,679	4,767	4,859
Derivative financial liabilities	4,427	4,196	5,995

<b>Total non current liabilities</b>	<b>56,763</b>	<b>54,628</b>	<b>59,923</b>
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<b>Net assets</b>	<b>661,620</b>	<b>685,961</b>	<b>709,370</b>
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Kaipara District Council Capital works programme 2020-2021	PROJECT COST	Funding				
		DEVELOPMENT CONTRIBUTIONS	DEPRECIATION RESERVES	FINANCIAL CONTRIBUTIONS	LOAN	RATES
<b>Work in Progress</b>	<b>28,302,491</b>	<b>-2,227,357</b>	<b>-2,812,336</b>	<b>-1,575,830</b>	<b>-2,741,641</b>	<b>-3,864,225</b>
<b>Community Activities</b>	<b>1,971,830</b>	<b>0</b>	<b>-270,000</b>	<b>-1,535,830</b>	<b>-136,000</b>	<b>-30,000</b>
100 Kai Iwi Lakes - Camp Ground						
11055 Kai Iwi Camp Ground Facilities	350,000			-350,000		
114 Development Programme						
12000 Wood Street - Mainstreet redevelopment	400,000		-132,000	-132,000	-136,000	
166 District Parks & Reserves						
10179 Playgrounds New	25,000			-25,000		
10180 Playgrounds renewals	21,000		-21,000			
11004 Parks and Reserves - hard surface renewal programme	50,000			-50,000		
11035 Playgrounds renewals	25,000			-25,000		
11053 Park Improvements (furniture/bollards/lighting/paths)	50,000			-50,000		
12004 Community Infrastructure - District	30,000			-30,000		
172 District Public Toilet Amenities						
11017 Public Toilets - Renewal	49,000		-49,000			
183 Libraries						
11069 Library book replacement	66,000		-66,000			
186 Pensioner Housing - Mangawhai						
11005 Elderly housing - Mangawhai	2,000		-2,000			
194 Mangawhai Parks & Reserves						
10704 Mangawhai Heads to Alamar Cres Walkway	23,830			-23,830		
11006 Stage 1 Walkway Sellars reserve to Wintle Street ( Pearl St)	280,000			-280,000		
11065 Mangawhai Community Park - implement Master Plan	100,000			-100,000		
11085 Mangawhai Coastal Tracks - links to existing network	125,000			-125,000		
11095 Community Infrastructure - Mangawhai - esplanade development	60,000			-60,000		
11105 Playground - new	25,000			-25,000		
209 Taharoa Domain						
11019 Implement Reserve Management Plan	100,000			-100,000		
240 Harding Park						
11023 Pou Tu Te Rangi Harding Park	100,000			-100,000		
249 Dargaville Parks & Reserves						
11003 Cycleway/walkway - implement strategy	60,000			-60,000		
9999 249 Community Infrastructure - Dargaville	30,000					-30,000
<b>District Leadership, Finance and Internal Services</b>	<b>4,420,000</b>	<b>0</b>	<b>-320,000</b>	<b>0</b>	<b>-1,100,000</b>	<b>0</b>
105 Economic Development						
PGF107 Kaipara Moana Physical works	3,000,000					
119 Council Property - Other						
11032 Renew/Rectific/Seismic wrk Town Hall; Municipal Office Darg	150,000		-150,000			

157 Information Services						
11013 IAAS and SAAS	30,000				-30,000	
11014 New equipment	30,000				-30,000	
11015 Replaced equipment	50,000		-50,000			
11031 Digital transformation	865,000				-865,000	
11096 Digital Workplace	25,000				-25,000	
244 Council Offices - Dargaville						
9999 244 Leashold improvements - NRC building	150,000				-150,000	
262 Chief Executive						
11061 Replacement vehicles	120,000		-120,000			
<b>Flood Protection and Control Works</b>	<b>155,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-16,250</b>	<b>-138,750</b>
109 Land Drainage - District Wide						
9999 109 Land Drainage Improvements	30,000					-30,000
179 Raupo Land Drainage Scheme						
9999 179 Bellamy F/G 48	65,000				-16,250	-48,750
9999 179 Double Gate F/G 44	35,000					-35,000
9999 179 Whitcombe Road F/G 13	25,000					-25,000
<b>Sewerage and the Treatment and Disposal of Sewage</b>	<b>3,095,500</b>	<b>-1,915,000</b>	<b>-723,000</b>	<b>0</b>	<b>-457,500</b>	<b>0</b>
165 Te Kopuru Wastewater Scheme						
11090 Environmental Compliance	2,500				-2,500	
12019 Treatment Plant Modifications	10,000				-10,000	
9999 165 Reticulation	20,000		-20,000			
202 Dargaville Wastewater Scheme						
11020 Pipe Renewal from Condition assessment	250,000		-250,000			
11027 Pump Stations and rising mains	20,000		-20,000			
11059 Pump Station 1 & 2 upgrade	208,000		-208,000			
11080 Environmental Compliance	5,000				-5,000	
12025 Treatment	50,000		-50,000			
207 Mangawhai Wastewater Scheme						
11010 Renewals Including Pump Stations	45,000		-45,000			
219 Kaiwaka Wastewater Scheme						
11000 Pipe Renewals from Condition assessment	100,000		-100,000			
11036 Environmental Compliance	2,500				-2,500	
12027 Pump Stations SCADA Upgrade	10,000				-10,000	
232 Maungaturoto Wastewater Scheme						
11062 Environmental Compliance	2,500				-2,500	
9999 232 Pump Stations and Rising Mains	20,000		-20,000			
253 Glinks Gully Wastewater Scheme						
9999 253 Pump stations and rising Mains	10,000		-10,000			
280 Mangawhai WW development						
11040 Upgrade WWTP	650,000	-350,000			-300,000	

11041 Upgrade Existing Reticulation	1,000,000	-875,000			-125,000	
9999 280 Extend Reticulation (8years)	650,000	-650,000				
B11034 Additional Capacity for Growth - Council Contribution	40,000	-40,000				
<b>Stormwater Drainage</b>	<b>496,000</b>	<b>-26,760</b>	<b>-96,040</b>	<b>0</b>	<b>-373,200</b>	<b>0</b>
101 Dargaville Stormwater Scheme						
11098 Dargaville SW	50,000		-25,000		-25,000	
131 Baylys Stormwater Scheme						
12037 Chases Gorge	150,000	-9,000			-141,000	
246 Mangawhai Stormwater Scheme						
9999 246 Mangawhai SW	296,000	-17,760	-71,040		-207,200	
<b>The Provision of Roads and Footpaths</b>	<b>16,748,365</b>	<b>-285,597</b>	<b>0</b>	<b>-40,000</b>	<b>-646,191</b>	<b>-3,695,475</b>
106 Bridges and Structures						
120 Road Works - Unsealed						
9999 120 Heavy Metalling 20/21	2,250,000		0			-877,500
B12036 Heavy Metalling 19/20	60,000					-23,400
135 Road Works - Minor Improvements						
11125 Insley/Moir Intersection (Intersection 1)	850,000	-93,600			-175,500	-62,400
11146 Moir/Molesworth Intersection (Intersection 2)	850,000	-93,600			-175,500	-62,400
12103 High risk curves	340,000					-132,600
9999 135 Drainage Improvements - Kaipara Network	30,310					-11,821
9999 135 Kaiwaka Mangawhai Rd Slip remediation (RP6909-6929)	182,415					-71,142
9999 135 New Footpath 20/21	59,500	-5,801			-17,404	
9999 135 Paparoa Oakleigh Road RP3500 - Barrier improvement works	170,000					-66,300
9999 135 Paths; Walkways and Cycleways 20/21	949,700	-92,596			-277,787	
9999 135 POUTO RD (RP32410-32700) in association with Rehabilitation.	30,000					-11,700
9999 135 Pouto School	45,000					-17,550
9999 135 Resilience on Reseal Sites	150,000					-58,500
9999 135 ROBERTSON RD (RP2512-2897) in association with Rehabilitation.	80,000					-31,200
9999 135 ROBERTSON RD (RP4638-5620) in association with Rehabilitation	80,000					-31,200
9999 135 St Joseph's School	45,000					-17,550
9999 135 Tomarata Road (RP0-185) Slip remediation	430,000					-167,700
9999 135 WAIHUE RD 269_26007 Bridge Replacement	340,000					-132,600
9999 135 WHAKAPIRAU RD (RP6263-6766) in association with Rehabilitation	100,000					-39,000
B12052 FC programme	40,000			-40,000		
164 Emergency Works and Preventative Maintenance						
9999 164 Emergency Works (local share only) 19/20	20,000					-20,000
9999 164 Emergency Works (local share only) 20/21	80,000					-80,000
252 Road Works - Drainage						
9999 252 Drainage Renewals 20/21	651,000		0			-253,890
272 Road Works - Sealed Resurfacing						
9999 272 Roads to be Determined 20/21	1,800,000		0			-702,000

275 Road Works - Sealed						
9999 275 Rehabs 20/21	1,940,440		0			-756,772
278 Roding Infrastructure - New and Improved						
PGF105 Pouto Road Phase 2 (Investigation)	5,000,000					
281 Traffic Services						
9999 281 Traffic Services Renewals 20/21	175,000		0			-68,250
<b>Water Supply</b>	<b>1,415,796</b>	<b>0</b>	<b>-1,403,296</b>	<b>0</b>	<b>-12,500</b>	<b>0</b>
127 Dargaville Water Supply						
11037 Water Take Consent Compliance	2,500				-2,500	
11101 Compliance with Drinking Water Standards	2,500				-2,500	
12003 WTP	241,460		-241,460			
9999 127 Dargaville raw watermain river crossings Stage 2	760,000		-760,000			
9999 127 Lorne St: Replace 335m of 100mm ID water main; 215m of 50mm	110,000		-110,000			
9999 127 Pirika St: Replace 515m of 100mm ID water main; 300m of 50mm	163,000		-163,000			
154 Maungatoroto Water Supply						
11038 NZDWS Compliance	1,500				-1,500	
11067 Water Take Consent	1,500				-1,500	
158 Mangawhai Water Supply						
11001 Take Consent Compliance	1,500				-1,500	
9999 158 Reticulation	10,000		-10,000			
161 Ruawai Water Supply						
11026 NZDWS Compliance	1,500				-1,500	
12001 WTP and reservoir	118,836		-118,836			
239 Glinks Gully Water Supply						
11039 Water Take consent compliance	1,500				-1,500	
<b>Grand Total</b>	<b>28,302,491</b>	<b>-2,227,357</b>	<b>-5,447,348</b>	<b>-1,575,830</b>	<b>-2,741,641</b>	<b>-1,229,213</b>



# Procurement strategy

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Jim Sephton, General Manager - Infrastructure Services

## Purpose/Ngā whāinga

To seek approval of the Kaipara District Council Procurement Strategy 2019 for adoption

## Executive summary/Whakarāpopototanga

Procurement activities provide a unique opportunity to promote broader cultural, economic, environmental and social outcomes for Kaipara. This Procurement Strategy will guide and direct our activities over the next 5 years which incorporates the 2021 to 2025 Long Term Plan.

The proposed Procurement Objectives set a clear direction for us, our partners and our supply chain

- Deliver safely – a commitment to reducing harm to us and the people involved in our supply chain
- Create and demonstrate public value through our activities with particular focus on
  - Good price - whole of life costs
  - Good quality - customer centric delivery
  - Good outcomes - Social, cultural, environmental and economic
- Improve the efficiency of how we progress projects through their lifecycle and deliver the capital programme
- increase the ability of our Iwi, communities and businesses' in Kaipara to participate in Council activities;
- increase the size and skill level of the supply chain delivering work in Kaipara;
- support the transition to zero net emissions and promote efficient use of resources

## Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the Kaipara District Council Procurement Strategy 2019 for adoption.

## Context/Horopaki

Current procurement activities are managed through the 'Kaipara Procurement Manual & Guidelines', however the overarching direction is not clear.

The Ministry for Business Innovation and Employment (MBIE) Government Procurement Rules 4<sup>th</sup> edition came into effect on the 1<sup>st</sup> October 2019 and introduce 'Broader Outcomes' and 'Public Value' which is a shift in previous procurement philosophy. Whilst it is not mandatory for Local Authority to follow these rules, it is considered good practice and with our capital programme heavily subsidised through Provincial Growth Fund (PGF) and National Land Transport Fund (NLTF)

This Procurement Strategy will guide and direct our activities over the next 5 years which incorporates the 2021 to 2025 Long Term Plan. Activities include Capital, Operations, IT and Workplace.

The Draft Procurement Strategy was presented to Council on the 25<sup>th</sup> October and feedback from that session has been incorporated.

## Discussion/Ngā kōrerorero

The Kaipara District Council Procurement Strategy 2019 is included at Appendix A.

The aim of the strategy is to align procurement activities with KDC Direction, Good Practice and other organisational activity.

The Strategy does not replace the KDC Procurement and Contract Management Manual (September 2014).

We will give effect to our Procurement Objectives through

1. **Stronger oversight** and guidance of our activities through a Programme Oversight Group (POG) and standard tools developed through the Procurement and Project Management Office teams to align processes and drive consistently good risk, programme and cost management practices as well as incorporate continuous improvement
2. A stronger focus on **Prequalification** with clear Performance Expectations which align with our business processes and lifecycle of the project
3. **Procurement Plans** (in line with our Procurement Principles)
4. Packaging of work to achieve **critical mass** which allow us to focus on effective relationships with suppliers based on longer-term planning and investment
5. **Collaborative** arrangements including regional procurement opportunities as well as earlier involvement of Contractors in project development

## Options

Option 1 – Approve the Procurement Strategy for adoption

Option 2 – Do not approve the Procurement Strategy

## Policy and planning implications

Where necessary, our policies may need to be developed to align with and support this Procurement Strategy. This includes existing Kaipara and Regional policies such as those relating to Iwi relationships and Waste Minimisation.

### Financial implications

The implications of the Strategy are that we will make decisions based on Public Value and Broader Outcomes. Whilst this does not remove the drive to achieve a 'good price', the emphasis on whole of life, social, environmental and cultural outcomes will be more balanced.

There will be an opportunity for Council to have oversight of significant investments at the Procurement Plan stage where the expectations regarding 'value' will be clearer.

Aspects of the strategy which relate to 'critical mass' and 'collaboration' are intended to increase competition for work and improve procurement efficiencies.

### Risks and mitigations

Adopting best practice procurement rules will mitigate the current risks relating to a lack of strategic direction in our procurement activities.

### Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

### Next steps/E whaiake nei

Once adopted, the Strategy will be rolled out across the organisation by the Procurement and Project Management Office (PMO) team.

### Attachments/Ngā tapiritanga

Number	Title
A	Kaipara District Council Procurement Strategy 2019

Jim Sephton, 25 November 2019



## **Telecommunications lease - Kopuru Domain, Glinks Gully**

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** John Burt, Property & Commercial Advisor

### **Purpose/Ngā whāinga**

This report is seeking Council approval of a telecommunications tower licence on the Kopuru Domain reserve at Glinks Gully to the Rural Connectivity Group (RCG).

### **Executive summary/Whakarāpopototanga**

Council has received a proposal from the RCG for the installation of a telecommunications tower on the Kopuru reserve above Glinks Gully. RCG is focused on building the infrastructure which will deliver improved connectivity services from New Zealand's three mobile networks as part of the Government's rural broadband rollout aimed at bringing high speed wireless internet access to isolated rural communities, tourist destinations and road blackspots. The facility would include a 25m high guyed lattice mast and require electricity supply via new overhead lines. Better mobile phone and high-speed broadband services are needed for daily life in rural New Zealand. Getting more rural residents connected is a challenging task, due to the rugged terrain, low population numbers, and the cost of building and operating a network in remote places. The benefits of the proposal include providing enhanced digital accessibility for the rural community around Glinks Gully and the social and economic benefits this opportunity facilitates.

### **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Resolves that public notification of the intention to grant a telecommunications tower is not required as the Kopuru reserve, Glinks Gully, is not likely to be materially altered or permanently damaged; and the rights of the public in respect of the reserve are not likely to be permanently affected - by the granting and lawful exercise of the rights and powers contained in the licence.
- b) Approves a licence for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group.
- c) Delegates to the Chief Executive responsibility for negotiating the terms and conditions of the licence to the Rural Connectivity Group

## Context/Horopaki

### The Rural Connectivity Group

Established in 2017, the RCG is solely focused on building the infrastructure which will deliver connectivity services from New Zealand's three mobile networks - Spark, Vodafone and 2degrees. All three mobile network operators will be able to offer 4G services from the infrastructure, meaning people can choose which network to receive services from. The risk of 5G being installed later could be mitigated through a condition in the licence. Wireless broadband is high-speed broadband delivered over the 4G mobile network – rather than through the fixed line copper network. It's quick and easy to install, it's reliable, and it is fast enough to watch the latest online movie releases. The RCG is using funding from the Government's Rural Broadband Initiative Phase 2 and the Mobile Black Spot programmes, as well as contributions from Spark, Vodafone and 2degrees. By working together, they can contribute to a successful outcome for a more connected New Zealand. RCG plans to build over 450 new mobile broadband sites by December 2022. They plan to continue building as many mobile broadband sites as possible. With the help of rural communities, landowners, local businesses, councils, Iwi, Department of Conservation (DOC), NZ Transport Agency (NZTA), their suppliers and the mobile network operators RCG hope to continue building and extend coverage even further. At last month's meeting Council received a presentation from RCG.

### Reserves Act 1977 –Section 48A Use of reserve for communications station

(1) The administering body of a reserve vested in the administering body acting with the consent of the Minister (\*\*) may grant a licence to any person or department of State—

(a) to erect, maintain, and use buildings, dwellings, masts, and other structures, and plant and machinery; and

(b) to construct, maintain, and use tracks and engage in other works—

comprising or in connection with and for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication on any reserve or part of a reserve that is not set apart as a wilderness area under section 47.

(2) No licence shall be granted under subsection (1) unless the administering body is satisfied—

(a) that the buildings, dwellings, masts, structures, plant, machinery, tracks, or works are necessary for the purposes of the station; and

(b) that they cannot readily be provided outside the reserve.

(3) Every licence issued under subsection (1) shall be subject to such terms and conditions as to duration, design, materials, situation, use, rental, inspection, maintenance, and public access, or otherwise, as the administering body determines with the approval of the Minister (\*\*).

\*\*In 2013, The Minister delegated his decision-making power in respect of clause 1 and 3 to administering bodies of reserves such as Council.

### Reserve History

On 22 May 1890, the Crown permanently reserved Allotment 141, Parish of Kopuru comprising an area of 1,077 acres as a recreation reserve. On 29 September 1892, the Hobson County Council was appointed to manage and control the reserve. The land is now vested in Kaipara District Council pursuant to the Reserves Act 1977. Around half of the reserve is utilised for grazing by adjoining farms under Licences granted by Council. The remainder of the land forms a buffer between the pasture land and the coastal dunes.

## Discussion/Ngā kōrerorero

Council has received a proposal from RCG for the installation of a telecommunications tower on reserve land (AKA the Kopuru Domain) above Glinks Gully.

This proposal is for a transmission facility to be constructed by RCG as part of Government's rural broadband rollout aimed at bringing high speed wireless internet access to isolated rural communities, tourist destinations and road blackspots. Vodafone, 2degrees, Spark and potentially other wireless service internet providers will operate from the facility. The facility includes a 25m high guyed lattice mast. Electricity will be reticulated overhead. Maintenance access will be derived in part across the grassy paddock, and in part by grooming a disused existing track, which is also currently covered in rank grass.

Steep sandstone escarpments adjacent to the beach and rolling sandhills are limiting factors on coverage options for the surrounding area. No other suitable mast locations have been identified that fulfil the Government's coverage objectives. If this proposed site is not approved it is likely that funding will be reallocated elsewhere, recognising that the Government's rollout is nationwide.

A map detailing the tower and its location is appended to this report as **Attachment A**.

### Options

Option 1 Do nothing

Option 2 Approve a lease for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group.

### Assessment of Options

Option 1 – Do Nothing

Criteria	Advantages	Disadvantages
Financial		Council does not obtain any benefit from rental income.
Economic Development		Missing the opportunity that enhanced broadband could provide to the rural community.
Social/Community		Missing the opportunity to enhance digital accessibility for the rural community.

Option 2 - Approve a lease for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group

Criteria	Advantages	Disadvantages
Financial	Council could benefit from rental payable under the lease.	
Economic Development	Improvements to mobile broadband coverage will facilitate business development.	
Social/Community	Provides an opportunity to enhance digital accessibility for the rural community.	Some in the community may be concerned about the possibility of the tower being upgraded to 5G in the future.

Better mobile phone and high-speed broadband services are needed; and absolutely critical for daily life in rural New Zealand. Getting more rural Kiwis connected is a challenging task; this is due to the rugged terrain, low population numbers, and the cost of building and operating a network in remote places.

If Council decides to do nothing both it and the community may miss out on the benefits that the installation of a telecommunications tower could provide.

If Council decides to approve the licence the wider community would receive the benefits detailed in the table above, and the advantages of being connected such as:

- being able to contact emergency services making our communities and roads safer;
- opening up a world of innovation to make farming safer, more efficient, profitable and sustainable;
- paying business and household bills online;
- fast access to online entertainment and social media;
- bringing our rural brands to the world;
- tourists sharing their experiences and boosting our global reputation;
- bridging the rural versus urban digital divide;
- helping people stay connected with each other, when and where they want or need to.

### **Policy and planning implications**

The National Environment Standard allows for installation of telecommunications towers on rurally zoned land without the need to obtain a resource consent. This particular reserve does not have a Reserve Management Plan so is not a consideration in this decision.

**Reserves Act 1977 Section 48A (4)** states: Except as provided in subsection (5), where the granting of any licence under subsection (1) is not in conformity with and contemplated by a management plan approved for the reserve, the administering body shall give public notice in accordance with section 119 of the proposal to grant a licence, and shall give full consideration, in accordance with section 120, to all objections and submissions received in respect of the proposal under that section.

However, in the **Reserves Act 1977 Section 48A (5)** it states that Subsection (4) shall not apply in any case where (a) the reserve is not likely to be materially altered or permanently damaged; and (b) the rights of the public in respect of the reserve are not likely to be permanently affected by the granting and lawful exercise of the rights and powers contained in the licence.

Officers believe that the provisions of paragraph 5 apply in regard to this proposal so can Council can resolve to not publically notify the intention to grant a licence.

### **Financial implications**

The applicant RCG has offered to pay towards Council's legal costs for the preparation of the lease. The proposal includes an offer to pay an annual rental and an upfront lump sum payment. Once the lease has been approved these terms will be subject to further negotiation, albeit recognising the substantial community benefit inherent in this initiative.

### **Risks and mitigations**

The financial risk to Council has been mitigated by the requiring RCG to meet all costs associated with the preparation and negotiation of the lease.

Legal risks will be mitigated by careful following of due process and having any variation sublicense documents reviewed by Council's Solicitors.



Any risk to Council's reputation would be mitigated by making a decision in the best interests of Council's ratepayers and the wider community. The risk of 5G being installed later could be mitigated through a condition in the licence

### **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The public will be informed via the Council website once the decision of Council has been made.

Council officers have provided Te Uri o Hau with details of the RCG proposal and invited comments and feedback from the Iwi with no objections stated. Environs have now responded and have advised they have no objection. A copy of the report from Environs is appended to this report as **Attachment B**.

Negotiate/finalise licence terms with RCG.

### **Attachments/Ngā tapiritanga**

Number	Title
A	Plan and Map of proposed tower
B	Report from Environs on Proposed tower

John Burt, 29 October 2019

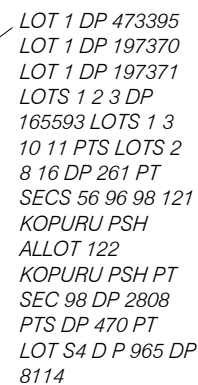




## SITE INFORMATION



-	BOUNDARY SURVEY TO BE COMPLETED AS REQUIRED.
-	POWER AND COMMUNICATIONS ROUTE AS PROPOSED ON DRAWING TO BE CONFIRMED ONSITE.



SCALE: 100m

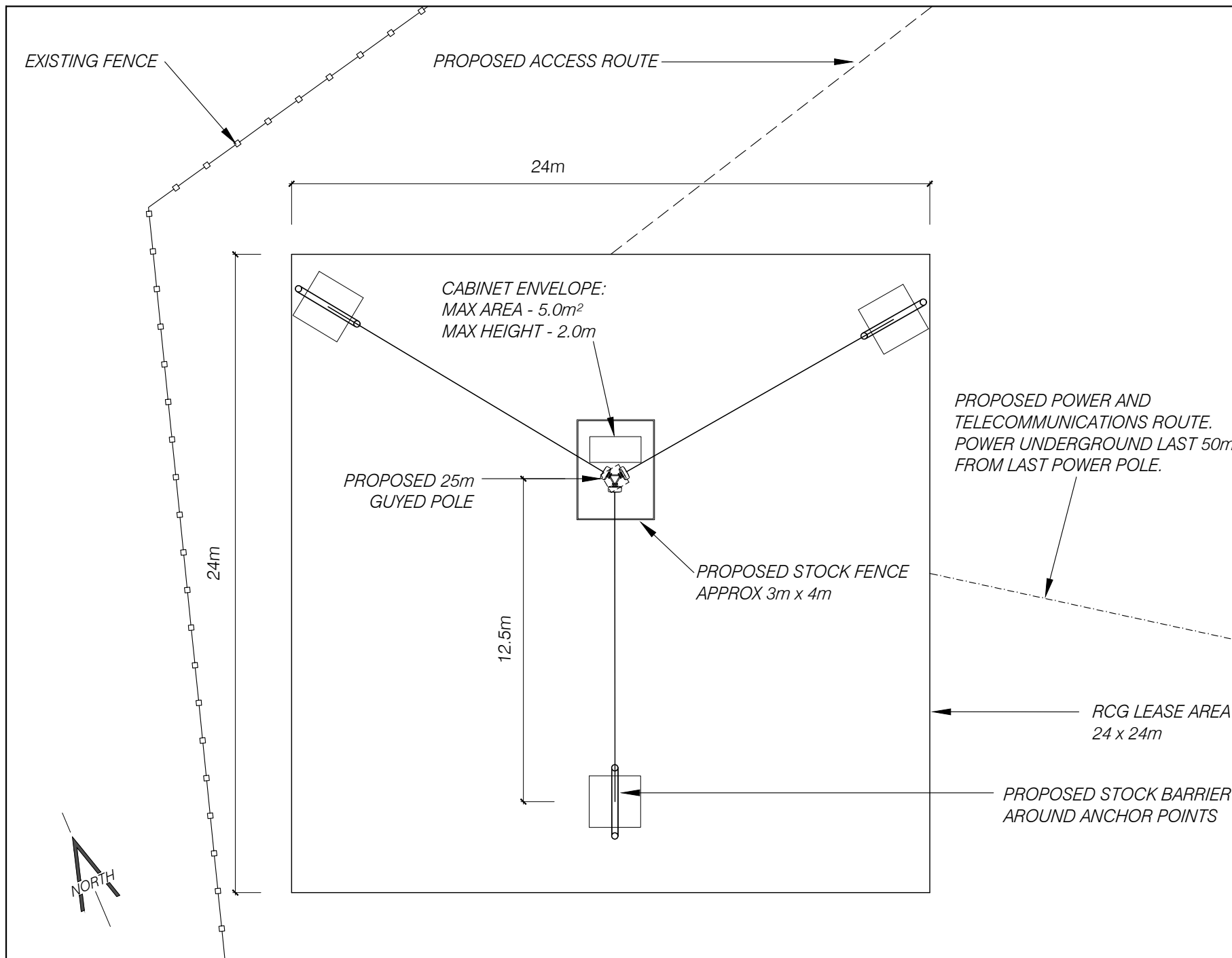
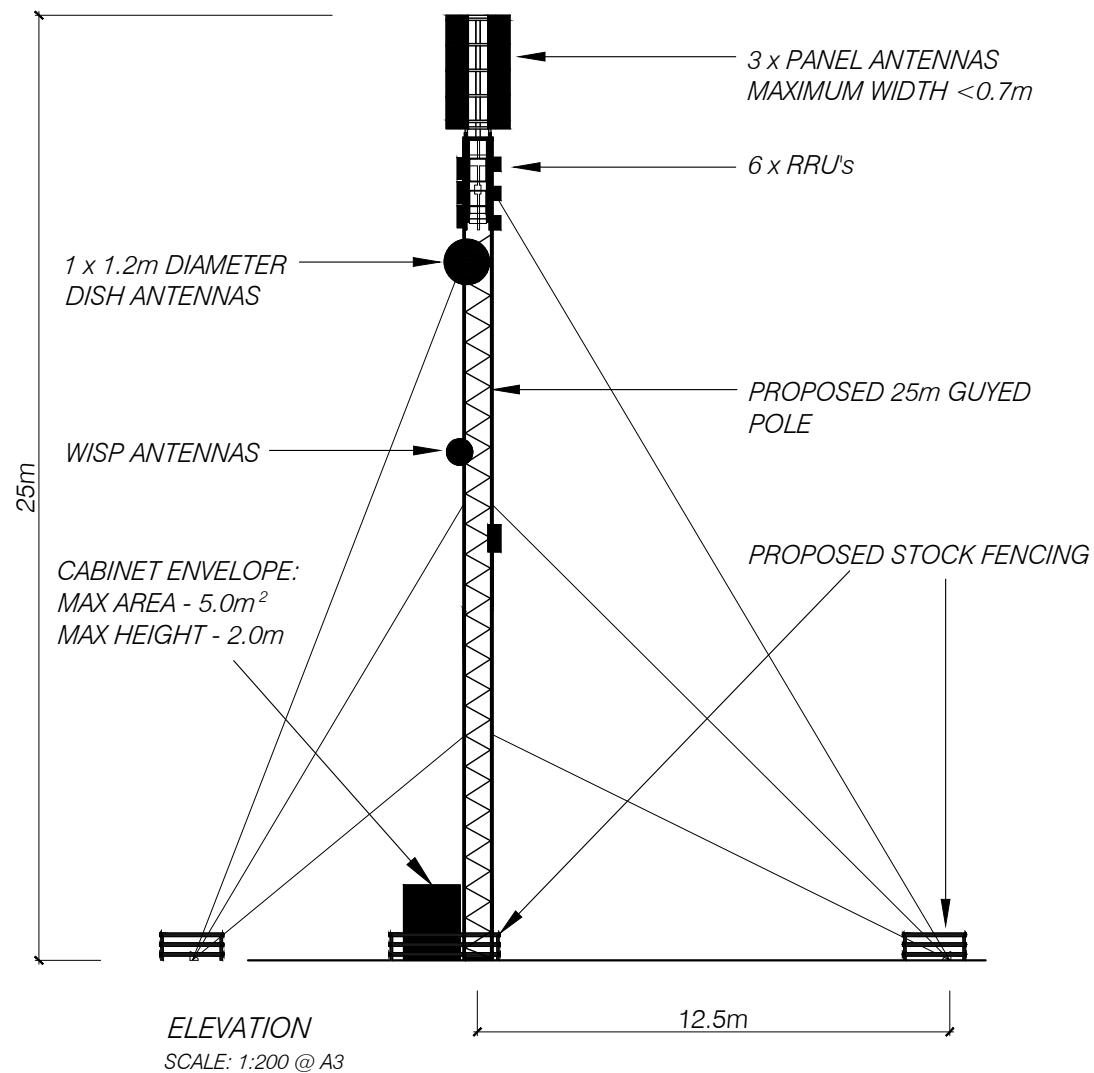


SCALE: 50m









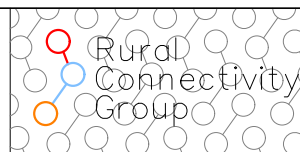
#### NOTES

- BOUNDARY SURVEY TO BE COMPLETED AS REQUIRED.
- POWER AND COMMUNICATIONS ROUTE AS PROPOSED ON DRAWING TO BE CONFIRMED ONSITE.
- IN ADDITION TO ANY ANTENNAS AND EQUIPMENT SHOWN ON THE DRAWINGS OR PERMITTED BY THE NES-TF, ANTENNAS AND EQUIPMENT, TOTALLING UP TO 1m<sup>2</sup> IN SURFACE AREA, MAY BE ADDED IN THE FUTURE.
- HEIGHTS SHOWN ARE TAKEN FROM GROUND LEVEL (APPROXIMATELY)
- TOTAL VOLUME OF EARTHWORKS <50m<sup>3</sup>

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PROJECT TITLE:  
**PROPOSED RCG TELECOMMUNICATIONS FACILITY**  
**GLINKS GULLY - RNLGLG**  
**KAIPARA**

SHEET TITLE:  
**RESOURCE CONSENT DRAWING**  
**2 OF 2**

Designed: -

Drawn: KA / HD

Plot Date: 29/10/18

Scale@A3: Shown

Project No: 22150

Sheet No: A103

Rev: C

REV:	REV DESCRIPTION:	DATE:
C	APPROVED ISSUE	29/10/18
B	FOR APPROVAL	10/10/18
A	FOR APPROVAL	12/09/18



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## **CULTURAL EFFECTS ASSESSMENT**

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### **RURAL CONNECTIVITY GROUP (RCG)**

**PROPOSAL TO BUILD A NEW TELECOMMUNICATIONS (MOBILE/BROADBAND) FACILITY**

**AT PT ALLOTMENT 141 PSH OF TE KOPURU**

**22150 GLINKS GULLY, DARGAVILLE, NORTHLAND**

**OCTOBER 2019**



Environs Holdings Limited  
Tai Tokerau Maori Trust Board Building  
Level 2 3-5 Hunt Street  
Whangarei  
Phone F/P 0800 438 894, P: 09 459 7001  
Email [rma@uriohau.co.nz](mailto:rma@uriohau.co.nz)  
Website: [www.uriohau.com](http://www.uriohau.com)

## Whakataukī

Tupu te Toi  
Whanake te Toi  
He Toi ora  
He Toi he Toi i ahu mai i Hawaiki  
To tau muri ki te Atua  
No te mea  
Ko taku taha tera

*Knowledge that grows*  
*Knowledge that expands*  
*Knowledge that survives*  
*Knowledge that comes from Hawaiki*  
*Knowledge that comes from patience and tolerance*  
*Knowledge that comes from God for that is wisdom*

## Whakapapa

Ko te tūpuna taketake o Te Uri o Hau, Ko Haumoewaarangi.  
Ka moe a Haumoewaarangi i a Waihekeao,  
Ka puta ki waho ko a raua tamariki tokowhitu: ko Makawe, ko Mauku, ko Whiti,  
ko Weka, ko ruinga, ko rongo me Hakiputaomuri.  
Ka puta i a Hakiputatomuri ko nga uri matinitini e mohiotia nei i tenei wa,  
Ko Te Uri o Hau.

*According to the traditions of Te Uri o Hau, the eponymous ancestor  
of Te Uri o Hau is Haumoewaarangi.*  
*From the marriage of Haumoewaarangi with Waihekeao came seven offspring:*  
*Makawe, Mauku, Whiti, Weka, Ruinga, Rongo and Hakiputatomuri.*  
*From Hakiputatomuri came many descendants known to this day as*  
*Te Uri o Hau.*



Prepared by:



Shereen Worthington  
Cultural Resources Consultant  
Te Uri o Hau – Otamatea

Approved by:



Stephen Brown  
Environs Holdings Manager

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This Cultural Effects Assessment (“CEA”) has been prepared for RURAL CONNECTIVITY GROUP who seek proposal to build a new telecommunication (mobile/broadband) facilities on Part Allotment 141 Psh of Te Kopuru, 22150 Glinks Gully, Dargaville. All intellectual property and cultural information reside at all times with Te Uri o Hau Settlement Trust, Environs Holdings Limited (Environs), and the Hapū of Te Uri o Hau. Any use, dissemination, distribution or copying by electronic or any other form of this assessment and any of its contents is strictly prohibited unless prior written approval is obtained from Te Uri o Hau Settlement Trust and/or Environs Holdings Limited.

**Cover Photo:** RCG's communications tower site situated below the sand hill

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## 1. ACTIVITY DETAILS

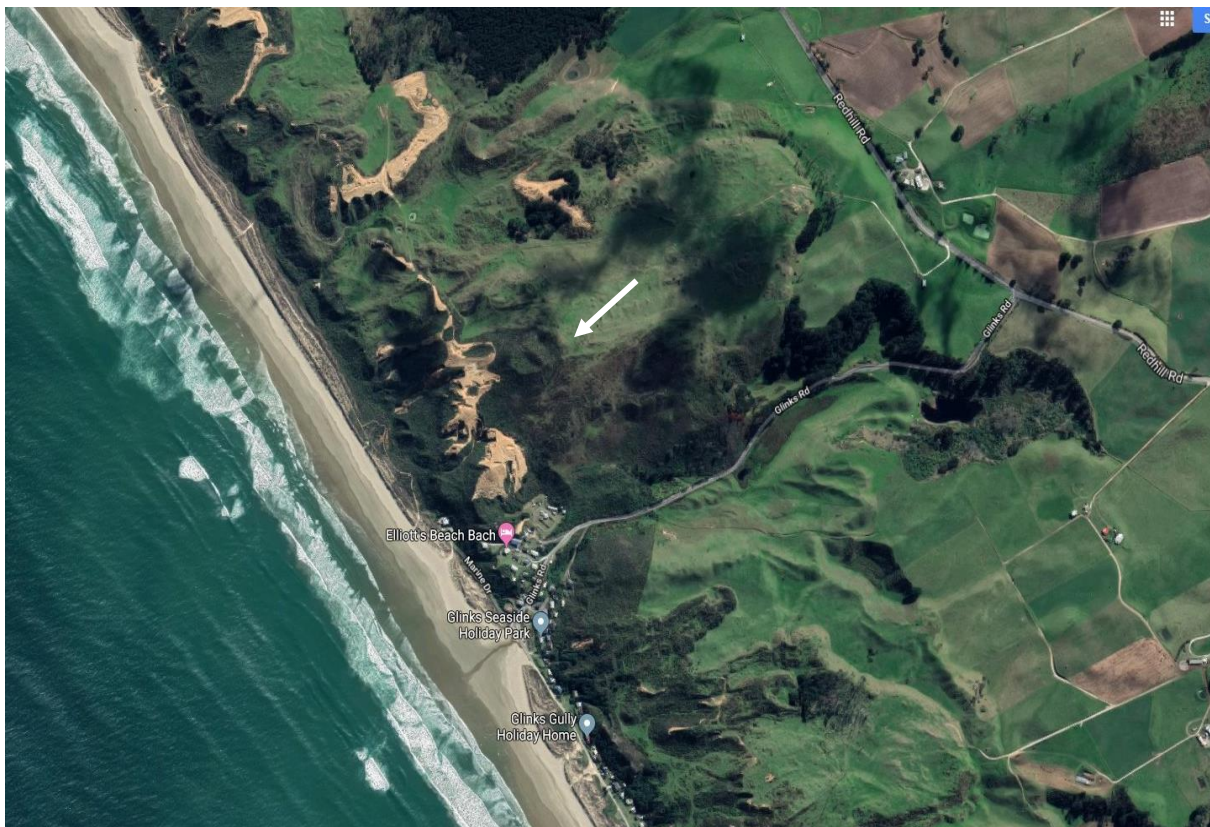
<b>Applicant</b>	Rural Connectivity Group (RCG). PO Box 192, Shortland Street, Auckland 1140. C/- Caitlin Metz, Rural Connectivity Group Engagement Manager. M: 021 033 1116 E: <a href="mailto:Caitlin.Metz@theRCG.nz">Caitlin.Metz@theRCG.nz</a>
<b>Proposal</b>	Proposal to build new mobile broadband facilities
<b>Site Location</b>	22150 Glinks Gully, Dargaville
<b>Legal Description</b>	Part Allotment 141 Psh of Te Kopuru
<b>Te Uri o Hau Legislation for Mangawhai, Cultural interests and Environmental Values</b>	Te Uri o Hau Claims Settlement Trust Act 2002, Te Uri o Hau Deed of Settlement & Historical Claims Schedules 2000, Te Uri o Hau Estates and Territory: Statutory Area of Interest, Operative Kaipara District Plan 2013: Chapter 4 - West Coast Overlay, Glinks Gully: natural character of the coastal environment of high ecological, historical, environmental and cultural values.
<b>Te Uri o Hau Settlement Trust Environmental Authority</b>	Environs Holdings Limited Level 2, 3-5 Hunt Street PO Box 657, Whangarei p: 09 459 7001/ 0800 438 894 e: <a href="mailto:rma@uriohau.co.nz">rma@uriohau.co.nz</a>
<b>Author</b>	Shereen Worthington Cultural Resources Consultant m: 021 231 4649 e: <a href="mailto:shereenw@xtra.co.nz">shereenw@xtra.co.nz</a>
<b>Authorised</b>	Stephen Brown Environs Holdings Manager P: 0800 438 894 e: <a href="mailto:sbrown@uriohau.co.nz">sbrown@uriohau.co.nz</a>

## 2. INTRODUCTION

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### 2.1 Outline

Environs Holdings Limited (Environs) has been commissioned to prepare a Cultural Effects Assessment (CEA) report for Rural Connectivity Group Ltd (RCG) for the construction of a proposed new telecommunications facility on a site legally described as Part Allotment 141 Parish of Te Kopuru, at 22150 Glinks Gully, south-west of Dargaville (figures 1 to 3). The facility will deliver connectivity services from New Zealand's three major mobile networks - Spark, Vodafone and 2degrees, to the Glinks Gully community and other surrounding residence.

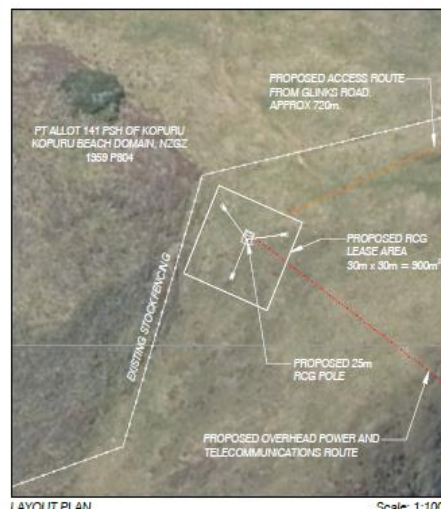
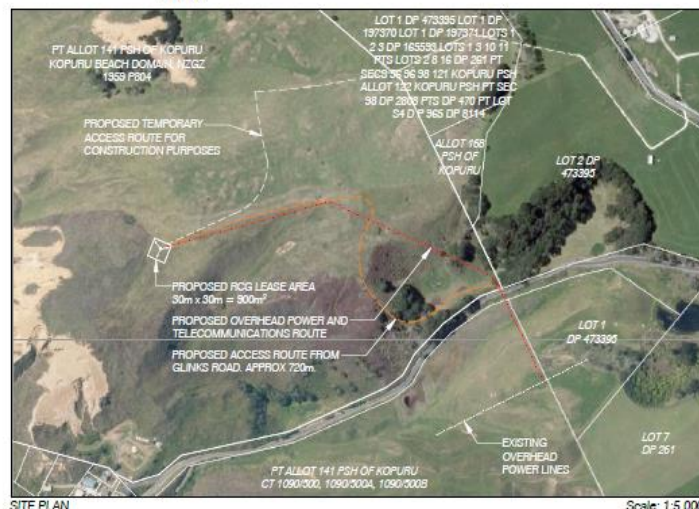


**Figure 1: Approximate site location (shown by a white arrow)**

Source: Google Maps NZ

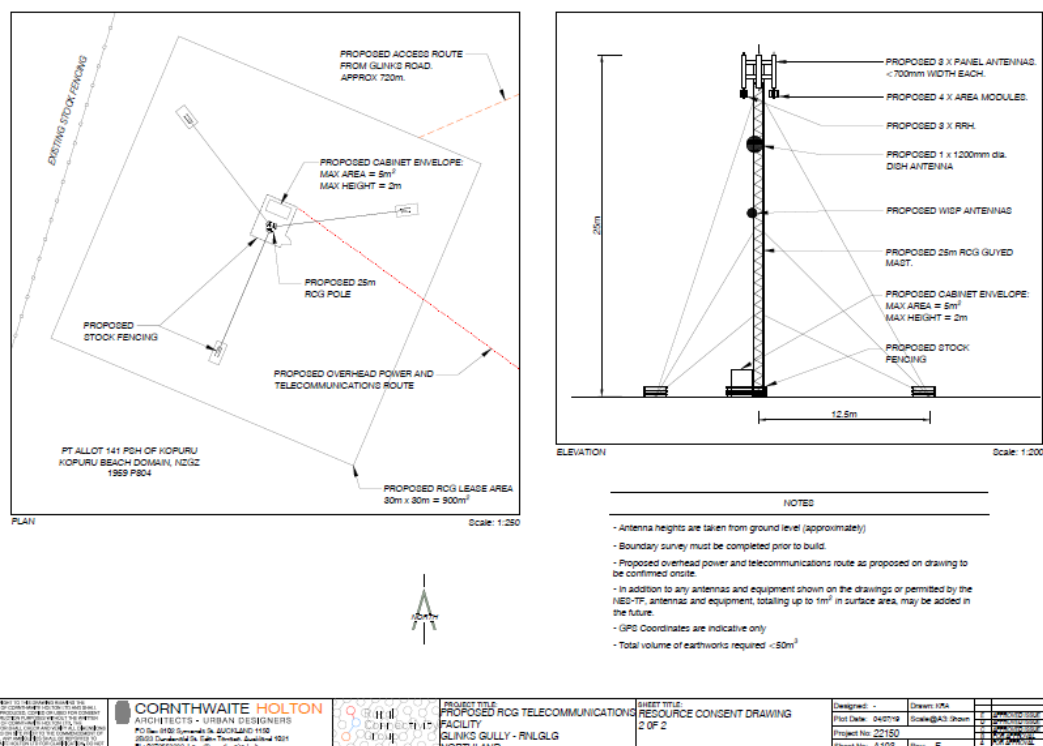
## Proposed RCG Telecommunications Facility

SITE INFORMATION		NOTES
SITE ID	RNLGLG	<ul style="list-style-type: none"> <li>- Boundary survey must be completed prior to build.</li> <li>- Proposed overhead power and telecommunications route as proposed on drawing to be confirmed onsite.</li> <li>- In addition to any antennas and equipment shown on the drawings or permitted by the NES-TF, antennas and equipment, totalling up to 1m<sup>2</sup> in surface area, may be added in the future.</li> <li>- GPS Coordinates are indicative only</li> <li>- Total volume of earthworks required &lt;50m<sup>3</sup></li> </ul>
SITE NAME	Glinks Gully	
REGION	Te Kopuru, Northland	
LOCAL AUTHORITY	Kaipara District Council	
LATITUDE	-36.076496	
LONGITUDE	173.858518	
PROPERTY ADDRESS	Glinks Road	
LEGAL DESCRIPTION	Part Allotment 141 PSH of Kopuru	
CT	Kopuru Beach Domain, NZGZ 1959 P804	



<p><small>CORNTHWAITHE HOLTON ARCHITECTS - URBAN DESIGNERS</small></p> <p><b>CORNTHWAITHE HOLTON</b> ARCHITECTS - URBAN DESIGNERS PO Box 9100 Symonds St, AUCKLAND 1100 09 223 0000 Fax 09 223 0001 www.cornthwaiteholton.com</p>	<p><b>PROJECT TITLE</b> PROPOSED RCG TELECOMMUNICATIONS FACILITY GLINKS GULLY - RNLGLG NORTHLAND</p>	<p><b>SHEET TITLE</b> RESOURCE CONSENT DRAWING 1 OF 2</p>	Designed: -	Drawn: JMA	
			Plot Date: 04/07/19	Scale: A3 shown	
			Project No: 22150		
			Sheet No: A102	Rev: E	

Figure 2: Resource Consent Drawings 1 of 2



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			Plot Date: 04/07/19	Scale: A3 shown	
			Project No: 22150		
			Sheet No: A103	Rev: E	

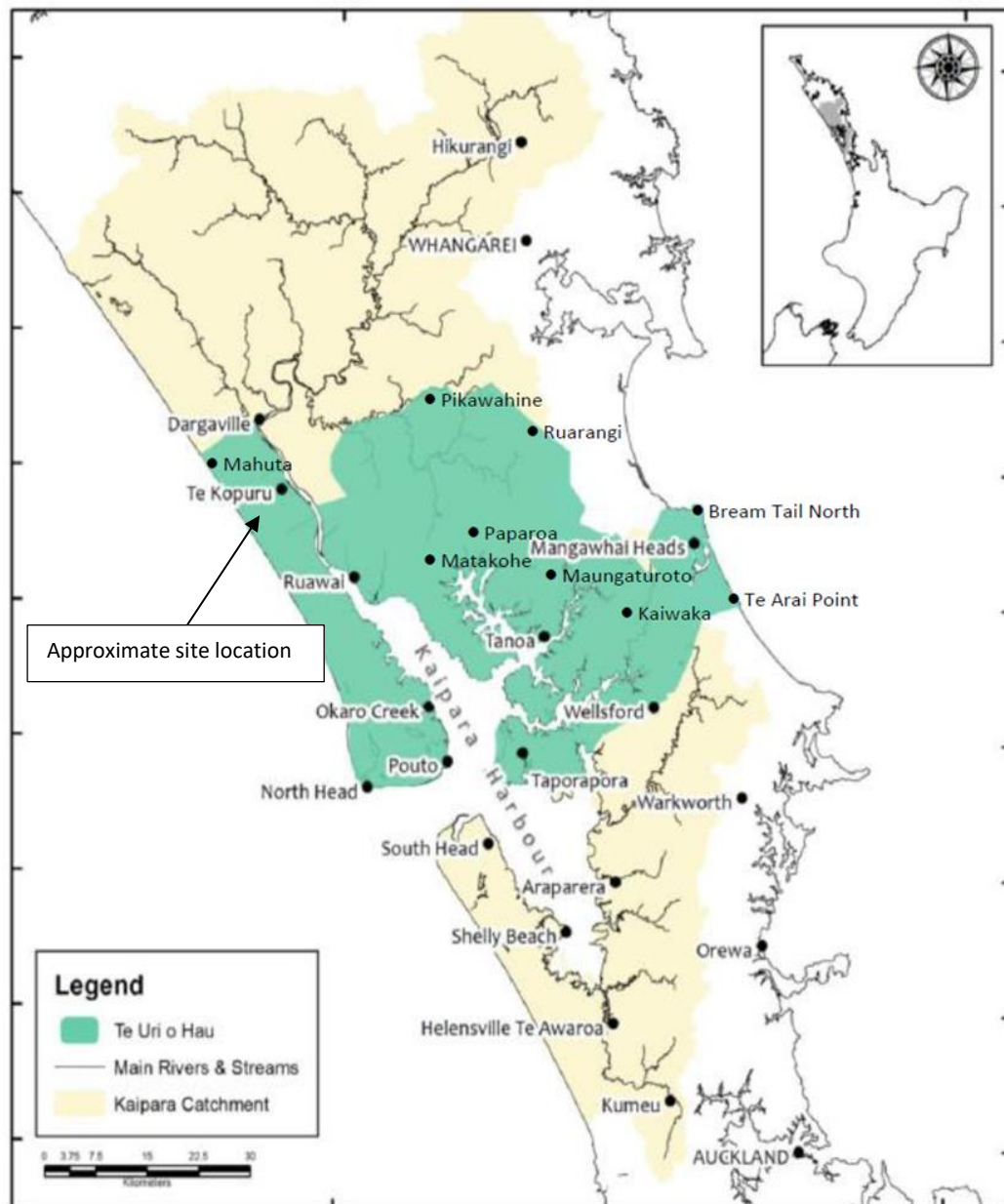
Figure 3: Resource Consent Drawings 2 of 2

Source: Cornthwaite Holton Architects Ltd – Urban Designers



## 2.4 Te Uri o Hau's Estates and Territory

The site location has been identified as being within the ancestral lands of Te Uri o Hau; i.e. Te Uri o Hau's Estates and Territory: Statutory Area of Interest (figure 4).



**Figure 4: Te Uri o Hau's Statutory Area of Interest shown in green**

Te Uri o Hau's Estates and Territory; Statutory Area of Interest encompass area's north of Wellsford in the south to Te Arai taking in the Mangawhai Heads to the east, to Pikawahine in the north, across to Mahuta gap on the west coast to Pouto peninsula. Both Mangawhai and Kaipara Harbours' are inclusive of Te Uri o Hau's estates and territory: statutory area of interest, extending out to the exclusive economic zone.

## 2.5 Te Uri o Hau Mana whenua

Te Uri o Hau are a hapu of Ngati Whatua, with Mana whenua cultural, traditional, spiritual and historic territorial rights from Mahuta Gap southwards, including Glinks Gully to Poutu Peninsula. Te Uri o Hau's association to those areas are well documented in regional and district operative plans, and the following Te Uri o Hau's legislative Acts and in their environmental management plan:

- Te Uri o Hau Claims Settlement Act 2002;
- Te Uri o Hau Deed of Settlement 2000;
- Te Uri o Hau Settlement Historical Claims Schedules 2000; and
- Te Uri o Hau Kaitiakitanga o Te Taiao Environmental Management Plan 2011.

## 2.6 Purpose

The purpose of the CEA is to assess the level of effects adverse or otherwise, of the proposed subdivision development on the Te Uri o Hau's cultural, traditional, spiritual and heritage values, and to provide appropriate recommendations to avoid, remedy or mitigate any potential effects on those values. Te Uri o Hau's values can be associated with, but not limited to:

- Cultural heritage sites and features (i.e. Archaeological Sites);
- Effective and efficient land use planning with environmental management;
- Ecosystem health and sustainable development;
- Integrated catchment management;
- Sustainable fisheries management;
- Wetland and estuary restoration;
- Sustainability of water and water quality;
- Protection of indigenous flora, fauna and indigenous forests;
- Protection of native species and ecological habitats;
- The practise of ethnobotany<sup>1</sup>; and
- The preservation of the Maori language, stories, culture and cultural practices, as some examples.

This CEA represents a tool to facilitate meaningful dialogue and effective participation between RGC, Environs and Te Uri o Hau. The assessment has been commissioned in recognition of Te Uri o Hau's cultural, spiritual, traditional and historical values and associations to Te Kopuru, and as a means to help address any potential issues raised by Te Uri o Hau during the planning stages prior to construction.

For resource consent processes, Section 64 states of the Te Uri o Hau Claims Settlement Act 2002 states: *"the distribution of consent summaries to be forwarded to Te Uri o Hau Governance entity i.e. the Te Uri o Hau Settlement Trust (The "Trust")"*. Both the District and Regional Councils' operating within Te Uri o Hau's statutory area of interest are required to send resource consent summaries to

---

<sup>1</sup> The study of how people of a particular culture and region make use of indigenous (native) plants.

Environs for subdivision, use and development related activities undertaken within the ancestral lands of Te Uri o Hau i.e. Te Uri o Hau's Estates and Territory: Statutory Area of Interest (appendix 1).

## **2.7 Methodology**

Written information directly relevant to the proposed subdivision development provided as part of preparing this CEA were sourced from:

- Plan Sets: Resource Consent Drawings Sheets 1 and 2 of 2 (sets) – Location & Layout Plans, prepared by Cornthwaite Holton Architects.

### **a) Field Visit**

The report writer, accompanied by Kaumatua and Te Uri o Hau Taumata member Rex Nathan and his wife, and RCG representatives Caitlin Metz and Greg Aitkin visited the RCG proposed mast site via four-wheel drive to an area close to the coast owned by Kaipara District Council, north east of Glinks Gully coastal settlement. The RCG site is situated east at the foothills of a large vegetated sandhill.



**Figure 5: RCG proposed mast location**





**Figure 6: Taken looking west to the approximate mast location**



**Figure 7: Matua Rex Nathan and Caitlin Metz taken south of the mast location**

### **3. LEGISLATIVE FRAMEWORK**

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#### **3.1 Te Tiriti o Waitangi 1840: Treaty of Waitangi Principles**

The Tiriti o Waitangi is the founding document of our nation. Article 2 of the Treaty recognises and guarantees the protection of tino rangatiratanga, and so empowers kaitiakitanga as customary trusteeship to be exercised by tangata whenua. This customary trusteeship is exercised over their

taonga, such as sacred and traditional places, built heritage, traditional practices, and other cultural heritage resources. This obligation extends beyond current legal ownership wherever such cultural heritage exists.

Particular matauranga, or knowledge of cultural heritage meaning, value, and practice, is associated with places. Matauranga is sustained and transmitted through oral, written, and physical forms determined by tangata whenua. The conservation of such places is therefore conditional on decisions made in associated tangata whenua communities, and should proceed only in this context. In particular, protocols of access, authority, ritual, and practice are determined at a local level and should be respected.

The Tiriti o Waitangi provides for the exercise of kawanatanga, while actively protecting tino rangatiratanga of tangata whenua in respect of their natural, physical and spiritual resources. All persons acting under the RMA (including applicants, councils and tangata whenua) must take into account the principles of the Treaty of Waitangi (s8). Similar obligations are imposed on councils under the Local Government Act 2002 (LGA).

Statutory obligations and case law developed under the RMA have helped to translate how the obligations under the Treaty of Waitangi are to be given effect to in practice. The Environment Court has said that consultation, or the need to consult, arises from the principle of partnership in the Treaty of Waitangi; this requires the partners to act reasonably and to make informed decisions.

### **3.2 Te Uri o Hau Claims Settlement Act 2002**

Under section 59 of the Te Uri o Hau Claims Settlement Act 2002, the Crown acknowledges the statements made by Te Uri o Hau of the particular, cultural, spiritual, historic, and traditional associations to the areas and resources within its rohe.

The act provides for statutory acknowledgements to be enacted in the relationship of in this case, Te Uri o Hau to the area of Mangawhai and Mangawhai Harbour. A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of a tangata whenua group in relation to specified areas, particularly the cultural, spiritual, historical and traditional associations with an area. These acknowledgements relate to 'statutory areas' which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas, but are only given over Crown-owned land.

Councils must consider statutory acknowledgements when making decisions on whom to involve in resource consents and hearings. They also help address concerns where councils have processed consent applications that relate to an area of significance for certain claimant groups, without consultation or their written approval, and where claimant groups have been adversely affected. While a statutory acknowledgement may vary for each claimant group, in essence, a statutory acknowledgement requires councils to:

- forward summaries of all relevant resource consent applications to the relevant claimant group governance entity - and to provide the governance entity with the opportunity to waive its right to receive summaries

- have regard to a statutory acknowledgement in forming an opinion as to whether the relevant claimant group may be adversely affected in relation to resource consent applications concerning the relevant statutory area
- within the claim areas, attach for public information a record to all regional policy statements, district plans, and regional plans.

Te Uri o Hau legislation values are defined within the Act as outlined in Table 3.1:

**Table 3.1: Te Uri o Hau Legislative Values**

<b>Part 5</b>	<b>Statutory Acknowledgement</b>	<b>Values</b>	<b>Purpose</b>
<b>Subpart 2 Section 58-65</b>	Statutory Acknowledgements Resource Management Act 1991	Cultural, spiritual, historic and traditional association	(a) Consent Authorities distribution of resource consents applications to Te Uri o Hau (b) Consent Authorities, Heritage New Zealand or the Environment Court have regard to statutory acknowledgements (c) Recording of statutory acknowledgements on plans (d) Use of statutory acknowledgement with submissions
<b>Schedule 6</b>	Mangawhai Marginal Strip		
<b>Schedule 10</b>	Mangawhai Harbour Coastal area		

### 3.3 Resource Management Act 1991

Part II of the RMA contains a number of specific provisions relating to tangata whenua that must be considered in RMA processes:

- Sections 6(e),6(f) and 6(g) require that "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga", the protection of historic heritage from inappropriate subdivision, use and development" and "the protection of protected customary rights" is recognised and provided for.
- Section 7(a) sets out 'other matters' which persons exercising functions and powers under the Act must 'have particular regard to'. This includes section 7(a) kaitiakitanga
- Section 8 requires that the principles of the Treaty of Waitangi are taken into account.

Several other general provisions in the RMA need to be considered, including the requirement to take into account iwi planning documents. In terms of consultation with tangata whenua, there are different requirements for resource consents, notice of requirements and plan development processes.

### 3.4 Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify, or destroy or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority from Heritage New Zealand.

Relevant sections included, but not limited to are:

- (a) Section 3: the purpose of the Act is to promote the identification, protection, preservation, and conservation of historical cultural heritage of New Zealand.
- (b) Section 4: Key Principles of the Act include:
  - (i) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and
  - (ii) the principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should:
    - a. take account of all relevant cultural values, knowledge, and disciplines; and
    - b. take account of material of cultural heritage value and involve the least possible alteration or loss of it; and
    - c. safeguard the options of present and future generations; and
    - d. be fully researched, documented, and recorded, where culturally appropriate.

Section 4 of the Heritage New Zealand Pouhere Taonga Act 2004 recognises the relationship of Maori with and cultural traditions to, their ancestral lands, water, Wāhi Tapu, and Wāhi Taonga.

Section 10-20 of the Act ensures that any person undertaking work that may damage, modify or destroy an archaeological site (both known and unknown) must obtain an archaeological authority to undertake such work and prior to any work commencing.

### 3.5 Operative Kaipara District Plan – November 2013 (the 'District Plan')<sup>2</sup>

The District Plan recognises that Te Uri o Hau (and Te Roroa) have traditional, historical, spiritual, and cultural associations with place and sites within the Kaipara District. The District Plan has been developed to recognise Maori issues in the northern Kaipara. A wide range of Tangata Whenua cultural values are also referenced in the following chapters of the District Plan:

- ❖ Chapter 2: District Wide Resource Management Issues
- ❖ Chapter 3: Land Use and Development Strategy
- ❖ Chapter 4: Overlays (Kaipara Harbour /West Coast and Mangawhai Harbour/East Coast)
- ❖ Chapter 5: Tangata Whenua Strategy

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<sup>2</sup> Kaipara District Council (2013), Kaipara District Operative Plan November 2013, New Zealand Government, Wellington: New Zealand. Retrieved 12 February 2017 from: <http://www.kaipara.govt.nz/Service++Info/District+Plan.html>.

- ❖ Chapter 6: Ecological Areas
- ❖ Chapter 12: Rural
- ❖ Chapter 13: Residential
- ❖ Chapter 15(a): Maori Purposes - Maori land
- ❖ Chapter 15(b): Maori Purposes - Treaty Settlement Land
- ❖ Chapter 17: Historic Heritage
- ❖ Chapter 18: Landscapes

### **3.6 Te Uri o Hau Kaitiakitanga o Te Taiao (Environmental Management Plan) 2011**

Te Uri o Hau Kaitiakitanga o Te Taiao (2011) is an environmental management plan to support Te Uri o Hau kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in natural resource management within Te Uri o Hau Estates and Territory: Statutory Area of Interest.

Te Uri o Hau Kaitiakitanga o te Taiao plan provides the policies that the Crown and representative agencies, resource consent practitioners, applicants and research institutions take into account and give effect to, when preparing or reviewing regional and national statements, plans, policies and strategies.

## **4. MATAURANGA MAORI - TE AO MAORI WORLD VIEW**

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Mātauranga Māori refers to the body of knowledge of one's history and whakapapa originating from their ancestors, including their worldview and perspectives. It is a key concept which defines Te Uri o Hau's values and relationships. Indigenous forests, flora and fauna are related to Māori through whakapapa and cosmologies in the great creation of stories of the universe and all living things. As Kaitiaki of indigenous forests, flora and fauna, Te Uri o Hau seek to play a primary role in the protection and use of these natural resources.

Io, the Supreme Being and creator of the heavens and the earth created all living things of divine being. Whakapapa (genealogy) is the axis upon which the world and its inhabitants are defined. Whakapapa goes back to the beginning of time, to the very first seed that produced the entire universe. Papatuanuku is the earth mother, Ranginui is the sky father; their 70 children are the original custodians of its parts. Trees were the first born, birds the second, fish, insects and animals followed, and then finally people were born. Humans are the teen, the last born, the babies of the family.

### **4.1 Spiritual and Cultural Connectedness**

Tangata whenua are connected to both the spiritual and physical dimensions, inherent of cultural values with responsibilities abound. As tangata whenua, Te Uri o Hau Ngāti Whātua has an inherent relationship and responsibility within the natural environment and specifically, to that part of Papatuanuku who lies within their tribal area.

At the heart of this relationship is the philosophy of holistic management. Holistic management demands the respect of humans to all divine creations of natural environment. The concept of mauri is essential to respecting each and all creation. All taonga possess a mauri: an intangible life force that unites all creatures and enables them to flourish.

The principles of holistic management acknowledge that human interactions with the natural environment impose a reaction to the mauri of nga taonga. The same principles are equally associated to the energy of life in an ecosystem. An ecosystem is a set of organisms living in an area, their physical environment, and the interactions between them. Likewise, to te mauri o nga taonga, human interaction with one part of an ecosystem necessitates a reaction to the whole.

#### **4.2 Tikanga: Cultural Practice**

Tikanga Māori (cultural best practice) is dynamic and capable of responding to the changing world. Tikanga Māori forms the basis of how Te Uri o Hau live in a relationship with all living things and their environment, and how we manage those natural and physical resources and all things mauri. Tikanga Māori is defined under Section 2 of the Resource Management Act 1991 and Section 3 of Te Ture Whenua Māori Act 1993 as Māori customary values and processes, which are practiced to this day.

#### **4.3 Taonga: Valued Treasures**

Taonga are those things considered culturally valuable to Te Uri o Hau which may be a tangible or intangible element. Article 2 of the Treaty of Waitangi acknowledges taonga as being lands, estates, forests, fisheries and other properties. Taonga represents an element of the Māori philosophical worldview and all living things representing mauri. All living and non-living things contain a life force, one cannot live without the other, all intricately living in harmony to sustain their being and existence on earth.

#### **4.4 Kaitiakitanga: Guardianship**

Te Uri o Hau as Kaitiaki, acknowledge customary lore to include the protection of all living things, natural resources, culture and people. In this regard Kaitiaki are universal. The protection of our natural resources and culture require a commitment through the whole of Māori society which is constantly evolving. Kaitiakitanga not only relates to the environment and the management of natural resources but also extends to the socio-economic well-being of future generations.

#### **4.5 Mana Whenua and Mana Moana: Power from and Rights to the Land and the Waters**

A return to one's marae is also a return to the land, to one's tūrangawaewae (place where one has rights of residence and belonging through kinship and whakapapa). After the birth of a child their pito (umbilical cord) and the whenua (afterbirth) are buried in the ground or placed up in a tree. The whenua is also the word for land and the burial of the umbilical cord and the afterbirth ensures a strong link with one's own land.

The land is also linked to the spiritual powers, to the children of Ranginui and Papatuanuku. Each Matariki/ New Year, at one place on the upper Wanganui River, hangi (earth ovens) are set aside for Tane and Tangaroa and offerings are made to them. This recognises that Tane is responsible for the forests and its foods and Tangaroa is responsible for the sea and its foods. Te Uri o Hau continue to carry on these responsibilities within their own rohe, as taught by our ancestors.

Te Uri o Hau values ancestral land based on our responsibilities and relationships with the land. It is important that how we value land i.e. not on monetary value or productive capacity. Māori land is often considered undeveloped or underutilised and therefore considered of little value by Europeans because Māori values are not recognised or understood.

Te Uri o Hau has mana moana over their customary fishing areas. Traditional chiefs determined the harvesting of kaimoana ensuring the protection and management through traditional customary methods.

#### **4.6 Mana Atua: Spiritual Powers**

One with the people, one with the land, we also become one with the Atua (the spiritual powers). The spiritual powers are our immediate source of mana (inherited status); they are a source of our tapu.

#### **4.7 Tapu and Noa: Sacred and Profane**

Traditionally, Māori life was organised in all its aspects through the intricate interplay of two states of being, tapu and noa, which were complementary and of equal importance. In numerous contexts a person, place or thing would be said to be either tapu or noa. The word tapu indicated that the person, place or object could not be freely approached, that restrictions had been placed upon access, and in this way the term referred not only to the tapu entity but also to the restricted relationship others might have with it. In many contexts it can be translated as restricted, forbidden, or sacred. The word noa indicated unrestricted access and can generally be understood as ordinary, everyday, common, and profane.

#### **4.8 Wairuatanga: Spirituality**

In the cosmological myths of Māori, we are told that the universe was brought into being through Io, the supreme-being. It was he who willed the earth to appear; he was the primal origin of all things; everything on earth or in the heavens could be traced back to one cause, the sole origin, Io, the parent of the eternal.

In one of these curious evolutionary formulae, conception was given as the forebear of growth, who produced energy; then followed thought, mind, and desire. Various phases of Po and other conditions of chaos began, until at least one in conjunction with Atea (space) produced the heavens. The sky (personified in Ranginui), took Papatuanuku (the earth mother) as a wife, and begat seventy offspring, all males, and all supernatural beings.

Many of these personified lights, the sun, moon, darkness, wind, rain, clouds, and lighting. Some were described as originating beings, tutelary beings and parents of fish, birds, stars, and stones, while yet others were denizens of the uppermost heavens. From among these offspring were selected many of the poutiriao, or guardians, appointed by the supreme-being to watch over and preserve the welfare of the different realms of the universe.

The following are the best-known members of the numerous offspring of the primal parents, Ranginui (sky father) and Papatuanuku (earth mother):

- ❖ **Tane** who is the (personified form of the sun), the fertiliser, he who fertilised the earth and caused it to produce trees and herbage, and also man who was born of the earth-formed maid;
- ❖ **Rongo** who represented the moon, as shown in Hawaiian myth, was the patron of peace and the art of agriculture;
- ❖ **Tu** who is the patron of war and death, personified the setting sun;
- ❖ **Whiro** personified darkness, evil, and death;
- ❖ **Tangaroa** was the origin and personification of all marine life;
- ❖ **Tawhirimatea** personified wind;
- ❖ **Ngana** or **Uru-te-ngangana**, was the origin of stars;
- ❖ **Kiwa** was the guardian of the ocean;
- ❖ **Te Ihorangi** personified rain; and
- ❖ **Ruaumoko** was the origin of earthquakes and all volcanic disturbances.

## 5. TE URI O HAU'S CULTURAL HISTORY<sup>3</sup>

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The Kaipara hapu referred to collectively as Te Uri o Hau, have several lines of descent particularly to Ngati Whatua and Tainui.

With the arrival of the Tainui waka at Ngunguru on Northland's east coast around 1250 AD, came Hotunui, a principal rangatira of the waka. After a failed attempt to build a wharenuī during the night, he named his three sons after this incident. The tuakana he named Tahuhu after the ridge pole, the second eldest son Tahinga, after the rafters and the potiki, Kura, after the red sunrise in the morning. Fourteen generations later, the descendants of the three sons migrated south to the Kaipara as Ngati Tahuhu under the mana of Tahu Karangarua, Ngati Tahinga under the mana of Tahinganui, and Ngati Kura under the mana of Kura Mangotini.

Their migration came through Mangakahia to Marohemo near Otamatea, where Ngati Kura decided to live on the Hukatere Peninsula. Ngati Tahinga decided to live on the southern side of the Oruawharo River around the Topuni /Wellsford area, and Ngati Tahuhu decided to live in the area from Te Arai to the Waipu inlet and across to the Arapaoa River.

Approximately at the same time the Tainui waka landed at Ngunguru, the Ngati Whatua waka, Mahuhu ki te Rangi landed at Taporapora in the middle of the Kaipara. Ngati Awa was living in the Kaipara

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<sup>3</sup> Te Uri o Hau Settlement Trust (n/d). Te Uri o Hau Cultural Heritage Trail Policy Statement and Cultural Redress policy. Te Uri o Hau Settlement Trust, 3/5 Hunt Street, Whangarei.



when Ngati Whatua arrived. With the death of Rongomai, the captain of the Mahuhu ke te Rangi waka, Te Po Hurihanga his son, took the waka north to Rangaunu Harbour after blaming the drowning of his father on the witchcraft of the Ngati Awa people. Ngati Whatua lived on the fertile Victoria Valley just south of Kaitia for three centuries before migrating south to the Hokianga.

The death of Taureka was the catalyst for this migration. Ngati Whatua sought “utu” for Taureka being murdered so they attacked and defeated the Ngati Kahu-mate-ika from the Hokianga. After living in the Hokianga area, the lack of fertile land for an expanding iwi was the cause of migrating south into the Kaihu Valley and eventually down the Pouto Peninsula, reconnecting with their Ngati Whatua relatives they had separated from 350 years previously after the drowning of Rongomai<sup>4</sup>. At this time, Ngati Tahuhu, Ngati Kura and Ngati Tahinga were living on the eastern side of the Kaipara. Ngati Awa was living in the centre and Ngati Whatua was living on the north western side and the Kawerau-a-Maki people were living on the south western side of the Kaipara.

A pakanga arose between Ngati Awa and Ngati Whatua over the Te Arawa, Ngati Awa princess Te Hana who lived on the Pouto Peninsula. A series of battles took place where Ngati Awa was defeated by Ngati Whatua and they eventually left the Kaipara. Ngati Whatua rangatira, Haumoewarangi, was killed by the Kawerau-a-Maki people for raiding their kumara pits. Ngati Whatua were to eventually drive the Kawerau-a-Maki people from the Kaipara and occupied their lands for the killing of Haumoewarangi (tupuna of Te Uri o Hau), and Kawharu, the Tainui giant and great toa (warrior) who assisted Ngati Whatua to inflict a number of defeats upon the Kawerau-a-Maki people.

Haukapaia II (uncle) and Nehu (nephew) were of Ngati Tahuhu descent. They had a disagreement over the fishing grounds so a battle ensued in Ngati Kura rohe at Te Komiti in the battle called Puakahikatoa (the blossom of the manuka tree)<sup>5</sup>. Nehu, mother of Hinewaiuru, was of Te Uri o Hau descent so he called upon his Te Uri o Hau relatives and Ranginui, Raki, More, and others to assist him defeat his Ngati Tahuhu relatives. Conflict soon arose between Nehu, Ngati Tahuhu people and Te Uri o Hau over land taken in the raupatu of Haukapaia II and his Ngati Tahuhu people. Maungarongo marriages took place over several generations to maintain peace<sup>6</sup>. Through the Maungarongo marriages, the raupatu of Ngati Tahuhu by Te Uri o Hau became kore. Tainui and Ngati Whatua bloodlines were connected in arranged marriages.

In 1805, a war started between Nga Puhi and Ngati Whatua which had its origins in a love story. Nga Puhi chief Pokaia was in love with Karuru, Hongi Hika’s sister, however, she married a much older chief to be rid of him. Another story suggests that Karuru was seduced by a Te Uri o Hau man. Whatever the truth is, Pokaia was so enraged that he attacked Taoho, Te Roroa chief from Kaihu and killed about twenty of his people. Taoho sought utu at Mataraua near Kaikohe and killed the same number of people.

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<sup>4</sup> Wright, W. (1996) Te Uri o Hau o Te Wahapu o Kaipara Mana Whenua report, Waitangi Tribunal Submission Wai 271.

<sup>5</sup> Kaipara Minute Book 9, Pg 18.

<sup>6</sup> Kaipara Minute Book 9, Pg 115-116.

## 5.2 1807 Battle of Moremonui

In 1807, Pokaia mustered about 500 Nga Puhi warriors believing to make an easy conquest. Ngati Rongo, Ngati Whatua (south Kaipara), Te Uri o Hau and Te Roroa gathered at Moremonui where they defeated Pokaia invading taua. Over 150 Nga Puhi warriors were killed including Pokaia and two Hongi Hika brothers. Hongi Hika managed to escape and eventually inflicted his wrath upon Kaipara Hapu.

Figures 9 & 10 shows the battle site location site and the wording on the commemorative plaque erected near the site. The location is north of Glinks Gully.



**Figure 8: The mouth of Moremonui Gully viewed from the southern side, with the battle monument pictured at the lower right corner (white arrow)<sup>7</sup>**



**Figure 9: Moremonui commemorative plaque<sup>8</sup>**

<sup>7</sup>Wikipedia (2019). The Battle of Moremonui Article. Retrieved October 2019 from: [https://en.wikipedia.org/wiki/Battle\\_of\\_Moremonui](https://en.wikipedia.org/wiki/Battle_of_Moremonui)

<sup>8</sup> Te Ara The Encyclopaedia of New Zealand. Ngāti Whātua defeated Ngāpuhi, including their leader Hongi Hika, at Moremonui (an alternative spelling is used on the plaque) in 1807. Retrieved October 2018 from: <https://teara.govt.nz/en/photograph/1202/moremonui-commemorative-plaque>

### 5.3 1825 Battle of Te Ika a Ranganui – Ko Te Whawhai I te Waimako

In the early beginning of the nineteenth century, the northern Kaipara district was the battleground of another clash between two large confederations i.e. Ngā Puhi and Ngāti Whātua. Hostilities began around 1807 with a clash between Ngā Puhi and Te Roroa, who were supported by their Ngāti Whātua allies, including Te Uri o Hau.

A battle, known as Te Kai a te Karoro (the seagull's feast), was fought at Moremonui, on the coast north-west of Dargaville. This was a serious defeat for Ngā Puhi, who lost several of their leaders during battle. The Ngā Puhi confederation, led by Hongi Hika, acquired guns after 1814, and asserted monopoly status in dealings, with Pākehā traders and missionaries in the Bay of Islands. In contrast, Kaipara Māori had little contact with Pākehā before the 1830s.

On February 1825, Mangawhai and Te Hakoru (known today as Hakaru) became the site of one of New Zealand's great battles, known as the Battle of Te Ika a Ranganui. A combined hapu of Nga Puhi, armed with approximately 300 muskets journeyed from their northern lands and landed their waka's at Mangawhai. They travelled and met a confederation of Kaipara hapu consisting of Tainui, Te Uri o Hau, Ngati Rongo, Ngati Whatua and Te Roroa at Te Hakoru at the Te Waimako stream between Mangawhai and Kaiwaka.

The following account is based on extracts taken from the combined korero (stories) of the local chiefs who fought against Nga Puhi at Te Waimako, as told to Percy Smith:

*"As Nga Puhi was expected; we met then at the head of Te Manga Kaiwaka. A hui was held to discuss the best method to meet our foes and Te Murupaenga proposed that we meet Nga Puhi at Te Mangawhai and attack them when they attempted to land. Rewharewha of Te Uri o Hau overruled this saying; "Nawai I mea pena te matenga mo Hongi Hika": What an absurd idea to suppose that Hongi Hika could be caught like that." So, the plan was abandoned, and we decided to meet our foe at the place we later named Te Ika a Ranganui.*

*When the first division of Nga Puhi arrived at the right bank of the Te Maunga Waimako they met our left flank barring passage over the stream extending towards Kaiwaka. We attacked Nga Puhi by crossing Te Manga Waimako forcing Nga Puhi to retreat. We caught the first fish: "Kei au te mataika! Anana! Mate rawa! Mate rawa!" Then Hongi's main division arrived, and we were met with a storm of bullets, which drove us back cross the Te Waimako stream to our lines.*

*Again, we charged down to the stream, only to be driven back by the guns and losing a large number of our men, but we stood our ground fighting hand to hand against Nga Puhi. We rallied, 'Korahi, Korahi!' but 120 of us fell in one heap before the guns of Nga Puhi. Seeing that the battle was lost, we retreated to our waka and escaped.*

*We would have perished that day but for the foolishness of Nga Puhi. That day the waters of Te Waimako ran red with our blood and its waters are tapu our people none of whom will*

*drink its waters, however thirsty they may be. We later returned to the Kaipara with a “taua hiku toto” war party and surprised a taua of Te Parawhau and killed them. Hongi’s army was then at Otamatea.” (Te Puriri, ratou Paikea Te Hekeua, Te Toko, Tieke, Hauraki Paore me etahi atu 1860).*

According to transcripts, the confederation of Kaipara hapu possessed a small number of muskets. Many of the Kaipara people were killed during that period of time and the area was declared tapu. For the next decade, Tāmaki, Mangawhai and most of the Kaipara remained largely unoccupied as a result of the battle.

Nga Puhi were victorious in this conflict, where Tainui survivors fled to the Waikato, Te Uri o Hau to the Tangihua ranges south west of now known town of Whangarei, Mareretu, and Waikeikei forests, Ngati Whatua fled to the Waitakere ranges, Ngati Rongo to their Parawhau relatives whilst other survivors sought refuge with their Te Roroa and Ngati Hine relatives. By the 1830’s, Ngāti Whātua began moving back to the Kaipara and surrounding areas. Only as recently as 1991 was the Tapu lifted throughout the area of Hakaru and Mangawhai.

A memorial Kohatu stands approximately 1.5 kilometres east of Kaiwaka, for those Kaipara Tribes who fell during this battle. The stone reads:

***“Te Ika a Ranganui – Here in 1825, Ngapuhi, under Te Whareumu and Hongi fought their last great battle against Ngati Whatua and their allies.”***

**Figure 10: Plaque Statement**



**Figure 11: Memorial Kohatu**



Source: S Worthington

## **6. TE URI O HAU CLAIMS SETTLEMENT PROCESS**

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### **6.1 Te Uri o Hau Claims Settlement Act 2002**

Te Uri o Hau historical Treaty claims cover the northern part of the Kaipara Harbour and relate to the loss of land and control over its natural resources. The settlement acknowledged specific breaches:

- 1) The process used to determine the reparation for the plunder of a store, which led Te Uri o Hau chiefs and others to cede land at Te Kopuru as punishment for the plunder, was prejudicial to Te Uri o Hau. The Crown acknowledges that its actions may have caused Te Uri o Hau to alienate lands that they wished to retain, and that this was a breach of the Treaty of Waitangi.
- 2) The failure of the Crown to set aside reserves and protect lands for the future use of Te Uri o Hau was a breach of the Treaty of Waitangi.
- 3) The Crown acknowledges that the operation and impact of the native land laws had a prejudicial effect on those of Te Uri o Hau who wished to retain their land, and that this was a breach of the Treaty of Waitangi.

From the time the Treaty was signed, Te Uri o Hau tried to preserve and strengthen their relationship with the Crown. In particular, the early land transactions with the Crown promoted trade and settlement and contributed to the development of New Zealand. However, the benefits that Te Uri o Hau expected to flow both ways from this relationship were not always realised. The widespread loss of land has hindered the economic, social and cultural development of Te Uri o Hau.

The Te Uri o Hau Claims Settlement process was an important milestone for Te Uri o Hau and its significance as the first claim to be settled in the north.

### **6. 2 Te Uri o Hau Deed of Settlement 2000**

The Te Uri o Hau Deed of Settlement was made up of a package that includes:

- 1) Crown acknowledgements of breaches of the Treaty of Waitangi and its principles (based on an agreed historical account) and a Crown Apology to Te Uri o Hau
- 2) Cultural Redress
- 3) Commercial Redress

Only Crown assets are involved in the redress offered to Te Uri o Hau, except for a .5ha site (the location of Whakahuranga Pa) purchased from a private owner on a willing seller/willing buyer basis that will be transferred to Te Uri o Hau. Te Uri o Hau Claims Settlement Act 2002 was enacted as a result of longstanding and significant grievances.

### **6.3 Te Uri o Hau Claims Process**

On March 1997, Dame Augusta Wallace was appointed presiding officer for the Waitangi Tribunal's inquiry into the Kaipara district and the remaining members of this Tribunal were appointed in June

1997.<sup>9</sup> The records of inquiry of various claims relating to the Kaipara region were combined under the reference number Wai 674 in July 1997<sup>10</sup>. The inquiry district was divided into stages 1, 2, and 3. The main Te Uri o Hau claims (Wai 229 and Wai 271) were heard by the Tribunal in stage 1.

Te Uri o Hau claimants began negotiations with the Crown. The Crown recognised the mandate of Te Uri o Hau's negotiators in June 1999, and the two parties then entered into negotiations for the settlement of Te Uri o Hau historical claims. Heads of agreement were signed in November 1999, and the proposed settlement was approved by 82.6 per cent of the participating adult members of the claimant community who were eligible to vote. On December 2000, the Crown and Te Uri o Hau signed the Te Uri o Hau Deed of Settlement Historical Claims Schedules 2000 and the Te Uri o Hau Claims Settlement Act 2002.

**Table 6.1: Te Uri o Hau Treaty Claims Process**

1840	Signing of the Tiriti o Waitangi (Treaty of Waitangi).
1839 - 1841	Investigation of early "sales". A surplus of 6,000 acres was retained by the Crown.
1842	Approximately 8000 acres at Te Kopuru was ceded to the Crown under duress.
1854	Mangawhai Block was sold to the Crown with a 10% clause inserted for the benefit of Ngati Whatua but was never upheld by the Crown.
1854 - 1865	Approximately 300,000 acres was alienated from Te Uri o Hau.
1871 - 1900	Native Land Court began title investigations in the Kaipara area. Henana Whiti and his whanau are evicted from their land and their property destroyed.
1905 - 1930	Tai Tokerau District Land Board and then the Board of Maori Affairs set up to assist Te Uri o Hau, but much of the control of those lands were placed in those departments.
1940	Kaipara Development Schemes were operating in the rohe, with very little benefit received by Te Uri o Hau.
1991 - 1997	Te Uri o Hau lodged claims Wai 229 and Wai 271 with the Waitangi Tribunal, on behalf of Te Uri o Hau. Several other whanau had also lodged claims. Te Uri o Hau presented the claims to the Waitangi Tribunal at Aotearoa Marae at Otamatea and Waikaretu Marae at Pouto.
1998 - 1999	Te Uri o Hau claimants began negotiations with the Crown. The Crown recognised the mandate of Te Uri o Hau's negotiators in June 1999 and a 'Heads of Agreement' was signed on the 20 <sup>th</sup> November. The Crown accepted that it had breached the Treaty of Waitangi and its principles in relation to Te Uri o Hau.
2000	On 12 <sup>th</sup> September, Te Uri o Hau and the Crown initiated a "Deed of Settlement" setting out the full settlement offer for ratification by its people.

<sup>9</sup> Direction appointing Dame Augusta Wallace presiding officer for claims in Kaipara area, 10 March 1997 (Wai 674 ROI, paper 2.71); direction constituting Tribunal to hear Kaipara claims, 9 June 1997. (Wai 674 ROI, paper 2.84).

<sup>10</sup> Direction concerning consolidation and aggregation of Wai 674 record of inquiry, 21 July 1997. (Wai 674, ROI, paper 292).

	In December, Te Uri o Hau Claims Settlement, later known as the Te Uri o Hau Claims Settlement Act 2002 was enacted into legislation.
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## 7. TE URI O HAU MANAGEMENT AND MARAE

### 7.1 Te Uri o Hau Settlement Trust

In 2000, Te Uri o Hau was formally acknowledged by the Crown in recognition of the alienation of Te Uri o Hau from their native ancestral lands and loss of their natural resources dating back to 1845. In 2002, the Crown accepted Te Uri o Hau's grievances through the ratification of the "Te Uri o Hau Claims Settlement Act 2002", legally formalising Te Uri o Hau Settlement Trust. The responsibility of Te Uri o Hau Settlement Trust is to provide for the environmental, cultural, social and economic well-being of Te Uri o Hau hapū, marae and whānau.

### 7.2 Environs Holdings Limited

Environs Holdings Trust (Environs) is the environmental subsidiary of Te Uri o Hau Settlement Trust which is responsible for the implementation of activities that advance the well-being of Te Uri o Hau people and their environment within the statutory area of Te Uri o Hau. Environs is mandated by the Te Uri o Hau Settlement Trust to advocate, protect, maintain and preserve the kaitiakitanga status and rights of Te Uri o Hau on behalf of the Te Uri o Hau people.

### 7.3 Te Uri o Hau Mandate

Te Uri o Hau is represented by over 7500 beneficiaries, who are the tangata whenua and Kaitiaki of its natural resources within the statutory area of Te Uri o Hau. The various whānau are versed with Ngāti Whātua and Te Uri o Hau traditional oratory which helps ensure that whakapapa is sustained for the benefit of future generations.

### 7.4 Hapū Groups

**Table 7.1: Te Uri o Hau Hapu Groups**

TE URI O HAU HAPU GROUPS		
Ngāi Tahu	Ngāti Tahinga	Ngāti Mauku
Ngāti Rangi	Ngāti Kauae	Ngāti Kaiwhare
Ngāti Kura		

### 7.5 Te Uri o Hau Marae

Te Uri o Hau have 14 marae consisting of 10 whanau marae and 4 ancestral marae centralised around inland and coastal Kaipara region. The nearest maraes in wider surrounds to the site is Oturei and Ripia (No's 5 & 8).





Figure 12: Te Uri o Hau Marae Locations

Table 7.2: Nga Marae Tukurū and Whānau Marae

	Marae	Location
1.	Naumai	Ruawai
2.	Ngatai Whakarongorua	Tinopai
3.	Oruawharo	Oruawharo (Ancestral)
4.	Otamatea	Tanoa (Ancestral)
5.	Oturei	Dargaville
6.	Parirau	Matakohe
7.	Rawhitiroa	Hukatere
8.	Ripia	Te Kopuru
9.	Te Kowhai	Ruawai
10.	Te Punga	Kaiwaka
11.	Waihaua	Arapaoa (Ancestral)
12.	Waikaretu	Poto (Ancestral)
13.	Waiohou	Tinopai
14.	Waiotea	Tinopai



## 8. ASSESSMENT ON CULTURAL VALUES

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This CEA report documents at a high level, Te Uri o Hau's cultural values, interests and associations with the area, its resources and the potential impact of the proposed activity on these. It considers the potential impacts of the proposed activity from a Te Uri o Hau cultural perspective on certain values, where applicable.

### 8.1 Cultural landscape assessment Archaeological Sites - Wāhi Tapu and Wāhi Taonga

Under section 36 of Te Uri o Hau Kaitiakitanga o Te Taiao (Environmental Management Plan) 2011<sup>11</sup> for Wāhi Tapu and Wāhi Taonga: Sacred Area and Treasures, the objectives and policies promote;

- ❖ *The protection and preservation of all urupā, Wāhi Tapu and Wāhi Taonga and archaeological sites within the statutory area of Te Uri o Hau.*
- ❖ *Respect is shown for Te Uri o Hau association with urupā, Wāhi Tapu and Wāhi Taonga, and archaeological sites within the statutory area of Te Uri o Hau.*
- ❖ *Acknowledgement of the relationship and association with Te Uri o Hau and their Wāhi Tapu, Wāhi Taonga, and archaeological sites within the statutory area of Te Uri o Hau are accurately recognised and provided for.*

The association of Te Uri o Hau to its Wāhi Tapu and Wāhi Taonga is based on their connection to the last remnants of its cultural, historical and traditional settlement left behind on the land. The values of Wāhi Tapu and Wāhi Taonga are related to those things considered culturally significant to Te Uri o Hau, in that, they are both tangible and intangible links to the past. The importance of Wāhi Tapu and Wāhi Taonga as part of Te Uri o Hau's cultural heritage is recognised by measures taken for their protection in three parliamentary Acts: Heritage New Zealand Pouhere Taonga Act 2014, the Resource Management Act 1991, and Reserves Act 1977.

Interpretation of archaeological sites within the context of traditional Maori history can provide clear evidence of traditional use of the land over many generations by particular iwi/hapu. Oral history can explain the deeper meaning of these sites and features, in terms of the people and events associated with them. Evidence of Wāhi Tapu and Wāhi Taonga gives substance to the stories, precise locations of specific activities and the details of daily activities recorded among the stories of ancestors, wars and other notable events.

#### a) Proposed Telecommunications Mast

The site where the guyed mast would be placed was pointed out by G. Aitkin. Visual observations found no signs of surface archaeology and a probe by Worthington, using a prodding rod, found no evidence of subsurface shell deposits (middens). A walk adjacent to the mast site revealed no surface evidence of middens, oven, pits or terrace formations in or near the project site.

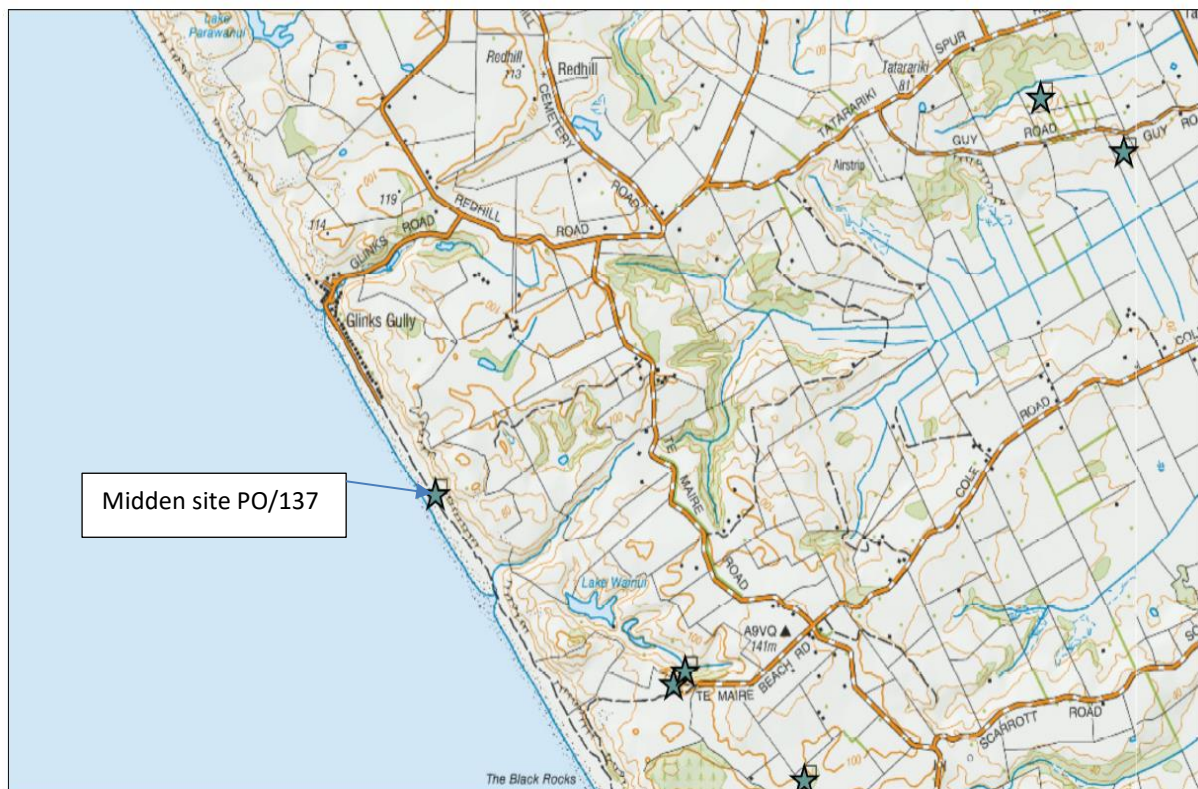
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<sup>11</sup> Te Uri o Hau Kaitiakitanga o Te Taiao (2011) Environs Holdings Limited Environmental Management Plan. Environs Holdings Limited. 3/5 Hunt Street, Whangarei, Northland, New Zealand.

The large sandhill immediately to the west of the RCG mast site, was not visited on the day. Observations looking up at the east-facing slope revealed no obvious visual signs of defensive works such as ditches, banks, palisades, and scarps, normally found on or near a coastal Pa. It is worth noting that the proposed construction works will be undertaken away from the dune hill, therefore there will be no impacts on the dune system or on the vegetation present.

A desktop analysis of the Kaipara District Plan Schedule of Sites of Significance to Maori and Heritage Buildings, Sites and Objects, and New Zealand Archaeological Association's (NZAA) Site Recordings found no recorded cultural sites on, near or within RCG site location.

The nearest archaeological site was recorded in 2000, as four small shell midden sites P08/137 situated south of Glinks Gully within the Department of Conservations land adjoining the coast (figure 13).



**Figure 13: Nearest archaeological site PO/137**

## **b) Earthworks**

Earthworks volumes, as noted in the Glinks Gully approved resource consent drawings, will be less than 50m<sup>2</sup>, and the power necessary to operate the facility will be installed through overhead powerlines from Glinks road, with no trenching involved.

Overall, any potential effects from the construction of the proposed new telecommunications facility at Glinks Gully, on Te Uri o Hau's cultural values is considered to be less than minor.

## **9. RECOMMENDATIONS**

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Te Uri o Hau has no objections with the construction of a proposed new telecommunications facility on Part Allotment 141 Parish of Te Kopuru, at 22150 Glinks Gully, while subject to the following recommendations:

### **Community Relationships**

1. RCG will foster community relationships by informing the local residence in the selected areas about the telecommunications project (i.e. through brochure, residence groups, local newspapers or websites) within the rohe of Te Uri o Hau.

### **Accidental Discovery Protocols for Archaeological Sites**

2. If archaeological remains or buried cultural deposits are encountered, such as layers of shell midden, charcoal rich or burned soils, oven stones, artefacts, RCG and its contractors shall cease all work in the immediate vicinity and Environs and Heritage New Zealand are contacted for advice on how to proceed.

### **In cases other than suspected human remains:**

3. RCG and its contractors must shut down all machinery, immediately, secure the area, then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.
4. RCG and its contractors must consult with an iwi representative (Te Uri o Hau Kaitiaki and Environs office) to determine what further actions are appropriate to safe guard the site.

### **Where human remains are suspected:**

5. RCG and its contractors must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise Te Uri o Hau/Environs of the steps taken to secure the site.
6. RCG and its contractors shall notify the Police, Heritage New Zealand, Environs Holdings Limited (who will in turn, notify the Taumata Kaunihera) and Te Uri o Hau Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
7. Excavation of the site shall not resume until the Police, Heritage New Zealand, Environs, and Te Uri o Hau representatives have each given the necessary approvals for excavations to proceed.

## Appendix 1: Glossary

Battle of Te Ika a Ranganui	1825 Battle between Ngapuhi and Ngati Whatua at Hakaru, Mangawhai
Hapu	Sub-tribe
Haumoewaarangi	Eponymous ancestor of Te Uri o Hau
Iwi	Tribe
Iwi authority	The authority that represents an iwi or hapu
Kaitiaki	To guard; to keep guardian over
Kaitiakitanga	Exercise of guardianship; and in relation to a resource includes the ethic of stewardship based on the nature of the resource itself
Kai Moana	Seafood
Karakia	Prayer
Koiwi	Human skeletal remains
Mahinga kai	Customary food /resources
Marae	Meeting house
Pa / Paa	Fortified settlement /village/site
Papatuanuku	Earth Mother
Tiro Rangatiratanga	Sovereignty, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, ownership
Ranginui	Sky Father
Rohe	Region of Interest
Tangata Whenua	People belonging to any particular place – indigenous people
Tane Mahuta	Guardian spirit of the forest
Tangaroa	Guardian of the sea
Te Uri o Hau	The descendants of Haumoewaarangi
Tupuna	Ancestor
Wāhi Tapu	Sacred areas/Reserved ground/cemetery
Wāhi Taonga	Sacred treasures
Wairoa	Water body

## Appendix 2: References

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# 2019 - 2022 Triennial Agreement

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Gavin Dawson, Governance Advisor

## Purpose/Ngā whāinga

To provide the Council with the proposed 2019 – 2022 Triennial Agreement (the “Agreement”) for adoption by the Kaipara District Council (the “Council”).

## Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Adopts the 2019 – 2022 Triennial Agreement.
- b) Delegates to the Mayor and Chief Executive the authority to approve editorial changes if required.
- c) Delegates to the Mayor the authority to sign the agreement on behalf the Kaipara District Council.

## Context/Horopaki

The Council must adopt the Agreement under Section 15 of the Local Government Act 2002. It establishes a framework, which works towards a collaborative and open approach to addressing regional issues, to avoid unnecessary duplication.

In the Northland context, the Council, Whangarei District Council, Far North District Council, and the Northland Regional Council will adopt the Agreement.

The Mayoral Forum and Chief Executives Forums worked through a consultation and drafting process, with the Agreement now ready for consideration and adoption by each council.

The Mayoral Forum intends to adopt and sign the Agreement on 24 February 2020.

## Next steps/E whaiake nei

The Mayor, under delegation from the Council, will sign the Agreement on behalf of the Council at the 24 February 2020 Mayoral Forum.

## Attachments/Ngā tapiritanga

Number	Title
A	Proposed 2019-2022 Triennial Agreement

Gavin Dawson, 28 November 2019





# TRIENNIAL AGREEMENT

**Far North District Council, Kaipara District Council, Whangarei District Council, and  
Northland Regional Council**

## 1. Purpose of the Triennial Agreement

The parties to this agreement commit to working for the good governance of their district or region by acting collaboratively to ensure that issues in common occurring within or impacting on the region are discussed openly and unnecessary duplication avoided. A Triennial Agreement is required by, and is made pursuant to, Section 15 of the Local Government Act 2002.

## 2. Commitment to a Consensus Approach

The parties:

- Acknowledge the benefits to the communities of Northland of the four councils working together in a consistent manner and wherever possible, with a united voice.
- Respect that at times our different roles and responsibilities may cause the parties to have different positions.
- Agree to endeavor to reach a consensus position on matters of common interest.
- Agree that our remaining differences will not detract from our commitment to work together cooperatively and maintain constructive relationships.

## 3. Communication and Co-ordination

Parties agree to communicate and co-ordinate their activities and be responsible for<sup>1</sup>:

- Notification of major policy discussions which may have implications beyond the boundaries of the decision-making authority;
- Application of a "no surprises" policy whereby early notification is given between local authorities concerning significant policy or programmes before public announcements are made;
- Progressing issues agreed to by the Mayoral Forum;
- Sharing resources wherever possible to gain improved efficiency, effectiveness and increased levels of customer service;
- Abiding by group decisions, subject to the relevant authority's decision making processes; and
- Working together in the best interests of the people of Northland. Emphasis is to be placed on building credible and enduring relationships with all Northland local authorities, the neighboring authority of Auckland and central government.

## 4. Framework for Regional Leadership

The parties acknowledge the progress made towards greater local authority collaboration in Northland and the benefits this provides for the region. Parties agree to continue their commitment to the collaborative working relationship through the following joint local authority forums, committee's and regional representation<sup>2</sup>.

### 4.1 Regional Leadership

#### a) Northland | Forward Together Strategic Planning Workshop

The Northland | Forward Together Strategic Planning Workshops are a collaborative forum of all elected members from the four councils. The purpose of these workshops is to provide an opportunity for elected members to meet, discuss and seek agreement on high level strategic governance priorities and direction for the region.

<sup>1</sup> Pursuant to Section 15(2)(a) of the Local Government Act 2002

<sup>2</sup> Pursuant to Section 15(2)(c) of the Local Government Act 2002

In 2015 the document called: **Northland|Forward Together** (Tai Tokerau 1 Kokiri Ngatahi) was developed. This document sets out a vision, goals and objectives for greater local authority collaboration and identifies priorities to investigate the potential for improved shared services, centers of excellence and joint procurement. This document sets the platform for the councils' ongoing collaborative relationship and further regional leadership (the document was ratified by all four councils).

The Northland|Forward Together Strategic Planning Workshops enable the Northland councils to monitor, review and update the vision, goals and objectives of Northland|Forward Together. The Northland Mayoral Forum, Chief Executives Forum and working parties established on a case-by-case basis to support the implementation of the Northland|Forward Together work programme.

#### **b) Northland Mayoral Forum**

The purpose of the Northland Mayoral Forum is to provide a forum for the Chair and Mayors of the four councils of Northland to provide regional leadership and seek local authority alignment on key strategic governance priorities for the region and its communities and address any governance issues of the day.

A core role of the Northland Mayoral Forum is to provide governance leadership, oversight and direction to drive the Northland|Forward Together work programme and priorities. Each party is responsible for reporting progress back to their respective governance bodies and seeking council approval where decisions are outside existing council decisions or management delegations.

For the avoidance of doubt, while the Mayoral Forum provides an opportunity for the Chair and Mayors to provide regional leadership and seek strategic alignment, the forum has no delegated authority to make decisions or commit council resources. Any agreements which fall outside previous council decisions or management delegations, are made on the understanding that these agreements need to be approved by respective council resolutions before any agreements can be confirmed.

#### **c) Northland Chief Executive Forum**

The purpose of the Northland CEO Forum is to provide a vehicle through which the four councils of Northland can support the work of the Northland Mayoral Forum, progress implementation and monitoring of the Northland|Forward Together programme, work on operational projects of common interest and benefit, share knowledge and consider any shared services arrangements.

#### **d) Te Kahu O Taonui (Iwi Chairs)**

The Relationship Agreement entered into between the Northland Mayoral Forum and Te Kahu O Taonui (Iwi Chairs) outlines the commitment 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.

The parties acknowledge that the Relationship Agreement does not require the parties to perform any particular action or bind them to a specific outcome, but rather to work together in mutual good faith and reasonableness. The Agreement also acknowledges that, in signing the Agreement, it does not undermine or minimize any existing or future relationships and agreements between local authorities and iwi / hapu but rather seeks to strengthen and support those relationships.

It is acknowledged that Whangarei District Council has not signed the Relationship Agreement and is therefore not a party to the Agreement.

#### **e) Iwi Local Government Agencies Chief Executives Forum**

The purpose of the ILGACE Forum is to provide a forum where local government Chief Executives and iwi Chief Executives can seek opportunities to work collaboratively to address issues and progress projects for the betterment of Tai Tokerau / Northland.

## **4.2 Joint Committees**

### **f) NRC Regional Transport Committee<sup>3</sup>**

The purpose of the Regional Transport Committee is prescribed in the Land Transport Management Act 2003 and includes the preparations, for Northland Regional Council approval, of a Regional Land Transport Plan and Regional Public Transport Plan for Northland, to monitor and review progress towards the adoption and implementation of these plans and to provide the regional council with any advice and assistance, as requested, in relations to regional council's transport responsibilities.

Membership of this committee includes one representative nominated by each district council and two members from the regional council appointed as Chair and Deputy Chair (and their alternates).

### **g) Northland CDEM Group<sup>4</sup>**

The Northland Civil Defence Emergency Management Group (CDEM) is established as a joint standing committee of Northland councils and is responsible for the conduct of the CDEM functions of the Group, setting the strategic direction via the CDEM Group plan, approving annual work programmes, conducting joint management of civil defence events and monitoring and reporting on progress.

Membership of this committee includes one representative (and their alternates) nominated by each of the local authorities.

## **4.3 Representation and Communication**

### **h) LGNZ Zone 1 Representation**

Zone meetings provide an opportunity for councils to provide information and advice and highlight issues and concerns affecting Northland with the National Council. It also provides an opportunity to receive sector information and advise the National Council in dealing with national issues. In making appointments to LGNZ National Council, parties will consider the need to provide for rotational representation.

### **i) UNISA**

The Upper North Island Strategic Alliance (UNISA) comprises Auckland Council, Bay of Plenty Regional Council, Northland Regional Council, Waikato Regional Council, Hamilton City Council, Tauranga City Council and Whangarei District Council. These seven parties have committed to a long-term collaboration for responding to and managing a range of inter- regional and inter-metropolitan issues.

UNISA has agreed to regularly update all the territorial authorities from the Upper North Island following each Governance Group meeting, with each of the Regional Councils taking responsibility for communicating with the territorial authorities in their Region. The Northland Regional Council will provide regular updates and reports through the Mayoral Forum and CEO Forum with each territorial authority responsible for updating their own governance bodies.

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<sup>3</sup> Established pursuant to Part 2, Section 105(2) and (6) of the Land Transport Management Act 2003.

<sup>4</sup> Pursuant to Section 12 of the Civil Defence Emergency Management Act 2002 and Schedule 7, Clause 30 of the Local Government Act 2002.

## **5. One Voice Advocacy Programme**

The One Voice Advocacy Programme was established as part of the Northland | Forward Together initiative, with the aim of coordinating and aligning local authorities voice both to inform our local community and through communication with Wellington and at a national level on key regional issues.

## **6. Regional Policy Statement<sup>5</sup> and Regional/ District Plans (RMA)**

This part of the Agreement applies to the regional council when reviewing or changing the regional policy statement or regional plans and also applies to district councils when reviewing or changing district plans, under the Resource Management Act (RMA)<sup>6</sup>.

When reviewing or changing their plans, all councils will operate on the principle of 'no surprises' -whereby early and meaningful consultation across all stages of plan development will occur. The party promoting the plan shall initiate and manage the agreement actions, and four stages of interaction and consultation, as outlined in Appendix 1. Early notice will be given over any disagreements between councils concerning policy or programmes, and prior to any critical public announcements being made.

The parties agree that respective staff who represent the region / district on any national working groups will report directly or indirectly to the Chief Executive Forum on the activities and decisions of those groups.

## **7. New Regional Council Activities**

Under Section 15(2)(b) of the Local Government Act, a Triennial Agreement must include a statement of the process for consultation on proposals for new regional council activities. The Northland Regional Council will follow the process outlined in Section 16 of the Local Government Act 2002.

## **8. Meeting Times and Servicing the Triennial Agreement**

- The Northland|Forward Together Strategic Planning Workshops will occur quarterly, with the location and hosting to be rotated between the parties (hosting council sets the agenda and chairs the forum).
- The Northland Mayoral Forum and CEO Forum will meet quarterly, with the location and hosting to rotate between the parties.
- The Chair for the Mayoral Forum and CEO Forum will be selected at their respective inaugural meetings and remain in place for the triennium unless otherwise agreed. When appointing a Chair consideration will be given to the need to rotate the chair role between parties.
- The Northland Regional Council will provide secretarial services and media support to the Northland Mayoral Forum and CEO Forum.
- In the event of a disagreement over the terms of this Triennial Agreement, the parties agree to refer the issue of disagreement to mediation for non-binding resolution. If no agreement on a mediator is forthcoming a mediator will be appointed by the President of the Auckland District Law Society.

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<sup>5</sup> Under Section 3A of the First Schedule of the Resource Management Act, a Triennial Agreement must include agreement on the consultation process to review or change a policy statement.

<sup>6</sup> Where this Agreement refers to 'Plan', read also plan or policy statement change and variation.

## AUTHORITY

This agreement is signed on \_\_\_\_\_, by the following on behalf of their respective authorities.

Mayor

Mayor

Mayor

Chair



## Appendix 1: RMA Regional Policy Statement and Regional/ District Plans

The Agreement, and this appendix for RMA RPS and plans, aims to:

- ensure good practice and early consultation between councils during plan preparation, changes and review;
- avoid possible misunderstandings of respective roles and statutory obligations;
- clearly define when comments and/or submissions by either party are appropriate; and
- establish an agreed process to be followed, including expectations and timeframes.

There are four stages of interaction and consultation:

- pre-plan
- draft plan (a matter of best practice rather than legally required)
- notified plan
- appeal to Environment Court.

### *1. Pre Plan*

In this stage, all parties will take full advantage of the opportunity to fully understand each other's position, provide initial assessments of issues or matters likely to be of concern and explore techniques and methods to achieve the desired outcomes.

This phase will focus on significant points of difference. Effort will be spent on resolving these differences. Minor points of difference will not get in the way of the parties dealing with the significant ones.

Once the reasons for the plan are understood and the areas of difference are established then the parties will decide if further progress can be made to resolve these differences and a process and timeframe to move forward will be established and these matters will be recorded.

### *2. Draft Plan*

When a plan reaches **a draft stage** and **before it has been approved for notification by council** for formal statutory consultation, it shall be forwarded to councils in the region for their comment (i.e. this phase occurs before public notification of a proposed Plan). This stage may be formal or informal. (It can occur alongside consultation with the wider community.)

A presentation to affected councils on the draft plan will, where possible, occur. Council

comments on a draft plan will usually be:

- discussed with or reported to the council, and
- represent the organisational view.

To avoid confusion, and for transparency, comment should include a summary of any positions reached in pre-consultation. Comments should relate to policy implications (and assuming the above process has been followed) they should highlight the points of difference already identified. Comments should clearly distinguish between significant and more general matters.

Comments by the regional council or district councils on other council's plans should be clearly referenced to the council's LTP and/or any relevant policy or operational document (including existing or emerging growth strategies and models). All comments made should explain the impacts on the council in terms of cost, practicality, necessity and reasonableness in sufficient detail to be credible and stand scrutiny, i.e. in such a way that can be used in a section 32 RMA analysis. In making comments councils should also highlight how the plan can meet the relevant council's statutory functions and responsibilities while addressing or taking on board the submitting councils comment.

Matters not resolved at this stage are likely to be the subject of formal submissions. Unless the draft plan changes significantly, no new issues would be expected to arise once the plan is notified.

Senior managers of the councils involved will review the position reached and satisfy themselves that the procedural requirements have been followed and all reasonable steps have been taken to resolve matters still in dispute. If a senior manager, in consultation with their Chief Executive Officer, is not satisfied then the matter may be escalated to the council's respective governance level.

### *Stage 3 Notification*

Submissions in opposition from a party should not be a surprise and should relate only to significant matters already commented on, unless the plan has been materially changed between draft and notification.

A second tier manager will carefully review any submission prior to its approval to ensure:

- it is well founded in terms of policy or other relevant criteria
- it is a significant matter on its own or gives rise to significant implications for the council in carrying out its responsibilities and/or implementing its policy
- it specifies a means of relief that is appropriate.

All district council submissions (except further submissions) on a change to the RPS, of submissions to the new regional plan will be approved by the relevant council.

All regional council submissions (except further submissions) on proposed (new) district plans will be approved by the regional council (time permitting).

Given that significant matters are involved to justify a submission; relevant staff are expected to appear at the hearing.

### *Stage 4 –Environment Court*

By this stage every effort will have been made to resolve significant differences efficiently and cost effectively.

Mediation will be used where parties genuinely wish to find common ground. At times a Court decision will be preferred or will be necessary, for example where a point of law or a difference of professional opinion is at issue.





## Delegations Register update November 2019

**Meeting:** Kaipara District Council  
**Date of meeting:** 25 November 2019  
**Reporting officer:** Louise Miller, Chief Executive

### Purpose/Ngā whāinga

To update some statutory functions of the Chief Executive to delegated authorities within Kaipara District Council.

### Executive summary/Whakarāpopototanga

This Report seeks Council approval to amend the Delegations Register for the following reasons:

- 1 Reflecting restructured Executive Team job titles and responsibilities with appropriate delegations to these job positions. Since the last Delegation Report there have been some small changes to the Tier 3 structure and job titles, also included, and we've closed some gaps within the CE Delegations Register to build in shared delegations for continuity purposes.
- 2 Increasing KDC Procurement and Contract Management for infrastructure services to enable the General Manager Infrastructure Services delegated authority to \$300,000 [from \$100,000], the difference currently with the Chief Executive to approve.
- 3 Enhance KDC Procurement and Digital Transformation Management, enabling the IT Manager a procurement expenditure value to \$50,000 for IT software, hardware, telecommunications, and consultancy where required.

Informing a change of one bank signatory in the Delegations Exclusions and Miscellaneous register.

### Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the revisions to the Delegation Register as specified in the six referenced documents circulated as Attachments 2 - 7 to the 'Delegations Register Update November 2019' report.

### Context/Horopaki

Delegations ensure Council is operating in a compliant, timely and effective manner when undertaking business as usual operations.

The Chief Executive holds ultimate responsibility for the decision-making delegated.

The Delegations in the current form were first adopted by Council on 28 October 2014. An Officer Delegations Policy and Delegations Register was approved by Council at that time.

The Delegations Register details the ability of the Chief Executive to undertake day to day matters relating to Council with reference to statutory provisions and/or functions efficiently. Any and all amendments, additions or deletions to the statutes or functions undertaken by the Chief Executive under delegation must be authorised by Council resolution.

Council delegations were last updated in July 2019 when changes were made to several job titles, changes under the Food Act 2014, increases to General Manager expenditure delegation, and general tidying up of the Register.

## Discussion/Ngā kōrerorero

### Options

Option A: Approve the proposed delegation updates noted in the Executive Summary. The specific detail of items changing are highlighted in red on attachments 2 - 7 with this report.

Item 1 – new titles and responsibilities

Item 2 – increased procurement expenditure limit for the General Manager Infrastructure Services. This delegation is being recommended as the General Manager Infrastructure is responsible for the capital strategy and expenditure of our infrastructure services, and manages the patterns, budgets, constraints and extensions required for each project. The projects in our Annual Plan and Long Term Plans are already agreed upon, therefore this delegation rationalizes effective and efficient coordination of decision making and delivery. The value is also in step with the delegated authority of the equivalent position at WDC (\$250k).

Item 3 – a broader enablement of expenditure for the IT Manager

Item 4 – for information purposes only, the change of signatory.

Option B: Decline one or more of the delegation updates.

If item 1 is declined Delegations Register functions will be inconsistent with Council's structure and business responsibilities.

### Financial implications

There is no direct financial impact to Council as a result of approving the updates of internal processes associated with these delegations. All budgets associated with any operational and capital spending are approved through the Annual Planning, Long Term Planning or approved forecasting and is undertaken in compliance with the Procurement and Contract Management Manual.

## Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

## Next steps/E whaiake nei

When approved, these changes will be formally updated in the Delegation Register and distributed to the Executive Team for continued compliance and review.

## Attachments/Ngā tapiritanga

Number	Detail of delegation change for approval
2	MC 20191125 Delegations Register update November 2019 RMA Delegations Att 2
3	MC 20191125 Delegations Register update November 2019 LGRA Delegations Att 3
4	MC 20191125 Delegations Register update November 2019 Rating Policy Delegations Att 4
5	MC 20191125 Delegations Register update November 2019 CE Delegations Att 5
6	MC 20191125 Delegations Register update November 2019 CE Financial Delegations Att 6
7	MC 20191125 Delegations Register update November 2019 Exclusions or Miscellaneous Att 7

Jackie Waymouth, 25 November 2019





Delegations pursuant to section 34A of Resource Management Act 1991		
Pursuant to Section 34A(1) of the Act the Kaipara District		
Abbreviations: General Manager Engagement and Transformation (GME&T) Regulatory Planning and Policy (GMRPP), General Manager Sustainable Growth and Investment (GMSG&I), General Manager Customer Experience (GMCE), Policy Manager (PM), Policy and Planning Manager (PPM), Regulatory Manager (RM), Major Projects Lead (MPL), Planning Team Leader (PTL), Principal Planner, Senior Planner, Senior Resource Planner, Planner, Graduate Planner (P), Regulatory Officer or Post Approval Officer (PAO), Planning Technical Support Officer (PTSO), Land Information Memorandum Officer (LIMO), Monitoring and Compliance Team Leader (MCTL), Senior Policy Analyst (SPA), Senior Policy Planner (SPP), Policy Analyst (PA), Policy Planner (PP), District Planner (DP)		
Section	Description	Delegated to
10(2)	Grant an extension of time.	GMSG&I, PPM, MPL, PTL, P, PM
32(1) and (2)	Evaluate practical option, assess efficiency and effectiveness and reasons as well as benefit for economic social and cultural effects as well as economic growth and employment advantages.	GME&T, GMSG&I, PA, DP, SPA, SPP, PP, PPM, PM
32(3)	Carry out an evaluation (if a new proposal will amend an existing proposal) to examine the provisions and objectives of the amending proposal and the extent to which objectives of the existing proposal are relevant to the objectives of the amending proposal and would remain if the amending proposal were to take effect.	GME&T, GMSG&I, PA, DP, SPA, SPP, PP, PPM, PM
32(4)	Be satisfied that the evaluation has adequately taken into account the benefits and costs of policies, rules or other methods, and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other matters.	GME&T, GMSG&I, SPA, PP, DP, SPA, SPP PPM, PM
32(5)	Make evaluation report available for public inspection as soon as practicable after the proposal is made (in the case of a standard or regulation) or at the same time as document is publicly notified.	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM
34A (1) and (1A)	Delegation to employees Commissioners and Iwi consultation on commissioners	To be Determined
35(2)(b)	Gather information and undertake or commission research as necessary to monitor the efficiency and effectiveness of policies, rules, or other methods in the District Plan.	GME&T, GMSG&I, GMCE, GMC, SPA, SPP, PP, MRC, TLRC, RM, PM
35(2)(d)	Monitor the exercise of the resource consents that have effect in the Kaipara district.	GME&T, GMSG&I, GMCE, PA, DP, SPA, SPP, PPM, MPL, PTL, RM, PM, P, MCTL, PP
35(2A)	Compile and make available to the public a review of the results of monitoring under subsection (2)(b) at intervals of not more than five years).	GME&T, MCTL, PPM, MPL, PTL, P, PP
37(7), 36AAB(1)	Remit the whole or any part of a charge of the kind referred to in section 36.	GME&T, GMSG&I, GMCE, PPM, MPL, PTL, P, PA, DP, SPA, SPP, PM
36(5)	Require payment of additional charge where fixed charge inadequate to recover actual and reasonable costs.	GME&T, GMSG&I, GMCE, PAO, PPM, MPL, PM
	Provide an estimate of additional charge, on request.	GME&T, GMSG&I, GMCE, PAO, PPM, MPL, PTL, PP, RM
36AAB(2)	Ability not to perform an action to which a charge relates until charge has been paid	GME&T, GMSG&I, GMCE, PAO, PPM, MPL, PM
37(1)	Extend or waive compliance with a time limit specified in the Act or in regulations . Note: section 37A places constraints upon waivers and extensions of time.	GME&T, GMSG&I, GMCE, PAO, PPM, MPL, PTL, P, PTSO, RM
37(2)(a)	Waive compliance with procedural requirements and requirements to provide information where there are inaccuracies or omissions. Note: section 37A places constraints upon waivers and extensions of time.	GME&T, GMSG&I, GMCE, PAO, PPM, MPL, PTL, PA, PM
37A(6)	Determine and notify those persons who are directly affected by the extension or waiver of compliance with a time limit, method of service or service of a document.	GME&T, GMSG&I, GMCE, PAO, PPM, MPL, PTL, P, PA, PM
38	Authorise and supply a warrant to carry out the following functions and powers as an enforcement officer: 1. Direct a person to give his or her name and address; and to give the name and address and whereabouts of any other person on whose behalf the person is breaching or has breached the obligations under Part 3 of the Act – section 22. 2. Issue and serve an abatement notice – section 322. 3. If a person against whom an abatement notice is given under section 322(1)(c) fails to comply with the notice, exercise the powers of entry and enforcement conferred by section 323. 4. Issue an excessive noise direction pursuant to section 327. 5. Request a constable, pursuant to section 327, to issue an excessive noise direction. 6. If a person against whom an excessive noise direction is made fails to comply immediately with that notice, to enter (accompanied by a constable) the place without further notice and, with such assistance as is reasonably necessary, enforce compliance with the notice by any of the means specified in section 328(3), (4), (5), and (6). 7. Apply for a warrant pursuant to section 334, and execute any warrant issued pursuant to section 332. 8. Exercise the power of entry for inspection, and to take samples pursuant to section 332. 9. Exercise the power of entry for inspection, and to take samples pursuant to section 333. 10. Issue an infringement notice.	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, P
41B	Authority to direct that evidence be provided before the hearing	GME&T, GMSG&I, PPM, MPL, PTL, RM, PM, DP, SPA, SPP
41C(1)	Authority to direct certain procedural aspects of the hearing before or at the hearing	GME&T, GMSG&I, PPM, MPL, PTL, RM, PM, DP, SPA, SPP Hearings Commissioners
41C(2)	Authority to request a party who made a submission to provide further evidence before or at the hearing	GME&T, GMSG&I, PPM, MPL, PTL, RM, PM, DP, SPA, SPP Hearings Commissioners

Section	Description	Delegated to
42D	The authority to strike out submissions	GME&T, GMSG&I, Hearings Commissioners
42(1)(a)	Protection of sensitive Maori information	GME&T, GMSG&I, GMCE, Iwi Liaison, IT GIS, PPM, RM, PM
42(1)(b)	Protection of sensitive information commercial	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM
42(2)(a)	Make an order that a hearing be held with the public excluded.	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM
42(2)(b)	Make an order prohibiting or restricting the publication or communication of any information supplied or obtained in the course of any proceedings.	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM
42A(1AA)	Require an officer or commission a consultant or any other person to prepare a report on information provided on any matter described in section 39(1) by the applicant or any person who made a submission.	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM, DP, SPA, SPP
42A(5)	Waive requirement to provide copy of report or give notice that it is available at the office.	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM, DP, SPA, SPP
86B(1)(b), (2)(b) and (4)	Notification of legal effect of rules or if recinded through clause 10(4) of Schedule 1	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM
86C(2)	Notification of decision to rescind rules related to immediate legal effect	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM, DP, SPA, SPP
86D(2)	Make application to the Environment Court for a rule to have legal effect from a date other than the date on which the decision on submissions relating to the rule is made and publicly notified under clause 10(4) of Schedule 1.	GME&T, GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM, PM
87E	Make decision to return, decline or grant a request to transfer to the Environment Court an application for resource consent or application for a change or cancellation of consent condition.	GMSG&I, GMCE, MCTL, PPM, MPL, PTL, RM
88(3) & 149Z(2)	Determine that an application is incomplete and return the application to the applicant, with written reasons for the determination. However if the matter is referred under section 149Y(3), the application must be treated as if— (a) it had been made to the local authority under section 88(1); and (b) it had been lodged on the date that the local authority received notification from the EPA under section 149Y(3); and (c) section 88(3) did not apply to the application.	GMSG&I, PAO, PPM, MPL, PTL, P
87BA	Determine that activity meets the criteria for a consent exemptions for a permitted 'boundary activities' and issue notices for permitted 'boundary activities'.	GMSG&I, PAO, PPM, MPL, PTL, P
87BB	Determine that an activity meets the criteria for a consent exemption for a permitted 'marginal or Temporary activities' and issue notices for permitted 'marginal and temporary activities'.	GMSG&I, PAO, PPM, MPL, PTL, P
91(1)	Determine not to proceed with the notification or hearing on an application for a resource consent.	GMSG&I, PAO, PPM, MPL, PTL
91(2)	Notify the applicant of the determination.	GMSG&I, PAO, PPM, MPL, PTL, P
92(1)	Request the applicant for the consent to provide further information relating to the application.	GMSG&I, PAO, PPM, PTL, P, PP
92(2)	Determine if the activity for which the resource consent is sought may have a significant adverse environmental effect. Commission a person to prepare a report on any matter relating to an application in particular circumstances.	GMSG&I, PAO, PPM, MPL, PTL, P
92(3)	Council must notify the applicant, in writing, of its reasons for:  (a) requesting further information under subsection (1); or (b) wanting to commission a report under subsection (2).	GMSG&I, PAO, PPM, MPL, PTL, P
92A(2)	Decide a reasonable time limit to provide the information and notify the applicant of it.	GMSG&I, PPM, MPL, PTL, P
92A(3)	Determine an application under section 104 even if applicant does not respond to section 92(1) request.	GMSG&I, PPM, MPL, PTL
92B(2)	Determine an application under section 104 even if applicant does not respond under subsection(1) or agree to commissioning of report.	GMSG&I, PPM, MPL, PTL
95	Determine whether to notify an application.	GMSG&I, PPM, MPL, PTL
95A & 95D	-Determine whether to publicly notify resource consent application; <sup>2</sup> and -Determine whether an activity will have or is likely to have adverse effects on the environment that are more than minor	GMSG&I, PPM, MPL, PTL, P
95B & 95E	Determine whether there are any affected persons in relation to an activity.	GMSG&I, PPM, MPL, PTL, P
95B & 95F	Determine whether there are any affected protected customary rights groups in relation to an activity.	GMSG&I, PPM, MPL, PTL, P
98	Provide the applicant with a list of all submissions received.	GMSG&I, PPM, PAO, PTSO, MPL, PTL, P
99	Determine if Council should have a pre-hearing meeting.	GMSG&I, PAO, PPM, MPL, PTL, P, PTSO
99(1)	Invite or require a consent applicant and some or all of the persons who have made submissions on the application to attend a meeting.	GMSG&I, PAO, PPM, MPL, PTL, P, PTSO
99(4)(a)	Determine if the person who has the power to make the decision on the application that is the subject of the meeting should be able to attend and participate.	GMSG&I, PAO, PPM, MPL, PTL, P
99A	Refer to mediation a resource consent applicant and some or all of the persons who have made submissions on the application.	GMSG&I, PAO, PPM, MPL, PTL, P
100	Determine if a hearing is required.	GMSG&I, PAO, PPM, MPL, PTL, P
101	Organise the commencement date and time and the place of the hearing and notify parties.	GMSG&I, PPM, PAO, MPL, PTL, P, PTSO
102(1)(a)	Determine (with the other authorities) whether a joint hearing is unnecessary.	GMSG&I, PAO, PPM, MPL, PTL, P

Section	Description	Delegated to
103(1)(a)	Determine if the applications are sufficiently unrelated so that it is unnecessary to hear and decide the applications together.	GMSG&I, PPM, MPL, PTL, P
104(6)	Decline an application for a resource consent where information is inadequate to determine application.	GMSG&I, PPM, MPL, PTL
104A-D, 105, 106, 107, 108, 108A, 149Z and 220	Decisions on applications for resource consents that are not notified under section 95A, and for which notice is not required to be served under section 95B; or for applications notified under section 95A, or where notice is required to be served under section 95B when: <ul style="list-style-type: none"> <li>• No submissions have been received, or</li> <li>• No request is made for a hearing, or</li> <li>• The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed and, therefore, they no longer want to be heard.</li> </ul>	GMSG&I, PPM, MPL, PTL, P
108A(3)	Determine that an adverse effect may continue or arise after the expiration of a resource consent and require that the bond continue for a specified period.	GMSG&I, GMCE, PAO, PPM, MPL, PTL, MCTL, RM
109(4)	Extend bond period.	GMSG&I, GMCE, PAO, PPM, MPL, PTL, MCTL, RM
114	Serve notice of decision.	GMSG&I, PAO, PPM, MPL, PTL, P
115		
124(3)	Determine that holder of resource consent, who has applied for new consent, continue to operate under existing resource consent.	GMSG&I, PAO, PPM, MPL, PTL
125(1A)(b)	Determine an application for an extension.	GMSG&I, PPM, MPL, PTL
126	Cancel a resource consent by written notice served on the consent holder. Revoke a notice to cancel a resource consent and state a period after which a new notice may be served.	GMSG&I, PPM, MPL, PTL
127 & 149Z(8)	Determine an application to change or cancel a condition of a resource consent. However if the matter is referred under section 149Y(3), the application must be treated as if it had been— (a) made to the local authority under section 127; and (b) lodged on the date that the local authority received notification from the EPA under section 149Y(3).	GMSG&I, PPM, MPL, PTL
128	Serve notice of intention to review conditions of a resource consent.	GMSG&I, MCTL, PPM, MPL, PTL, RM
130	Determine whether a review needs to be notified.	
132	Change conditions of resource consent on a review.  Cancel a resource consent following a review.	GMSG&I, PPM, MPL, PTL, MCTL, RM
133A	Issue an amended consent that corrects minor mistakes or defects in the consent.	GMSG&I, PPM, MPL, PTL
138	Accept or refuse to accept the surrender of a resource consent.	GMSG&I, PPM, MPL, PTL
139	Issue or decline to issue a certificate of compliance.  Determine that further information is necessary to determine whether the activity can be lawfully done in the particular location without a resource consent complies with the plan and requires an applicant for a certificate of compliance to provide further information relating to the request.	GMSG&I, PPM, MPL, PTL
139A	Issue existing use certificates. Determine information needed to decide whether to issue the certificate. Require an applicant to provide any further information needed. Revoke an existing use certificate.	GMSG&I, PPM, MPL, PTL
142(1)(b)	Request Minister to make a direction for a matter lodged with Council.	GME&T,
142(4)	Provide views to the Minister on a request for a matter of national significance to be called in and indicate Council's capacity to process the matter.	GME&T,
145(2), (3) or (4)	Lodge a matter with the Environmental Protection Authority	GME&T,
147(4)	Provide views to the Minister on a recommendation from the Environmental Protection Agency and indicate Council's capacity to process the matter.	GME&T,
149	Respond to request from Environmental Protection Authority for further information.	GME&T, GMCE, PA, DP, SPA, SPP, PP, PPM, PM
149B	Provide Environmental Protection Authority with required information.	GME&T, PA, DP, SPA, SPP, PP, PM
149E & 149F	Make submission and further submissions to the Environmental Protection Authority.	GME&T, PM
149G(3)	Prepare report when commissioned by Environmental Protection Authority.	GME&T, PA, DP, SPA, SPP, PP, PM
149I(1)	Withdraw a change or variation.	GME&T, GMSG&I, PA, DP, SPA, SPP, PM
149K(2)	Suggest members for a Board of Inquiry.	GME&T,
149M(3)	Provide Council views to Board of Inquiry on whether the Board ought to accept or reject a request.	GME&T,
149M(4)(b)	Prepare proposed plan or change.	GME&T, GMSG&I, PM
149O(3)(a)	Make submission on proposed plan or plan change.	GME&T, GMSG&I, PPM, PM
149Q	Make comments on minor or technical aspects of draft report from Environmental Protection Authority.	GME&T, GMSG&I, PPM, PM
149W(2)(a)	Implement decision of Board of Inquiry or Environment Court about proposed regional plan or change or variation (Note: section 149W(b) & (c) may only be delegated to a relevant Council committee).	GME&T, PM
149ZC	Make submission to Environmental Protection Authority.	GME&T, PM
149ZD(1)	Determine whether to recover from an applicant actual and reasonable costs incurred by Council in complying with Part 6AA of the Resource Management Act 1991.	GME&T, PM
149ZD(7)	Object to requirement to pay costs under section 149ZD.	GME&T, PM
168	Give notice of a requirement for a designation. Withdraw a requirement for a designation.	GM Infrastructure Services
168A & 149Z(4)	Process and decide on Notice of Requirement by Council when:	

Section	Description	Delegated to
	<ul style="list-style-type: none"> <li>No submissions have been received, or</li> <li>No request is made for a hearing, or</li> <li>The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard.</li> </ul> <p>However if the matter is referred under section 149Y(3), the local authority must instead comply with section 168A or 181 (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.</p>	GME&T, GMSG&I, DP, SPA, SPP, PA, PP, PPM, MPL, PTL, PM
168A	Notify a requirement in accordance with sections 95A to 95G.	GMSG&I, PA, PAO, PPM, MPL, PTL, PM
	Confirm, modify, impose conditions upon or withdraw a requirement.	
169	Process of further information requests, notification, submissions and hearing apply to the notice of requirement.	GMSG&I, PPM, MPL, PTL, P, PM
170	Consent to requirement being included in proposed plan.	GME&T, PM,
171	Recommend that a requirement be confirmed, modified, subject to conditions, or withdrawn.	GME&T, PM
172	Accept, modify or reject a recommendation under section 171 or modify a requirement	GME&T, PM
173(1)	Serve a notice of decision and a statement of the time within which an appeal against the decision may be lodged on	GME&T, GMSG&I, PPM, MPL, PTL, PM
	(a) persons who made a submission; and	
	(b) landowners and occupiers directly affected by the decision.	
174	Initiate an appeal against a decision of a requiring authority.	GME&T, PM
175(2)	Incorporate the designation into the District Plan without using Schedule 1	GME&T, PM, DP, SPA, SPP
176(1)(b)	Authority to provide written consent as Requiring Authority for Council designations	GM Infrastructure Services
176A	Consider an outline plan of any public work, project or work to be constructed on designated land and request changes before construction is commenced.	GMSG&I, PAO, PPM, MPL, PTL, P, PM
	Waive requirement for an outline plan.	
181 & 149Z(4)	Alter a designation in the district plan or a requirement in a proposed district plan. However if the matter is referred under section 149Y(3), the local authority must instead comply with section 168A or 181 (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	GME&T, DP, SPA, SPP, PP, PM
182(2) and (5)	Remove or to remove part of a designation or heritage order.	GME&T, GMSG&I, PPM, PM
184 and 184A	Consent to extension of designation.	GME&T, GMSG&I, PPM, PM
189	Give notice of a requirement for a heritage order.	GME&T, GMSG&I, PPM, PM
189A & 149Z	Process, determine notification and decide on notice of requirement for a heritage order by Council when: <ul style="list-style-type: none"> <li>No submissions have been received, or</li> <li>No request is made for a hearing, or</li> <li>The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard.</li> </ul>	GME&T, GMSG&I, PA, DP, SPA, SPP, PP, PPM, PM
190	Decide on whether to notify a notice of requirement for a heritage order. Process further information requests, notification, submissions and hearing apply to the notice of requirement.	GME&T, PA, DP, SPA, SPP, PP, PPM, PM
190	Notify a requirement.	GME&T, PA, PM, DP, SPA, SPP
191	Recommend that a requirement be confirmed (with or without conditions) or withdrawn.	GME&T, PA, PM, DP, SPA, SPP
192	Powers under sections 172, 170, 173, 174, 175 and 180 which apply to designations apply in respect of notice of requirement for a heritage order.	GME&T, PA, PM, DP, SPA, SPP
193	Consent to do anything that would wholly or partly nullify the effect of the heritage order.	GME&T, PA, PM, DP, SPA, SPP
193A	As authority responsible for earlier order or designation, consent to heritage protection authority responsible for later heritage order to do anything in accordance with that heritage order. Authority responsible for earlier order or designation may do anything in accordance with earlier order or designation without prior consent.	GME&T, PA, PM, DP, SPA, SPP
195A & 149Z(6)	Alter heritage order (applies to both applications to and those by Council). However if the matter is referred under section 149Y(3), the local authority must instead comply with section 189A or 195A (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	GME&T, PA, PM, DP, SPA, SPP
198C	Determine request under section 198B.	GME&T, PA, PM, DP, SPA, SPP
198D (3)(4) & (5)	Prepare and serve report on requirement.	GME&T, PA, PM, DP, SPA, SPP
198E(4)	File section 274 notice in respect of a notice of motion lodged with the Environment Court.	GME&T, PM
198H	Decision to refer a requirement to the Environment Court for decision.	GME&T, PM
198J & 198M(1)(a)	Prepare report and suggested conditions and	GME&T, PA, DP, SPA, SPP, PPM, MPL, PTL, P, PM
	Serve submitters with report.	
198K(1)	Lodge notice of motion and supporting affidavit with the Environment Court and serve a copy of the notice of motion and affidavit on every person who made a submission.	GME&T, PA, PM, DP, SPA, SPP
220	Determine conditions on a subdivision consent.	GMSG&I, PAO, PPM, MPL, PTL, P
	Consult the Registrar-General of Land in relation to the practicality of any condition proposed under section 220(1)(b).	
221	Issue a consent notice.	GMSG&I, PAO, PPM, MPL, PTL, P
	Vary or cancel condition in a consent notice.	
222	Issue completion certificates.	GMSG&I, PAO, PPM, MPL, PTL, P
	Extend the period for completion of works or making a financial contribution.	
223	Approve or decline survey plans.	GMSG&I, PAO, PPM, MPL, PTL, P
224	Provide certificate under section 224(c) to Registrar-General of Land.	GMSG&I, PAO, PPM, MPL, PTL, P
	Provide certificate under section 224(f) to Registrar-General of Land.	



Section	Description	Delegated to
226	Provide certificate under section 226(e) to Registrar-General of Land.	GMSG&I, PAO, PPM, MPL, PTL, P
234	Determine an application to vary or cancel an instrument creating an esplanade strip.	GMSG&I, PAO, PPM, MPL, PTL, P
235	Agree to creation of an esplanade strip.	GMSG&I, PAO, PPM, MPL, PTL, P
237	Approve a separate survey plan for an esplanade reserve or esplanade strip.	GMSG&I, PAO, PPM, MPL, PTL, P
237B	Agree to acquire an easement for access.	GMSG&I, PAO, PPM, MPL, PTL, P
	Agree to cancel or vary an easement for access.	
237C	Close an esplanade reserve or access strip during periods of emergency or public risk and adequately notify closure	GMCE, MCTL, RM
237D	Agree to an esplanade reserve being administered by the Minister of Conservation or regional council.	NOT DELEGATED
	Agree to the bed of any river or lake being vested in the Minister of Conservation or regional council.	
237H	Accept or object to registered valuer's determination of compensation.	GMSG&I, PPM
239(2)	pursuant to s239(2) of the Resource Management Act 1991 the [easement or other interest] specified in the attached Annexure Schedule, which affects an allotment to vest as reserve, shall remain with the land upon deposit of the plan	GMSG&I, PPM, PAO
240(4)	Cancel amalgamation covenant in whole or part.	GMSG&I, PPM, PAO, MPL, PTL, P
241(3)	Cancel an amalgamation condition.	GMSG&I, PAO, PPM, MPL, PTL, P
243	Grant or revoke an easement condition in whole or part.	GMSG&I, PAO, PPM, MPL, PTL
245	Approval of a plan of survey of reclamation.	GMSG&I, PAO, PPM, MPL, PTL
274(2) & (3)	Give notice of intention to become party to proceedings.	GME&T, GMSG&I, PPM, PM
292(2)	Remedying defects in plans	GME&T, PM, DP, SPA, SPP
294	Application to Environment Court to order rehearing of proceedings by the Court	GME&T, PM
311	Apply to the Environment Court for a declaration subject to advising Commissioners prior to actioning.	GME&T, PM
316	Apply for an enforcement order.	GMCE, MCTL, RM
320	Apply for an interim enforcement order.	GMCE, MCTL, RM
321	Apply to the Environment Court to change or cancel an enforcement order, if directly affected by it.	GMCE, MCTL, RM
325A	Change or cancel an abatement notice.	GME&T, GMSG&I, GMCE, MCTL, PPM, RM
330(2)	Determine that:  (a) any public work for which the Council has financial responsibility; (b) any natural and physical resource or area for which the Council has jurisdiction under the Act;  (c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167; or (ca) any service or system that any lifeline utility operates or provides— is affected by or likely to be affected by - (d) an adverse effect on the environment which requires immediate preventive measures; or (e) an adverse effect on the environment which requires immediate remedial measures; or (f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property.  and in such case, without prior notice, enter any place (including a dwelling house when accompanied by a constable) and take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency;	GME&T, GMSG&I, GMCE, COO, GM Infrastructure Services, WWM, RM, Water Services Manager  General Manager Infrastructure Services  Roading Manager
332	Authorise enforcement officer to enter for the purpose of inspection.	GMSG&I, GMCE, MCTL, PPM, RM
333	Authorise enforcement officer to carry out surveys, take samples and enter onto land.	GMSG&I, GMCE, MCTL, PPM, RM
334	Apply for warrant for entry and search of any place or vehicle (Note: Must be an enforcement officer authorised under section 38).	GMSG&I, GMCE, MCTL, PPM, RM
338	Initiate, conduct, settle and conclude any action for any breach of the District Plan or non-compliance with the terms of any resource consent, including laying an information in respect of an offence. Report to the next available Council or relevant Committee meeting.	GMSG&I, GMCE, MCTL, PPM, RM
343C	Issue an infringement notice.	GMSG&I, GMCE, MCTL, PPM, RM
	Deliver an infringement notice.	
352	Serve notice or other document as prescribed by the Act. Report to the next available Council or relevant Committee meeting.	GMSG&I, GMCE, MCTL, PPM, RM
353	Extend fixed period for service of notices under this Act on owners of Maori land. Report to the next available Council or relevant Committee meeting.	GME&T, GMSG&I, GMCE, MCTL, PPM, RM
356	Apply to the Environment Court for an order authorising a matter to be determined by arbitration subject to advising Commissioners prior to actioning.	GME&T, GMSG&I, GMCE, MCTL, RM
357C & 357D(1)	Authority to consider any objection (pursuant to this section) to an officer's decision where the objection can be dismissed, upheld in whole or in part or in the case of an objection under section 357B(a), as it relates to an additional charge under section 36(3), remit the whole or any part of the additional charge over which the objection was made.	GME&T, GMSG&I, GMCE, MCTL

Section	Description	Delegated to
388	Request information as to the nature and extent of the activities carried out under the consent and the effects of those activities upon the environment.	GME&T, GMSG&I, GMCE, MCTL
<b>Schedule 1 to the RMA</b>		
Schedule 1 Clause 1(2)	Power to grant extensions of timeframes in terms of sec 37	GME&T, GMSG&I, PPM, PM
Schedule 1 Clause 4(1A) and (7)	Notice to requiring authorities and notice to public	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 3(2)	Power to define who is to be consulted and which previous consultation will be accepted including Clause 3C	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 4(1A) and (10)	Pre-notification to Requiring Authorities	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 4A	Pre-notification to Iwi Authorities	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 5(1)(b)	Decision for full notification or limited notification	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 5(1A) and (1B)	Power to determine parties to be notified and notification of proposed plan	GME&T, DP, SPA, SPP, PM,
Schedule 1 Clause 5(2),(4) and 5(5)and 5A where applicable	Public notification as prescribed	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 6(2) and 6A(3)	Make a submission.	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 7	Summary of submissions and notification of summary of submissions as prescribed	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 clause 8(1)(c)	Make further submission.	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 8A(1)(b)	Forward Further Submission to submitter where Council made a further submission	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 8AA(1)	Invite anyone who has made a submission on the proposed policy statement or plan to meet for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	GME&T, PA, DP, SPA, SPP, PP, PM
Schedule 1 Clause 8AA(3)	With the consent of the parties, refer to mediation the issues raised by persons who have made submissions on the proposed plan or policy statement.	GME&T, PA, PP, DP, SPA, SPP, PM
Schedule 1 Clause 8B	Power to set hearing date and notice including reports	GME&T, DP, SPA, SPP, PM,
Schedule 1 Clause 8C	Determination that hearing is not needed	GME&T, DP, SPA, SPP, PM,
Schedule 1 Clause 8D	Withdrawal of proposed plan	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 8D(2)	Notice of decision to withdraw proposed plan	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 8B Hearing	<b>Hearing</b>	
Schedule 1 Clause 9 and 10	Preparation of documents reflecting the recommendations on requirements and decisions on submissions as well as hearings report according to prescriptions.	GME&T, DP, SPA, SPP, PM,
Schedule 1 Clause 10A	Request for extension of time beyond 2 years	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 11(1) and 11(2)	Notification of decisions according to prescriptions	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 13(4)	Notification of Requiring Authority decisions on the recommendations to submitters, owners and affected parties	GME&T, PA, PP, DP, SPA, SPP, PM,
Schedule 1 Clause 14(1) and 3(b)	Making an Appeal to the Environment Court	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 15	Hearing by the Environment Court	
Schedule 1 Clause 16(1)	Make an amendment, of minor effect, or correct any minor errors in a proposed policy statement or plan without using the process in this schedule or make an amendment to comply with a direction of the Environment Court. Make an amendment or correct any minor errors in an operative policy statement or plan without using the process in this schedule. Report to the next available Council or relevant Committee meeting.	GME&T, PA, DP, SPA, SPP, PP, PM, Authorised Password holder.
Schedule 1 Clause 16(2)	Authorise to make minor amendments/alterations or correction of minor errors	GME&T, PA, PP, DP, SPA, SPP, PM and report to the next Council meeting
Schedule 1 Clause 16A and 16B	Variations of Proposed Plans	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 17	Final Consideration of Plan	CAN NOT BE DELEGATED- COUNCIL ONLY
Schedule 1 Clause 20	Notification of Operative Plan according to the prescriptions	GME&T, DP, SPA, SPP, PM,
Schedule 1 Clause 20A	Authority to make minor amendments to correct minor errors on an Operative Plan	GME&T, DP, SPA, SPP, PM, and report to the next Council meeting
Schedule 1 Clause 21(3)	Request to change a regional plan by a territorial authority	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 23	Require further information about a proposed change under Clause 21, specifying reasons for requiring further or additional information or for commissioning a report under this clause.	GME&T, GMSG&I, PA, DP, SPA, SPP, PP, PPM, PM
Schedule 1 Clause 23(1), (2), (3) and (4)	Receiving a private plan change and request further information, commission a report and provide reasons for the request for further information	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM,

Section	Description	Delegated to
Schedule 1 Clause 23(6)	Reject the request for a private plan change before notifying	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 24	Modification of request for private plan change	GME&T, GMSG&I, DP, SPA, SPP, PPM, PM,
Schedule 1 Clause 25	Council decides to Adopt (take it over), Accept (remains a private PC) Reject the request (under limited grounds) or change it to a Resource Consent.	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 25(5)	Notification of the decision to process the Private Plan Change	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM,
Schedule 1 Clause 26	Prepare the Private Plan Change for notification and Notify the plan change	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM,
Schedule 1 Clause 28(2) and (6)	Withdrawal of private Plan Change and notification process	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM, and report to the next Council meeting
Schedule 1 Clause 29(1) (2), (5), (8A)	Processing of the private plan change is the same as for a council plan change with the necessary modifications	
Schedule 1 Clause 29(4)	Decision on the private Plan Change	NOT DELEGATED- COUNCIL ONLY
Schedule 1 Clause 32	Certification, production and availability of referenced material	GME&T, GMSG&I, DP, SPA, SPP, PPM, PM,
Schedule 34(2)(c), (3)	Notify the availability of the referenced material for inspection and comment.	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM,
Schedule 1 Clause 35	Access to material incorporated by reference	GME&T, GMSG&I, PA, PP, DP, SPA, SPP, PPM, PM,
<b>Delegations Pursuant to -</b>		
<b>Local Government Act 1974</b>		
Section		Delegated to
327A	Where a building-line restriction has been imposed under this Act or any former enactment, and Council subsequently determines that the building-line restriction be cancelled, Council shall send notice of cancellation to the District Land Registrar or Registrar of Deeds, as the case may require, who shall amend his or her records accordingly.	GMSG&I, PPM, MPL, PTL, PA, PAO, PTSO  In conjunction with Roading Manager for KDC controlled roads
348(1)	Give permission to lay out or form any private road or private way, or grant or reserve a right of way over any private way, in the district.	GMSG&I, PPM, MPL, PTL, PAO, PTSO
<b>Unit Titles Act 1972</b>		
25(5)	Unit title - deposit in stages.	GMSG&I, PAO, PPM, MPL, PTL, P
32(2)	Restriction on deposit unit title plan.	GMSG&I, PAO, PPM, MPL, PTL, P
5(1)	Building shown on plan has been erected and all other development work has been carried out to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured.	GMSG&I, PAO, PPM, MPL, PTL, P
<b>General</b>		
A&I	Authorisation and Instruction form - isofar as it related to survey plans, easement and LINZ certificates.	GMSG&I, PAO, PPM, MPL, PTL



<b>Council delegations to council officers, per section 132 of Local Government (Rating) Act 2002.</b> Pursuant to Section 132 of the Act the Kaipara District Council delegates to the holder for the time being of the specified office such of its functions, powers and duties as are listed in this Schedule. Abbreviations: Revenue collections officer (RCO) , Revenue operations officer (ROO)		
Section	Description	Delegated to
27	Duty to keep and maintain rating information base	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
28	Duty to make the rating information database available for inspection	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
28C	Power to remove owners particulars from database pursuant to s28B request	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
29	Power to determine objections to information in the Rating Information Database	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
33	Duty to update the rating information database in respect of notification of transfer or assignment of lease or licence	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
35	Power to remove the name of ratepayer entered in rating information databases if satisfied that the name has been removed from the land transfer register, if the entry relates to a rating unit that is entered in that register	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
36	Duty to update the database in respect of change of name	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
37	Duty to keep and maintain rates records for each rating unit	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
38	Power to request confirmation with regard to who may inspect the rates record for a rating unit and duty to make rates record available for inspection at principal public office of the local authority	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
39	Power to determine objections to information in rates records and, if the objection is upheld, correct the entry in the rates record accordingly	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
40	Power to correct errors in rating information databases and rates records even though an objection has not been made	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
41	Duty to issue an amended rates assessment if an error in rating information database or rates records is corrected and to refund to the person who paid the rates any rates paid in excess of the amount payable on the amended assessment	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
41A	Duty to issue an amended rates assessment to give effect to valuation	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
44	Duty to deliver rates assessments to ratepayers	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
46	Duty to deliver to the ratepayer a rates invoice for the rating unit for that period.	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
48	Duty to deliver rates assessments before rates invoices unless the rates assessment includes all information required by section 46 in which case the rates invoice and rates assessment may be delivered together	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
50	Power to deliver a rates invoice for not more than 25% of the rates that are payable in the previous year	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager

Section	Description	Delegated to
51	Power to deliver a combined rates assessment and combined rates invoice for rating units	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
52	Power to determine method of payment of rates	NOT DELEGATED
53	Power to appoint person or a local authority to collect the rates they assess and to agree with a collector to any other arrangement for the delivery of rates assessments and rates invoices and for the collection of rates	NOT DELEGATED
54	Power not to collect rates that are uneconomic to collect	Refer Attachment 4A
57	Power to add penalties for rates not paid by the due date, in accordance with the rates resolution	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
58	Power to impose penalties when rates are unpaid subject to rates resolution	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
61	Power of recovery of rates from owner when ratepayer other than owner defaults in paying rates, subject to informing <b>Commissioners</b> prior to actioning	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
62	Powers for recovery of rates if owner defaults	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager, RCO, ROO
63	Power to commence proceedings in a court of competent jurisdiction to recover as a debt unpaid rates subject to advising <b>Commissioners</b> prior to actioning	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
67	Power to apply to High Court to have judgement for rates enforced by sale or lease of the rating unit subject to advising <b>Commissioners</b> prior to actioning	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
77	Powers to apply to District Court for an order that declares land abandoned and authorises local authority to sell or lease the land subject to advising <b>Commissioners</b> prior to actioning	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
85(1)	Power to remit all or part of the rates on a rating unit in accordance with Council's rates remission policy. Report to the next available Council meeting.	Refer Attachment 4A
86	Duty to record remitted rates	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
87	Duty to postpone the requirement to pay all or part of the rates in accordance with Council's rates postponement policy	Refer Attachment 4A
88	Power to add a postponement fee to postponed rates	Refer Attachment 4A
89(2)	Duty to record the net cost of a postponement as paid by local authority	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
90(1)	Power to register a notice of charge on a rating unit if the requirement to pay rates for the rating unit under section 87(1) has been postponed	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
90(4)	Duty to register a notice of release of charge if all postponed rates for a rating unit are paid	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
108	Power to apply to the Maori Land Court to enforce a charging order against land for the amount of unpaid rates and the cost of obtaining the charging order subject to advising Commissioners prior to actioning	Chief Executive, <b>General Manager Sustainable Growth and Investment</b> , Revenue Manager
114	Power to remit all or part of the rates (including penalties for unpaid rates) on Maori freehold land in accordance with Council policy. Report to the next available council meeting.	Refer Attachment 4A
115	Duty to postpone requirement to pay all or part of the rates on Maori freehold land in certain circumstances	Refer Attachment 4A
135(2)	Power, of chief executive officer or another person who is authorised by the local authority, to sign documents as correct copies of certain documents for the purpose of any proceedings	Chief Executive, <b>General Manager Sustainable Growth and Investment</b>

**Council delegations to council officers, per section 132 of Local Government (Rating) Act 2002.**

**Rating Policy Delegations**

The following table sets out minimum position for delegated approval (all positions will be put in the policy).

Policy title	Description	Delegations (Minimum position for approval)
Early Payment of Rates for Subsequent Financial Years Policy	Accept upfront payment of Mangawhai Capital Contribution A, D, E or F that extinguishes further liability of rates as set out in the policy.	Revenue manager
Penalties – land and water rates	Apply a 10% penalty for late payment of land and water rates by the due date	Revenue manager
Rates Remission for Financial Hardship	Agree to remit rate for where applicants meet condition and criteria	General Manager Sustainable Growth and Investment
Rates Remission of Penalties	Agree to remit penalties:	General Manager Sustainable Growth and Investment
	<ul style="list-style-type: none"> <li>for meeting condition/criterion 1 (enters payment conditions to resolve rate arrears)</li> </ul>	Revenue Manager
	<ul style="list-style-type: none"> <li>for meeting condition/criterion 2 (pays outstanding rates by instalment 2)</li> </ul>	General Manager Sustainable Growth and Investment
	<ul style="list-style-type: none"> <li>for meeting condition/criterion 3 (extenuating circumstances)</li> </ul>	Revenue Manager
	<ul style="list-style-type: none"> <li>for meeting condition/criterion 4 (late payment but 1<sup>st</sup> in 2 years)</li> </ul>	General Manager Sustainable Growth and Investment
	<ul style="list-style-type: none"> <li>for meeting condition/criterion 6 (backdating remission to prior years)</li> </ul>	
Rates Remission of Multiple Uniform Annual General Charges and other uniform charges on rating units	Agree to remit rates where land meets criteria/condition of scheme	Revenue Manager
Rates Remission for Community, Sporting and Other Organisations	Agree to remit rates where land meets criteria/condition of scheme	Revenue Manager
Rates Postponement or Remission for Miscellaneous Purposes	Agree to postpone or remit rates	General Manager Sustainable Growth and Investment (Changed from CE)
Rates Remission for School Sewerage Charges	Agree to remit rates where land meets criteria/condition of scheme	Revenue Manager
Rates Remission for the Transition to Averaging Defined Operational Costs relating to Wastewater Activities between Individual Networks	Agree to remit rates where land meets criteria/condition of scheme	Revenue Manager
Rates Postponement for Mangawhai Targeted Rate Capital Contribution A, Capital Contribution B or Capital Contribution C	Agree to postpone rates where land meets criteria/condition of scheme	Revenue Manager
Water Supply Rates Remission for Excessive Water Rates due to a Fault	Agree to remit rates where land meets criteria/condition of scheme	Revenue Manager

Policy title	Description	Delegations (Minimum position for approval)
Māori Freehold Land rates postponement and remission policy	Agree to remit or postpone rates where objectives achieved and conditions and criteria are met	General Manager Sustainable Growth and Investment



Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
Administrative	n/a	Authority to co-sign documents under seal		CE
	n/a	Authority to approve access to records and archives for people wanting to carry out research	Finance	GM Risk, IT and Finance General Managers
Amusement Devices Regulations 1978	11	Responsibilities in relation to local authority permits		
	13	Duty to inform inspector if local authority permit is cancelled	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
	15	Power to inspect an amusement device register	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
	18	Power to undertake enquiries in relation to amusement devices accidents	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
	19	Power to undertake enquiries in relation to amusement devices incidents	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
	23	Power to enter property, inspect machinery and documents	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
Building ( Accreditation or Building Consent Authorities ) Regulations 2006	7	Duty to put in place policies and procedures for performing building consent authority's building control functions	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager
	8	Duty to put in place a system for ensuring that building consent authority has enough employees and contractors to perform its building control functions	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager
	9	Duty to put in place a system for allocating building control function work to competent employees or contractors	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager
	10	Duties in relation to establishing and assessing competence of employees performing building control functions	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	11	Duties in relation to training employees who perform the authority's building control functions by doing a technical job	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	12	Duty to put in place a system for choosing and using contractors to perform building consent authority's building control functions	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	13	Duties in relation to ensuring technical leadership	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	14	Duties in relation to ensuring necessary technical resources	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	15	Duties in relation to keeping organisational records	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	16	Duty to put in place a system for the filing of applications for building consents	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	17	Duties in relation to assuring quality of performance	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
	18	Duty to put in place a system requiring appropriate qualifications for employees and contractors performing building control functions	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader
Building Act 2004	19, 20, 21 and 22	Authority to establish compliance with Building Code compliance documents	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	31	Apply for project information memorandum (PIM) on receiving building consent application and provide copy of it to owner	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Technical Support Officer,
	33	Authority to determine information required for an application for a PIM	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, Principal Planner,
	34	Authority to issue a PIM	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Technical Support Officer, Principal Planner, Planner
	35	Authority to determine the content of a PIM	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Control Officer, Building Technical Support Officer, Principal Planner, Planning Team Leader
	36	Authority to issue a development contribution notice	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Technical Support Officer,
	37	Authority to issue certificates regarding resource consents	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	38	Duty to provide copy of PIM to a network utility operator or statutory authority as required	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	39	Duty to advise the New Zealand Historic Places Trust	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	45	Authority to determine information required in an application for a building consent	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	46	Duty to provide copies of applications to the Fire Service Commission as required	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	48	Duty to process an application within the time limits specified	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	49	Authority to grant a building consent	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	50	Authority to refuse to grant a building consent	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	51	Authority to issue building consents	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	52	Power to extend the time permitted to activate a building consent	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader,
	54	Duty to advise applicants the amount of the levy for which they are liable	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader, Building Technical Support
			Regulatory	
	59	Duty to pay levy which is certified, to chief executive of MBIE	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader,
	64	Duty to keep in safe custody all records of building consents issued including the estimated value of the building work	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader,
	67	Authority to grant a consent subject to waiver or modification of the building code	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer
	68	Duty to notify the chief executive of MBIE if a consent is granted subject to waiver or modification of the building code	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer
	70	Duty to meet requirements for building consent applications relating to energy work	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	71	Authority to refuse any building consent in relation to land with natural hazards	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	72	Authority to grant any building consent in relation to land subject to natural hazards in circumstances described in subsection (1)	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	73	Duty to notify building consent granted in relation to land subject to natural hazards	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	74	Duty to notify where a previous entry is no longer required	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	75	Duty to issue certificate regarding condition of grant of consent relating to building on two or more allotments	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	83	Authority to authenticate a certificate for the construction of a building on two or more allotments	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	90	Authority to inspect any land and building work	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	91	Authority for another building consent authority to issue code compliance certificate	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	93	Authority to determine whether to issue a code of compliance certificate within the prescribed time	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	94	Authority to determine that building work and performance standards comply with building consent and duty to consider specified matters in its decision	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,
	95	Authority to issue a code compliance certificate	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer,

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	96	Authority to issue certificate of acceptance for completed building work in certain circumstances	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	97	Authority to determine information required and further information required for application for certificate of acceptance	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Compliance Officer
	98	Authority to grant or refuse a certificate of acceptance or require further reasonable information in respect of the application	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Compliance Officer
	99	Authority to issue a code compliance certificate and authority to qualify code compliance certificate to the effect that only parts of the building work were able to be inspected	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Compliance Officer
	102	Authority to issue a compliance schedule	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	106, 107 and 109	Authority to amend and refuse to amend a compliance schedule	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	108	Duty to receive a building warrant of fitness	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	111	Authority to inspect buildings	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	112	Duty to assess impact of alterations on the building and authority to allow alteration of a building	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	113	Authority to determine conditions of and grant a building consent in relation to alteration of buildings with specified intended lives	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer, Building Control Officer, Building Compliance Officer
	115	Authority to determine the change of use of buildings	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer
	116	Authority to determine an extension of the life of a building with a specified intended life	Regulatory	Building Control Manager, Building Control Team Leader, Senior Building Control Officer
	124	Powers in relation to a building determined to be dangerous, affected, earthquake-prone, or insanitary, subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	Building Control Manager, Building Control Team Leader, Building Compliance Officer, Senior Building Control Officer
	126	Authority to apply to the District Court for an order authorising building work subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader, Building Compliance Officer
	129	Authority to cause any action to be taken to avoid immediate danger or to fix unsanitary conditions subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader, Building Compliance Officer
	164	Duty to issue notices to fix and authority to notify other responsible authority to issue notice to fix subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager, Building Control Team Leader, Building Compliance Officer
	212	Duty to act as building consent authority	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager
	215	Duty to obtain accreditation and be registered as a building consent authority to ensure compliance with section 212(1)	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager
	216	Duty to keep reasonably available information relevant to the administration of the Building Act	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager
	217	Duty to provide access to the information referred to in section 216 to the public	Regulatory	GM Sustainable Growth & Investment, Planning Manager, Building Control Manager, Quality Assurance Manager
	219	Authority to impose fees or charges and collect levy under section 53 and to refuse to perform function or service where fees or charges are not paid	Regulatory	Building Services Team Leader, Building Control Team Leader, Senior Building Control Officer, Building Control Manager
	222(1)(a)	Authority to inspect land, building work and any building while building work is being carried out	Regulatory	Building Services Team Leader, Building Control Team Leader, Senior Building Control Officer, Building Control Manager, Building Control Officer
	222(1)(b)	Authority to enter premises for the purpose of inspection while building work is being carried out	Regulatory	Building Services Team Leader, Building Control Team Leader, Senior Building Control Officer, Building Control Manager, Building Control Officer
Building Research Levy Act 1969	7	Duty, when required, to provide information necessary to enable association to assess amount of levy payable to it	Regulatory	Building Control Manager, Quality Assurance Manager, Building Control Team Leader,
	9	Authority, as an appointed agent, to receive levies payable under this Act	Regulatory	Building Control Manager, Quality Assurance Manager, Building Control Team Leader
Burial and Cremation ( Removal of Monuments and Tablets ) Regulations Act	3	Duty to give notice to person entitled to maintain monument or tablet	Community	GM Infrastructure, Parks and Recreation Manager
	4	Duty to advertise proposal if person entitled to maintain cannot be identified or found	Community	GM Infrastructure, Parks and Recreation Manager
	5	Power of appropriate authority to remove dilapidated or neglected monument or tablet	Community	GM Infrastructure, Parks and Recreation Manager
Burial and Cremation Act 1964	5	Authority to control and manage certain cemeteries and exercise rights, powers and duties conferred by section 7 to 21 in relation to those cemeteries	Community	GM Infrastructure, Parks and Recreation Manager
	8	Authority to manage cemeteries in specified ways	Community	GM Infrastructure, Parks and Recreation Manager
	9	Authority in relation to digging, making, erection, placing and maintenance of graves, vaults monuments and tablets	Community	GM Infrastructure, Parks and Recreation Manager
	10	Authority to sell the exclusive right of burial and right of constructing any place of burial with the exclusive right of burial therein	Community	GM Infrastructure, Parks and Recreation Manager
	11	Authority to set apart permanently a portion of the cemetery to be used for the burial of the bodies of members of a denomination upon application	Community	GM Infrastructure, Parks and Recreation Manager
	12	Duty to define by suitable marks and allow consecration of portions of cemeteries set apart for denominations and authority to permit suitable church or chapel in cemetery for denominations	Community	GM Infrastructure, Parks and Recreation Manager
	18	Duty to separately account for cemeteries	Community	GM Infrastructure, Parks and Recreation Manager
	19	Authority to appoint officers and servants as necessary	Community	GM Infrastructure, Parks and Recreation Manager
	20	Authority to clear disused cemeteries	Community	GM Infrastructure, Parks and Recreation Manager
	50	Duty to register burial and maintain a register of burials	Community	GM Infrastructure, Parks and Recreation Manager
Bylaws Act 1910	12(8)	Duty to give public notice of any quashing or amendment of a bylaw before it is published	Regulatory	GM Sustainable Growth & Investment, GM Engagement & Transformation, Planning Manager, Policy Manager
Camping-Grounds Regulations 1985	3	Power to refuse to issue certificate of registration under the Health (Registration of Premises ) Regulations 1966 and to refuse to permit the use of an existing camping ground	Regulatory	General Manager Sustainable Growth and Investment, Planning Manager, General Manager Customer Experience, Regulatory Manager
	4	Power to require copies of camp plan to be lodged with Council	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	8	Power to determine satisfactory lighting for camping ground	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	9	Power to determine acceptable standards regarding cleanliness and fire safety for camping ground	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	11	Powers in relation to site requirements of relocatable home parks	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	12	Power to determine satisfactory standard of all-weather access	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	14	Power to grant exemption from requirements of regulations 3 and 13	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	15	Duties in relation to enforcement of regulations and inspections	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
	Schedule	Power to determine acceptable standards regarding water supply and drainage for camping grounds	Regulatory	Building Control Manager, Senior Building Control Officer, Regulatory Manager, Monitoring & Compliance Team Leader
Copyright Act 1994	51	Authority as librarian of prescribed library to copy parts of published works	Community	GM Customer Experience, Library Manager
	52	Authority as librarian of prescribed library to copy articles in periodicals	Community	GM Customer Experience, Library Manager
	53	Authority as librarian of prescribed library to copy parts of published works and articles for users in other prescribed libraries	Community	GM Customer Experience, Library Manager

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	54	Authority as librarian of prescribed library to copy published works for collections of other libraries	Community	GM Customer Experience, Library Manager
	55	Authority as librarian of prescribed library or archivist to copy any item of the library for the purpose of preserving or replacing that item	Community	GM Customer Experience, Library Manager
	56	Authority as librarian of prescribed library or archivist to copy certain unpublished works	Community	GM Customer Experience, Library Manager
	56B	Duty to supply terms of use of copy of work in digital format and to destroy any additional copies made	Community	GM Customer Experience, Library Manager
Cremation Regulations 1973	3	Power to request that Minister close a crematorium	Regulatory	GM Customer Experience, Regulatory Manager, Team Leader Regulatory
	11	Power to impose conditions in respect of cremations in cemeteries or burial grounds	Regulatory	GM Customer Experience, Regulatory Manager, Team Leader Regulatory
Dispute Tribunal Act 1988	13	Power to agree to an extension of jurisdiction of Tribunal by agreement with the other party subject to Mayor and Deputy Mayor being advised prior to actioning	Finance	GM Sustainable Growth & Investment, Revenue Manager
	14	Power of abandonment so much of a claim as exceeds \$15,000 to bring claims within jurisdiction of a Tribunal subject to Mayor and Deputy Mayor being advised prior to actioning and to a limit of \$30,000.	Finance	GM Sustainable Growth & Investment, Revenue Manager
Dog Control (Prescribed Forms) Regulations 1996	3	Power to alter forms prescribed by these regulations	Regulatory	Regulatory Manager, Team Leader Regulatory
Dog Control Act 1996	10A	Duty to annually report on the administration of its dog control policy and practices and publicly notify the report	Regulatory	Regulatory Manager, Team Leader Regulatory
	11	Power to appoint dog control officer	Regulatory	Regulatory Manager, Team Leader Regulatory
	12	Power to appoint dog rangers	Regulatory	Regulatory Manager, Team Leader Regulatory
	13(1)	Duty to supply every dog officer and ranger with a warrant of appointment	Regulatory	Regulatory Manager, Team Leader Regulatory
	14	Power to authorise entry into dwelling house	Regulatory	Regulatory Manager, Team Leader Regulatory
	21	Power to classify probationary owners and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	23A	Power to require probationary owner to undertake approved training	Regulatory	Regulatory Manager, Team Leader Regulatory
	25	Power to disqualify a person from being an owner of a dog and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	30	Duty to maintain records and provide information to other territorial authorities	Regulatory	Regulatory Manager, Team Leader Regulatory
	30AA	Power to retain records relating to infringement notices until the fee or fine has been fully paid	Regulatory	Regulatory Manager, Team Leader Regulatory
	31	Power to classify dangerous dogs and to form a view under subsection (1)(b)	Regulatory	Regulatory Manager, Team Leader Regulatory
	33	Duty to be satisfied as to certain conditions before giving consent to dispose of dangerous dog	Regulatory	Regulatory Manager, Team Leader Regulatory
	33A	Power to classify certain dogs as menacing and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	33C	Duty to classify certain breeds as menacing and duty to give written notice of that decision	Regulatory	Regulatory Manager, Team Leader Regulatory
	33EB	Power to require neutering of menacing dogs classified as menacing by another territorial authority	Regulatory	Regulatory Manager, Team Leader Regulatory
	33ED	Power to decide not to classify a dog as dangerous or menacing if satisfied that the circumstances of the attack or rush were exceptional and do not justify such a classification subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	Regulatory Manager, Team Leader Regulatory
	34	Duty to keep and maintain a register of dogs	Regulatory	Regulatory Manager, Team Leader Regulatory
	35	Power to provide certain register information	Regulatory	Regulatory Manager, Team Leader Regulatory
	39	Power to make refunds and reduce fees	Regulatory	Regulatory Manager, Team Leader Regulatory
	40	Power to require written statement regarding working dogs and certificate from vet regarding neutered dogs	Regulatory	Regulatory Manager, Team Leader Regulatory
	42(2)	Power to seize and impound unregistered dogs and enter land or premises occupied by owner of the dog for those purposes	Regulatory	Regulatory Manager, Team Leader Regulatory
	50	Power to seize and impound dogs not wearing label or disc with current registration	Regulatory	Regulatory Manager, Team Leader Regulatory
	66	Authority to issue infringement notices	Regulatory	Regulatory Manager, Team Leader Regulatory
	66(5)	Power to commence proceedings under Summary Proceedings Act 1957, section 21 when an infringement notice has been issued	Regulatory	Regulatory Manager, Team Leader Regulatory
Electricity Act 1992	24	Power to set reasonable conditions for construction and maintenance works including a condition requiring reasonable costs and expenses of the local authority to be met	Infrastructure	GM Infrastructure
Employment	n/a	Authority to hire staff in accordance with Council HR policies	All	All General Managers, HR Business Partner
	n/a	Authority to performance manage staff in accordance with Council HR policies	All	All Managers
	n/a	Authority to terminate staff in accordance with HR policies	All	All General Managers, HR Business Partner
Employment Relations Act 2000	34	Duties relating to information in bargaining for collective agreement	Human Resources	GM People & Capability, HR Business Partner
	40 and 41	Power to initiate bargaining for a collective agreement and timeframes within which bargaining must be initiated	Human Resources	GM People & Capability, HR Business Partner
	42	Power to issue notice to initiate bargaining for collective agreement	Human Resources	GM People & Capability, HR Business Partner
	43	Duty to draw employees attention to initiation of bargaining	Human Resources	GM People & Capability, HR Business Partner
	49	Power as bargaining party to consent to new parties joining bargaining after it	Human Resources	GM People & Capability, HR Business Partner
	50(2)	Power to request consolidation of bargaining	Human Resources	GM People & Capability, HR Business Partner
	50J	Power to apply for remedy for serious and sustained breach of duty of good faith in relation to bargaining for a collective agreement subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability, HR Business Partner
	59B and 59c	Power to, in good faith pass on, in certain circumstances, in individual employment agreements terms and conditions or in collective agreement provisions agreed in collective bargaining or in collective agreement	Human Resources	GM People & Capability, HR Business Partner
	62(2)	Duty to provide information to new employee who is not member of union and enters individual employment agreement with an employer that is party to a collective agreement that covers the work to be done by the employee	Human Resources	GM People & Capability, HR Business Partner
	66	Power to agree to fixed term employment contracts	Human Resources	GM People & Capability, HR Business Partner
	69AAE	Duty to notify decision as soon as possible in respect of application for flexible	Human Resources	GM People & Capability, HR Business Partner
	69AAF	Power to refuse request of employee for flexible working	Human Resources	GM People & Capability, HR Business Partner
	69Q	Power to agree to a bargaining fee clause	Human Resources	GM People & Capability, HR Business Partner
	87	Power to suspend striking employees subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability, HR Business Partner
	88	Power to suspend non-striking employees where work not available during strike subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability, HR Business Partner
	97	Power to employ or engage another person to perform the work of a striking or locked out employee subject to Mayor and Deputy Mayor being advised prior to actioning	Human Resources	GM People & Capability, HR Business Partner
	98	Duty to keep records of strikes and lockouts	Human Resources	GM People & Capability, HR Business Partner
	120	Duty to provide a statement in writing of the reasons for the dismissal	Human Resources	GM People & Capability, HR Business Partner
	130	Duty to keep, maintain and provide access to a wages and time record	Human Resources	GM People & Capability, HR Business Partner

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
Fencing of Swimming Pools Act 1987	6	NOT DELEGATED - COUNCIL ONLY-Power to grant exemption from some or all of the requirements of this Act and to impose other conditions		
	11	Issue warrant of authority to enter land and premises to carry out inspections. Authority to inspect Swimming Pool Fencing	Regulatory	GM Customer Experience, Regulatory Manager, Team Leader Regulatory
Finance	n/a	Authority to correct mistakes (for example invoices) that have a financial implication (for the avoidance of doubt).	CE	
	n/a	Authority to prepare and sign statutory tax returns, including Fringe Benefit Tax, Goods and Services Tax, Pay As You Earn Tax (PAYE) and withholding tax.	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	n/a	Subject to expenditure being budgeted for in the Long Term Plan, Annual Plan or approved forecast financial statements, compliance with the Procurement Policy and any other applicable policies or procedures, and the reporting of all expenditure more than \$100,000 approved by the Chief Executive under delegated authority to the next meeting of the appropriate Committee: • Capital expenditure on roading: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to capital expenditure for new assets up to \$500,000 and capital expenditure for the renewal of assets up to \$1,000,000. This includes authority to vary or terminate such transactions. • Capital expenditure on assets classes other than roading: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to capital expenditure for new assets up to \$250,000 and capital expenditure for the renewal of assets up to \$500,000. This includes authority to vary or terminate such transactions. • Operational expenditure: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to goods, services, guarantees, indemnities and the disposal of assets up to \$250,000 in any one year for operational expenditure matters. This includes authority to vary or terminate such transactions.	Finance	Budget Managers (up to \$50,000) and General Managers (up to \$100,000) or in accordance with the CE Financial Delegations
	n/a	Authority to execute contracts that have been approved pursuant to a resolution of Council or authorised under delegation	CE	
	n/a	Authority to approve contract price variations of up to 20% of the contract price, subject to a maximum of \$100,000, provided that it is fiscally neutral and is either within budget or a substitution can be made.	CE	General Managers
	n/a	Authority to approve small contract extensions of up to \$25,000 where it is efficient to do so, provided that it is fiscally neutral and is either within budget or a substitution can be made	CE	General Managers
	n/a	Authority to approve contract progress claims for authorised contracts	CE	General Managers
	n/a	Authority to reallocate, within total budget, funds that relate to expenditure of up to \$250,000. Authority is conditional on being fiscally neutral and being reported to the Audit & Risk (A&R) Committee as part of the forecast process.	Finance	Budget Managers (up to \$50,000) and General Managers ( up to \$100,000) in accordance with the CE Financial Delegations
	n/a	Authority to write off outstanding accounts (excluding rates) and wholly or partly remit fees and charges of up to \$25,000 or where they are statute barred. Authority is conditional on being fiscally neutral and being reported to the A&R Committee as part of the forecast process. Reporting is to be for each period and for year to date.	Finance	General Managers
	n/a	Authority to write off property rents up to a maximum of \$5,000. Authority is conditional on being fiscally neutral and being reported to the A&R Committee as part of the forecast process. Reporting is to be for each period and for year to date	Finance	GM Infrastructure to \$1,000
	n/a	Authority to settle insurance claims up to \$50,000. Reported to the next A&R Committee.	Finance	General Managers
	n/a	Authority to settle uninsured claims for compensation or damages up to \$25,000. Reported to the next A&R Committee. Reporting is to be for each period and for year to date.	Chief Executive	General Managers
	n/a	Authority to be the authorised signatory on behalf of the council in matters relating to financial investments, debt and liability management. Authority is subject to being compliance with council's Investment and Liability Management Policies.	Finance	GM Sustainable Growth & Investment, Financial and Corporate Planning Manager, Financial Services Manager, and Revenue Manager
	n/a	Authority to enter approved transactions into the financial systems	Finance	GM Sustainable Growth & Investment, Financial and Corporate Planning Manager, Financial Services Manager, Revenue Manager and the finance, revenue and administration teams
	n/a	Administer rating policies (in accordance with council policy and delegations)	Finance	In accordance with rating protocols
	n/a	Authority to change signatories to Council bank accounts. Reported to the next A&R Committee.	Chief Executive	GM Sustainable Growth & Investment
	n/a	Initiate legal proceedings to recover rates arrears subject to reporting to the next appropriate Committee. Note: For the duration of the Crown Manager's appointment, this is subject to the decisions of the Crown Manager under the Crown Manager's Terms of Reference (NZ Gazette, No.61 - 7 July 2016)	Finance	GM Sustainable Growth & Investment and Revenue Manager
Fire services Act 1975	46B-46F	Power to apply for grants from the Rural Fire Fighting Fund	Property	Property and Commercial Advisor
Food Act 2014 Section 354 Subpart (2)	1	refuse, under section 27, to include a person's winemaking operations under the person's registered food control plan or under a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer
	2	refuse, under section 57, to register an amended food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	3	refuse, under section 57, to register a food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	4	impose or vary, under section 60, conditions on the registration of a food control plan, unless the variation is made on the application of the operator of the food control plan in accordance with the terms of that application; or	Regulatory	Regulatory Manager, Environmental Health Officer
	5	refuse, in accordance with Part 2 of Schedule 4, to renew the registration of a food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	6	suspend, under section 62, all or any operations under a registered food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	7	extend, under section 63, the period of suspension of operations under a registered food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	8	cancel, under section 67, the registration of a food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	9	remove, under section 70, a food business from the coverage of a registered food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer
	10	refuse, in accordance with section 87, to register a food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer
	11	refuse, in accordance with Part 2 of Schedule 4, to renew the registration of a food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer
	12	impose or vary, under section 89, conditions on the registration of a food business that is subject to a national programme, unless the variation is made on the application of the operator of the food business in accordance with the terms of that application; or	Regulatory	Regulatory Manager, Environmental Health Officer
	13	suspend, under section 90, all or any operations of a registered food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer
	14	extend, under section 91, the period of suspension of operations of a registered food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	15	cancel, under section 95, the registration of a food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer
	16	refuse, under section 117, to register a person as an importer; or	Regulatory	Regulatory Manager, Environmental Health Officer
	17	refuse, in accordance with Part 2 of Schedule 4, to renew the registration of an importer; or	Regulatory	Regulatory Manager, Environmental Health Officer
	18	suspend, under section 122, all or any specified part of a registered importer's operations; or	Regulatory	Regulatory Manager, Environmental Health Officer
	19	extend, under section 123, the period of suspension of a registered importer's operations; or	Regulatory	Regulatory Manager, Environmental Health Officer
	20	cancel, under section 127, the registration of an importer; or	Regulatory	Regulatory Manager, Environmental Health Officer
	21	refuse, under section 145, an application to recognise an agency under section 135, a person under section 139, or a class under section 141; or	Regulatory	Regulatory Manager, Environmental Health Officer
	22	exclude, under section 146, any members, or categories of members, from the recognition of a class under section 141(5); or	Regulatory	Regulatory Manager, Environmental Health Officer
	23	vary, under section 147, conditions of recognition, unless the variation is made on the application of the recognised agency, the recognised person, or a member of the recognised class in accordance with the terms of that application; or	Regulatory	Regulatory Manager, Environmental Health Officer
	24	suspend, under section 158, all or part of the recognition of an agency, a person, or a class; or	Regulatory	Regulatory Manager, Environmental Health Officer
	25	extend, under section 159, the period of suspension of the recognition of an agency, a person, or a class; or	Regulatory	Regulatory Manager, Environmental Health Officer
	26	withdraw, under section 162 or 163, all or part of the recognition of an agency, a person, or a class; or	Regulatory	Regulatory Manager, Environmental Health Officer
	27	conclude that a problem referred to in section 272(2) has not been remedied; or	Regulatory	Regulatory Manager, Environmental Health Officer
	28	suspend or cancel, under section 277, a person's appointment as a food safety officer; or	Regulatory	Regulatory Manager, Environmental Health Officer
	29	suspend or withdraw an approval under section 291.	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 54 Subpart (1)	(1)	Power to refuse to process an application for registration	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 56	a	Register a Food Control Plan that complies with the applicable requirements of the Act	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 57	(1),(2)	Power to refuse registration of a Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 60	(1),(2),(3),(4),(5)	Power to impose conditions on the registration of a Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 62 (& 65)	(1),(2)	Power to suspend all or any operations under a registered Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 63	(1),(2)	Power to extend the period of suspension under Section 62 if considered necessary	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 67	(1),(2)	Power to cancel a registration of a Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 70	(1),(2),(3)	Power to remove a food business from coverage of Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 84		Power to refuse to process an application for registration	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 86	a	Register a National Programme that complies with the applicable requirements of the Act	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 87	(1),(2)	Power to refuse registration of a National Programme	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 89	(1),(2),(3),(4)	Power to impose conditions on the registration of a National Programme	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 90	(1),(2)	Power to suspend all or any operations under a registered National Programme	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 91	(1),(2)	Power to extend the period of suspension under Section 90 if considered necessary	Regulatory	Regulatory Manager, Environmental Health Officer
Food Act 2014 Section 95	(1),(2)	Power to cancel a registration of a National Programme	Regulatory	Regulatory Manager, Environmental Health Officer
Gambling Act 2003	100	Duty to consider consent applications pursuant to the policy and power to determine application	Regulatory	Regulatory Manager, Team Leader Regulatory
Gas Act 1992	25	Power to set reasonable conditions over the construction, placement and maintenance of fittings on roads and power to recover reasonable costs and expense in certain circumstances	Infrastructure	GM Infrastructure
	33	Power to require fittings to have their position altered	Infrastructure	GM Infrastructure
Goods and Services Tax Act 1985	Part 3	Power to sign any return requires to be furnished under part 3 of this Act	Finance	Financial and Corporate Planning Manager / Financial Services Manager
Hazardous substances and New Organisms Act 1996	97	Powers of enforcement of this Act. Actions are to be reported to the Council or relevant Committee meeting	Regulatory	Regulatory Manager, Team Leader Regulatory
		Undertake the Council's responsibilities in relation to dangerous goods under the Hazardous Substances and New Organisms Act 1996 and Regulations, and take such actions as are required to deal with any emergency arising from the spillage of hazardous or toxic substances in a public space. Actions are to be reported to the next Council or relevant Committee meeting	Regulatory	Regulatory Manager, Team Leader Regulatory
Health (Hairdressers) Regulations Act 1980	4	Power to grant exemption from minimum standards for hairdressing shop and set period of exemption	Regulatory	Regulatory Manager, Team Leader Regulatory
Health (Burial) Regulations 1946	14	Duty to maintain register of funeral directors and to record details of compliant applications	Regulatory	Regulatory Manager, Team Leader Regulatory
	16	Duty to issue certificate of registration upon registration of an applicant	Regulatory	Regulatory Manager, Team Leader Regulatory
	19	Duty to make new entry in register and issue new certificate when funeral director makes new application in respect of additional or substituted place	Regulatory	Regulatory Manager, Team Leader Regulatory
Health (Registration of Premises) Regulations Act 1966	5	Power to register premises and duty to issue certificate of registration	Regulatory	Regulatory Manager, Team Leader Regulatory
	8	Duty to keep record of registrations, certificates of registration and renewals	Regulatory	Regulatory Manager, Team Leader Regulatory
	9	Powers to require remedial action and to revoke registration subject to Mayor and Deputy Mayor being advised prior to actioning	Regulatory	Regulatory Manager, Team Leader Regulatory
Health Act 1956	23	General powers and duty to improve, promote and protect public health within the district	Regulatory	Regulatory Manager, Team Leader Regulatory
	28	Duty to appoint one or more environmental health officers	Regulatory	Regulatory Manager, Team Leader Regulatory
	33	Power to cause the abatement of nuisance at the cost of the owner or occupier and power to dispose of all things removed	Regulatory	Regulatory Manager, Team Leader Regulatory
	34	Power to abate nuisance without notice and to recover costs from owner or occupier	Regulatory	Regulatory Manager, Team Leader Regulatory
	41	Power to require owners or occupiers to cleanse property or to cause the property to be cleansed at cost of owner or occupier	Regulatory	Regulatory Manager, Team Leader Regulatory

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	42	Power to issue a repair notice to require works or a closing order to prohibit use of premises for human occupation	Regulatory	Regulatory Manager, Team Leader Regulatory
	54	Power to grant consent for offensive trade	Regulatory	Regulatory Manager, Team Leader Regulatory
	81	Power to authorise an environmental health officer to enter premises to cleanse and disinfect the premises or an article	Regulatory	Regulatory Manager, Team Leader Regulatory
	83	Power to destroy articles that cannot be effectively disinfected	Regulatory	Regulatory Manager, Team Leader Regulatory
	84	Power to establish mortuaries and disinfecting stations	Regulatory	Regulatory Manager, Team Leader Regulatory
	128	Power to authorise entry and inspection of specified facilities and the execution of works	Regulatory	Regulatory Manager, Team Leader Regulatory
Health and Safety at Work Act 2015	30	Duty to eliminate risks to health and safety so far as it reasonably practicable; and if not to minimise those risks so far as is reasonably practicable.	CE/All GMs	
	34	Duty to consult, co-operate and co-ordinate activities with all other PCBUs who have a duty in relation to the same matter so far as is reasonably practicable.	CE/All GMs	
	36	Duty to ensure the health and safety of workers who work for Council or whose work is influenced or directed by Council so far as is reasonably practicable. Help text: Activities include: - Provision and maintenance of a safe work environment; - provision and maintenance of safe plant and structures; - provision and maintenance of safe systems of work; - provision for safe use, handling, and storage of plant, substances and structures; - provision of adequate facilities for the welfare of workers; - provision of information, training, instruction supervision and safe systems of work; - Provision for monitoring the conditions at the workplace for the purpose of preventing injury or illness.	CE/All GMs	
	39, 40 and 42	Duty to so far as is reasonably practicable ensure that plant, substance or structures are designed, manufactured or supplied to be without risks to the health and safety of persons at a workplace. Help text: - Duty includes any activity (such as inspection, cleaning, maintenance, or repair) at a workplace including storage, decommissioning, dismantling or disposal; - Duty includes those in the vicinity of a workplace who are exposed to the plant, substance, or structure.	CE/All GMs	
	43	Duty to so far as is reasonably practicable ensure the way in which plant or structures are installed, constructed, or commissioned is without risks to the health and safety of persons. Help text: Duty includes ensuring that the way in which these are installed, constructed or commissioned is without risks to the health and safety of those who install, use, decommission, dismantle, demolish or who are or in the vicinity of these workplaces.	CE/All GMs	
	44	Duty to exercise due diligence to ensure that Council complies with that duty or obligation. Help text: This includes taking reasonable steps- (a) to acquire, and keep up to date, knowledge of work health and safety matters; (b) to gain an understanding of the nature of the operations of Council and generally of the hazards and risks associated with those operations; (c) to ensure that Council has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of Council; (d) to ensure that Council has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; (e) to ensure that Council has, implements and verifies processes for complying with any duty or obligation under the Health and Safety at Work Act.	Mayor/ Elected Members/CE/All GMs	
	55	Duty to take all reasonable steps to ensure a site where a notifiable event occurred is not disturbed until authorised by a Worksafe inspector.	CE/All GMs	
	56	Duty to ensure that a notifiable event arising out of the conduct of Council is notified to Worksafe as soon as possible after becoming aware that the event has occurred.	CE/All GMs	
	57	Duty to keep a record of each notifiable event for at least five years from the date on which notice of the event is given to WorkSafe.	CE/All GMs	
	58, 59, 60	Duty to so far as is reasonably practicable, engage with workers who carry out work for Council or who are likely to be, directly affected by a matter relating to work health or safety.	CE/All GMs	
	61	Duty to have practices that provide reasonable opportunities for workers who carry out work for the business or undertaking to participate effectively in improving work health and safety at Council on an ongoing basis.	CE/All GMs	
	62	Duty to support the election of health and safety representatives.	CE/All GMs	
	64	Duty to support the establishment of appropriate work groups that most effectively enable the health and safety interests of the workers to be represented.	CE/All GMs	
	66	Duty to support the establishment of a health and safety committee for the business or undertaking.	CE/All GMs	
Holidays Act 2003	19	Power to require employee to take annual holidays	Human Resources	In consultation with employee's manager
	20	Power to allow employee to take annual holidays in advance	Human Resources	In consultation with employee's manager
	27(1)(a)	Power to agree with employee to make holiday payment in the pay that relates to the period during which holiday is taken	Human Resources	In consultation with employee's manager
	36	Authority to allow employee taking annual holidays to take sick leave	Human Resources	In consultation with employee's manager
	39	Power, if requested, to allow employee to take leave as annual holidays if sick leave or bereavement leave is exhausted	Human Resources	In consultation with employee's manager
	47	Power to require an employee to work on a public holiday	Human Resources	In consultation with employee's manager
	69	Power to allow bereavement leave, with regard to relevant factors, in cases not automatically covered	Human Resources	In consultation with employee's manager
	71(4)	Power to agree with employee to arrangements to deduct from the employees current sick leave entitlement in specified circumstances	Human Resources	In consultation with employee's manager
	72(2)	Power to refuse to pay the employee for any sick leave in respect of which proof is required until the employee complies with that requirement	Human Resources	In consultation with employee's manager
	74	Authority to enforce provisions of the Act	Human Resources	In consultation with employee's manager
Infrastructure	n/a	Engineering standards - Use of "Paper Roads" - Authority to allow the formation and use of an unformed legal road ("Paper Roads") to provide access or service to an existing property or new subdivision	Infrastructure	GM Infrastructure



Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
Impounding Act 1995	3	Duty to provide and maintain a public pound to provide for separate holding of infected stock	Regulatory	Regulatory Manager, Team Leader Regulatory
	4	Duty to make contributions in accordance with an agreement for joint pound administration	Regulatory	Regulatory Manager, Team Leader Regulatory
	5	Duty to give public notice of establishment, change of location or abolition of any pound	Regulatory	Regulatory Manager, Team Leader Regulatory
	6	Duty to erect and maintain a notice board providing certain particulars of the pound	Regulatory	Regulatory Manager, Team Leader Regulatory
	8	Duty to appoint pound keeper and rangers	Regulatory	Regulatory Manager, Team Leader Regulatory
	9	Power to appoint deputy pound keeper	Regulatory	Regulatory Manager, Team Leader Regulatory
	10	Power to remove or suspend the pound keeper, deputy pound keeper or any ranger	Regulatory	Regulatory Manager, Team Leader Regulatory
	11	Duty to publically notify the appointment, suspension or removal of any pound keeper or deputy pound keeper	Regulatory	Regulatory Manager, Team Leader Regulatory
	12	Duty to keep pounds clean and in good order and stock to be provided with sufficient food, water and necessary care and attention and to keep stock infected with contagious disease in separate enclosure	Regulatory	Regulatory Manager, Team Leader Regulatory
	13	Duty to keep Pound Book and Impounding Register and to keep it open for inspection	Regulatory	Regulatory Manager, Team Leader Regulatory
	14	Power to set reasonable poundage fees by resolution and power to recover actual costs of providing sustenance to impounded stock	Regulatory	Regulatory Manager, Team Leader Regulatory
	32	Power to declare any fenced paddock a temper pound with the consent of the occupier and to appoint a keeper to fix a notice setting out specified information	Regulatory	Regulatory Manager, Team Leader Regulatory
	34	NOT DELEGATED- COUNCIL ONLY- Power to allow stock to wander over infrequently used roads by resolution		
	38	Power to issue notice regarding wild stock trespassing on land and sell the stock if not removed	Regulatory	Regulatory Manager, Team Leader Regulatory
	42	NOT DELEGATED- COUNCIL ONLY- Power to dispose of wild stock straying on roads upon the authorisation of two member of the Council		
	46	NOT DELEGATED- COUNCIL ONLY- Duty to give notice that stock has been impounded and unless claimed by owner, will be sold		
	50	NOT DELEGATED- COUNCIL ONLY- Power to authorise person to act as auctioneer for sale of impounded stock		
	52	Power to destroy worthless or suffering animal and dispose of its carcass and duties in relation to destruction. Report actions to the next available Council or relevant Committee meeting	Regulatory	General Manager Customer Experience, Team Leader Regulatory
	53	Power to dispose of unsold stock	Regulatory	General Manager Customer Experience, Team Leader Regulatory
	56	Power to recover deficiency of fees, charges and trespass rates from the owner of the stock	Regulatory	General Manager Customer Experience, Team Leader Regulatory
Income Tax Act 2007	RP8	Duty to keep a record of the gross salary or wages of an employee for a pay period, the amounts of tax withheld by the employer for the pay period, the amount of any payroll donations for the pay period, the amount of any tax credit under section LD4 and provide information a PAYE intermediary seeks in the time agreed by the employer and PAYE intermediary	Finance	Finance Administrator, Finance Manager Financial and Corporate Planning Manager, Financial Services Manager
	RP9	Duty to ensure, at a time fixed by the PAYE intermediary, that the bank account has sufficient funds available for transfer	Finance	Financial and Corporate Planning Manager / Financial Services Manager
	RP12	Power to make payments directly to employees	Human Resources	GM People & Capability, Human Resources Manager
Insolvency Act 2006	13	Power, as creditor, to apply for debtors adjudication subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	50	Power, as creditor, to apply to the Court for an order appointing the Assignee as receiver and manager of all part of the debtors property subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	79	Duty, as creditor, to attend meetings of the creditors and submit proofs of the debts of the bankrupt subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	100	Power, as creditor, to inspect and take extracts or copies of certain documents subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	233	Power to submit creditor's claim form if there is a wish to claim in the bankruptcy subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	243	Power to realise the property subject to a charge or value the property subject to the charge; and prove in the bankruptcy as an unsecured creditor for the balance due; or surrender the charge to the Assignee; and prove in the bankruptcy as an unsecured creditor for the whole debt. Subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	341	Power, as creditor, to apply to the Assignee for a summary instalment order with the debtor's consent subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	376	Power to apply to Assignee for termination subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
	381	Power, as creditor, to make application for order that estate of a deceased be administered subject to Mayor and Deputy Mayor being informed prior to actioning	Finance	General Manager Sustainable Growth & Investment
Kiwi Saver Act 2006	20	Power to refund any deduction to the employee, rather than pay it to the Commissioner	Human Resources	
	23	Duty to give information to the Commissioner if satisfied that new employee is subject to the automatic enrolment rules	Human Resources	GM People & Capability, HR Business Partner
	39(a)	Duty to commence deductions of contributions from each payment of the person's salary or wages that is calculated by the employer after the date on which the employer receives notice, upon receiving notice from the Commissioner	Human Resources	GM People & Capability, HR Business Partner
	42	Duty to supply information pack to certain employees	Human Resources	GM People & Capability, HR Business Partner
	43	Duty to supply investment statement for employee's chosen KiwiSaver scheme and a statement that, if the employee does not choose his or her own KiwiSaver scheme, the employee will be allocated to the employer's chosen KiwiSaver scheme	Human Resources	GM People & Capability, HR Business Partner
	46	Power for employer to chose KiwiSaver scheme for employees if all permanent employees are eligible to be members of the same scheme	Human Resources	GM People & Capability, HR Business Partner
	64	Power to agree to change employee's level of contribution rate	Human Resources	GM People & Capability, HR Business Partner
	66	Duty to make deductions of contributions from each payment of the employee's gross salary or wages of an amount equal to the contribution rate		
	114	Power to refund contributions that were deducted from the employee's salary or wages before the employee complied	Human Resources	GM People & Capability, HR Business Partner
Land Drainage Act 1908	61	Power, as local authority not within drainage or river district, to exercise powers of Boards under part 1 in regard to cleansing, repairing or maintaining watercourses or drains	Infrastructure	GM Infrastructure, Land Drainage Co-ordinator, Waters & Waste Manager
	62	Power to order removal of obstruction from watercourse or drain	Infrastructure	GM Infrastructure, Land Drainage Co-ordinator
	63A	Power to make advance funds to landowners for maintenance or improvement of any watercourse or drain on the banks of which that land is situated	Infrastructure	GM Infrastructure
Land Transfer Act 1952	20	Power to make application to bring alienated land under the Act	Property	Property and Commercial Advisor
	70	Power to make application for statement on register that an easement or profits a prendre is redundant	Property	Property and Commercial Advisor

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	71	Power to make application for removal of fencing covenants from title	Property	Property and Commercial Advisor
	86(1)	Power to apply to Registrar to issue a single certificate of title for the whole of the land, or several certificates, each comprising portion of the land	Property	Property and Commercial Advisor
	87	Power to apply for the issue of a provisional certificate of title with all details on original certificate in the event that original certificate is lost, mislaid or destroyed	Property	Property and Commercial Advisor
	89A	On the subdivision of any land in certain circumstances, power, as registered proprietor of the fee simple estate in all the allotments of the subdivision that are contiguous to the access strip may, to make application for title to the access strip	Property	Property and Commercial Advisor
	89(B)	Power as registered proprietor of the fee simple estate in any allotments of the subdivision that are contiguous to the access strip who is not party to an application under section 89A to consent to such an application in writing duly attested by a witness	Property	Property and Commercial Advisor
	90	Power, as registered proprietor of estate or interest, to execute transfer instrument which transfers land or creates or surrenders easements or profits a prendre	Property	Property and Commercial Advisor
	90A	Power to execute easement instrument which creates or surrenders easements	Property	Property and Commercial Advisor
	90C	Power to execute easement variation instrument	Property	Property and Commercial Advisor
	90F	Power to create a covenant, as a deed inter partes, in an instrument the same way an easement may be created under section 90A	Property	Property and Commercial Advisor
	97	Power to exercise as transferee on transfer of lease or mortgage for all and every the same rights as would have applied to the transferee if named in the instrument originally as mortgagee or lessee of the land, estate, or interest in land	Property	Property and Commercial Advisor
	101	Power, as registered proprietor, to execute mortgage instrument	Property	Property and Commercial Advisor
	102	Power, as mortgagor, to execute mortgage variation instrument	Property	Property and Commercial Advisor
	103	Power, as mortgagor, to execute mortgage priority instrument	Property	Property and Commercial Advisor
	114(b)	Power, as submortgagee, to consent to discharge of, variation of terms of or exercise of power of sale in a mortgage subject to a submortgage	Property	Property and Commercial Advisor
	115(3)(a)	Power to execute a lease instrument	Property	Property and Commercial Advisor
	116(6)	Power to execute a lease variation instrument	Property	Property and Commercial Advisor
	118	Power, as lessee, to execute a covenant for right of purchase	Property	Property and Commercial Advisor
	119	Power to give consent as mortgagee for lease of mortgaged or encumbered land to be binding upon the mortgagee	Property	Property and Commercial Advisor
	120(3)	Power to execute a lease surrender instrument	Property	Property and Commercial Advisor
	121B	Duty, as flat or office owning company, to issue share certificate to every shareholder in the company	Property	Property and Commercial Advisor
	121C	Power to execute and submit for registration licence to occupy	Property	Property and Commercial Advisor
	121E	Power to present a licence to occupy for registration	Property	Property and Commercial Advisor
	121I	Power to consent as mortgagee to disposal of licence or shares to which the licence relates	Property	Property and Commercial Advisor
	121K	Power to cancel, revoke, rescind or accept the surrender of a registered licence	Property	Property and Commercial Advisor
	136	Power to lodge a caveat against bringing land under Act and power, as caveator, to execute the caveat subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
	137	Power to lodge a caveat against dealings in any land or estate or interest under this Act and power, as caveator, to execute the caveat subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
	143	Power, as registered proprietor, to make application to High Court for removal of caveat subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
	145A	Power, as registered proprietor, to apply for caveat against dealings to lapse subject to Mayor and Deputy Mayor being informed prior to actioning	Property	Property and Commercial Advisor
	147	Power to withdraw caveat or to give consent for the registration of any particular dealing expressed to be made subject to the rights of the caveator	Property	Property and Commercial Advisor
	147A	Power as caveator to consent to electronic registration	Property	Property and Commercial Advisor
	164B	Power to give certification under section 164A (only if Council officer is a conveyancing practitioner)	Property	Property and Commercial Advisor
	172	Power to bring an action against the Crown for recovery of damages for mistake or misfeasance of Registrar	Property	Property and Commercial Advisor
	189	Duty to surrender to the Registrar certain instruments when required	Property	Property and Commercial Advisor
	216	Power to refer the matter, by notice in writing, to the Registrar for reconsideration of his decision	Property	Property and Commercial Advisor
Land Transport Act 1998	157	Power, as road controlling authority, to control, restrict, and prohibit traffic, and to close roads in specified circumstances or on specified occasions, in accordance with the rules	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
Land Transport Management Act 2003	24(1)	Duty, as approved organisation, to operate a land transport disbursement account into which must be paid all money received from the Agency	Infrastructure	GM Infrastructure, Financial and Corporate Planning Manager
	24(4)	Power to make payments out of a land transport disbursement account only for approved activities or combinations of activities	Infrastructure	GM Infrastructure, Financial and Corporate Planning Manager
	24(5)	Power to carry forward to any later financial year any amount of credit balance in its land transport disbursement account at the close of the financial year and use that money at any time for payments in accordance with section 24	Infrastructure	GM Infrastructure, Financial and Corporate Planning Manager
	38(1)	Duty to provide any information that the Agency considers it need to perform its functions under this Act	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	38(2)	Power to require any other approved organisation to provide any information that it considers it needs to perform its functions under this Act	Infrastructure	GM Infrastructure, Financial and Corporate Planning Manager
	46	Power as public road controlling authority to apply for an order to establish a road tolling scheme under which it could set tolls within the maximum limit, or according to the method, set out in the order	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	61	Power to delegate functions and powers under certain Acts for the purpose of enabling another person to construct or operate a new road	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
Land Transport Rule: Setting of Speed Limits 2003	2.5	Duty to ensure that, before a speed limit comes into force on a road, all traffic control devices are correctly installed	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	3.2(7);3.2(10)	NOT DELEGATED - COUNCIL ONLY- Duty to review speed limits under certain circumstances		
	3.2(8)	NOT DELEGATED - COUNCIL ONLY- Power to review speed limits in certain circumstances		
	4.1(4)	Duty to consult on the setting of speed limits for roads in a designated area	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	5.1	Power to set a temporary speed limit. Report to the next available Council or relevant Committee meeting	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	7.1	Duty to consult before setting speed limits	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	7.2(4)	Duty to at least 14 days before a speed limit comes into force, notify the Director and the Commissioner that a speed limit has been set	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	7.3	Duty to establish and maintain a register of all speed limits except temporary speed limits	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	7.3(3)	Duty to make the register of speed limits available at reasonable times for inspection by members of the public, at reasonable times, on request	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA



Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	7.4	Duty to retain records relating to setting of speed limits for at least seven years from the date on which the new speed limit comes into force	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	9.1(2)	Duty to have audit processes to ensure quality control of procedures for reviewing and setting speed limits	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
Land Transport Rule: Traffic Control Devices 2004	2.1(1)	Duty to authorise and, as appropriate, install or operate traffic control devices	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	2.1(2)	Power to authorise and, as appropriate, install, operate or remove traffic control devices	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	3.2(2)	Power to approve the provision and operation of a traffic control device by a third party on a road	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	3.3	Power to determine matters to be taken into account when providing, modifying and removing traffic control devices	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	3.4(6)	Duty to advertise trials of traffic control devices	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	4.2	Duty to provide traffic signs	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	5.2	Duty to provide road markings	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	6.2	Duty to provide traffic signals	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	7.1	Power to provide traffic control devices for channelling traffic	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	8.1	Power and duty to provide traffic control devices for pedestrians	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	8.5	Power to provide pedestrian traffic signals	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	8.7	Duty to remove pedestrian crossings and indications of pedestrian crossings if required by the Agency	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	8.8(4)	Power to provide signs, markings, surface texture or raised platforms of kerb extensions and traffic islands or other techniques to guide a pedestrian to a crossing place	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	9.2	Powers to provide traffic control devices and warning signs at level crossings	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	9.3	Powers to mark roads on approaches to level crossings	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	9.4	Powers, as rail access provider, to provide traffic signs, traffic signals and limit lines at level crossings	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	10.1	Powers to control intersections that have four or more approaching roadways by stop or give way signs, a roundabout or traffic signals	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	10.6	Power to mark "Keep Clear" zone at intersection or a place used as a vehicle entrance or exit	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.1;11.2;1.3;and11.4	Duty to provide signs and markings for special vehicle lanes, light-rail vehicle facilities and cycle facilities	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.5(2)	Duty to install signs detailing weight and dimension restrictions	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.5(3)	Duty to provide signs for special routes or zone restriction for motor vehicles	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.5(4)	Duty to mark boundaries of road construction zones with signs	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.6	Power to require installation of a traffic control device for stock on the road	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.7	Power to approve the use of a hand-held stop sign to control traffic for an activity	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	11.8	Power to install barrier arms	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	12.1	Duty to indicate prohibition on stopping	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager, NTA</a>
	12.3	NOT DELEGATED- COUNCIL ONLY- Requirement to indicate restriction on parking		
	12.4(1)	NOT DELEGATED- COUNCIL ONLY- Duty to indicate restriction to parking at an angle to the roadway		
	12.4(2)	NOT DELEGATED- COUNCIL ONLY- Power to designate a loading zone		
	12.4(6)	NOT DELEGATED- COUNCIL ONLY-Power to restrict the parking of vehicles by designating an area of road for reserved parking, which may be time restricted		
	12.4(10)	NOT DELEGATED- COUNCIL ONLY-Power to restrict the parking of vehicles by designating an area of road to be time restricted		
Legal	n/a	Authority to decide whether to defend a case in the District Court or High Court where an action against the council is threatened or instigated. Subject to advising Mayor and Deputy Mayor prior to actioning and reporting to the next A&R meeting.	CE	
	n/a	Authority to accept the service of legal proceedings on behalf of the Council. Report to the next A&R Committee	CE	All General Managers
	n/a	The authority to approve attempts to resolve disputes by negotiation, mediation or arbitration, and the authority to settle claims and/or proceedings by and/or against Council (subject to the limits of financial delegation, advising Mayor and Deputy Mayor prior to actioning and any limits or conditions determined by Council or the A&R Committee).	CE	All General Managers
	n/a	Authority to initiate District Court or High Court proceedings except injunctive proceedings subject to advising Mayor and Deputy Mayor prior to actioning and reporting to the next available Council or relevant committee.	CE	
	n/a	Authority to take district court injunctive proceedings subject to advising Mayor and Deputy Mayor prior to actioning	CE	<a href="#">General Manager Sustainable Growth and Investment, General Manager Customer Experience</a>
	n/a	Authority to decide whether to prosecute for health, food premises and by-law infringements subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	<a href="#">General Manager Customer Experience, Regulatory Manager</a>
	n/a	Authority to decide whether to prosecute for enforcement of building or resource management infringements subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	<a href="#">General Manager Sustainable Growth and Investment, General Manager Customer Experience</a>
	n/a	Authority to decide whether to prosecute for dog control infringements subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	<a href="#">General Manager Customer Experience</a>
Litter Act 1979	8	Power to appoint litter wardens and revoke such appointments	Infrastructure	GM Infrastructure
		Duty to provide and maintain suitable litter receptacles in such number as may be necessary and to make appropriate provision for the emptying of the contents of litter receptacles, power to require the occupier of the land or premises to take all reasonable steps to prevent such litter being carried or escaping onto the public place		
	9		Infrastructure	Infrastructure Technical Officer
	10	Power to require owners of private property to clear litter from their property. Action to be reported to the next available council meeting.F455	Infrastructure	Regulatory Manager, Monitoring & Compliance Officer
	11	Power to make grants or spend money for the abatement or prevention of litter within financial delegations and budgeted funds	Infrastructure	GM Infrastructure
	13	Power to adopt infringement notice provisions	Infrastructure	GM Infrastructure; <a href="#">General Manager Customer Experience</a>
	14	Power, as Litter Control Officer, to issue infringement notices	Infrastructure	Regulatory Manager, Monitoring & Compliance Team Leader
	5	Power to appoint Litter Control Officers	Infrastructure	GM Infrastructure; <a href="#">General Manager Customer Experience</a>
Local Electoral Act 2001		Duty to appoint the deputy electoral officer (This is not strictly a delegation. The Electoral Officer and only the Electoral Officer must appoint a deputy under this section)		
	13		CE	
	33	Power to combine poll of electors after receipt of one or more notices under sections 30(4) and 31(3)	Democracy	Electoral Officer
	42	Duty, as electoral officer, to ensure that a copy of the roll is kept at the principal office of the territorial authority or local authority and that it is open for public inspection	Democracy	Electoral Officer
	46	Power to remove names from electoral roll and duty to give notice to such persons	Democracy	Electoral Officer

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	47	Power to make amendments to electoral roll	Democracy	Electoral Officer
	48(3)	Duty, as electoral officer, to inquire into and determine whether or not the objection to the electoral roll should be allowed; and give the objector written notice of the decision	Democracy	Electoral Officer
	68(6)	Power to supply to scrutineer or candidate the name of persons from whom voting documents have been received, either at no cost or for a reasonable price, and in a format that the electoral officer considers appropriate	Democracy	Electoral Officer
	73	Power to adjourn an election or poll on reasonable grounds that electors are, or are likely to be, denied a reasonable opportunity to cast a valid vote at election or poll	Democracy	Electoral Officer
Local Electoral Regulations 2001		Duty to send an enrolment confirmation form to the person or persons listed on the valuation roll as the ratepayer or ratepayers of each rating unit in certain circumstances	Democracy	Electoral Officer
	16	Power to combine voting documents	Democracy	Electoral Officer
	32	Power to choose to use different coloured voting documents for different elections and polls and different kinds of voting documents at the same election or poll	Democracy	Electoral Officer
	33(2)	Power to issue special voting documents	Democracy	Electoral Officer
	35	Power to check special voting declarations and to determine whether special voter is qualified to vote	Democracy	Electoral Officer, <a href="#">GM Engagement &amp; Transformation</a> , Customer Services Manager
	40	Power, as electoral officer, to provide neutral information on the matter or matters that are the subject of a poll	Democracy	Electoral Officer, <a href="#">GM Engagement &amp; Transformation</a> , Customer Services Manager
	46		Democracy	Electoral Officer, <a href="#">GM Engagement &amp; Transformation</a> , Customer Services Manager
Local Government Act 1974	319	Power, in respect of roads, to do specific things	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	319B	Power to allocate property numbers	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	324A	Powers to carry out works on Maori roadway	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	326	Power to charge betterment for road improvements	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
		Powers to make maps of the district showing road levels, fix the level of any road subject to conditions and to throw the batter or make the slope of any non-private road subject to payment of compensation	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	330	Power to form or upgrade footpaths, duty to make provision for footpath and power to impose a charge for footpath works	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	331	Power to form public cycle tracks	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	332(1)	Power to construct, erect, grow thereon or remove barriers on roads and to construct, alter or remove segregation strips on any road in certain circumstances	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	333	Power to construct and enclose any part of a road, put plants on any road, erect monuments on any road and to construct or provide on, over or under any road facilities in certain circumstances	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	334	Power to do all things necessary to light private ways in the district	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	334A		Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	335(1)	Power to require payment for the cost of construction of a vehicle crossing	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
		Power to require alteration to pipes, drains or other apparatus of any kind on or under a road	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	337	Power to grant easement to lay conduit pipes along or under any road or under or along any private road or private way	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	338	Power to erect transport shelter	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	339	Power to grant permits for the erection of private motor garages	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	340(1)		Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
		Power to close any road to traffic or any specified type of traffic (including pedestrian traffic) on a temporary basis in accordance with schedule 10 and impose or permit the imposition of charges as provided for in that schedule.	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	342(1)(b)	Power to permit erection of swing gates and cattle stops across roads	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	344	Power to declare and revoke status of limited access roads	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	346A	Power to authorise any crossing place	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	346E		Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
		Power to grant permission to lay out or form any private road or private way or grant or reserve a right of way over any private way	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	348	Duty to take sufficient precautions for the general safety of the public and people employed on or near any road	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	353	Power to require removal of various named obstructions in order to prevent injury to the road or obstruction or danger to the traffic	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	355	Powers and duty to remove abandoned vehicles from roads and to sell or otherwise dispose of it	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	356	Power to establish or abolish toll gates at bridges, tunnels and ferries	Infrastructure	GM Infrastructure, <a href="#">Capital Works &amp; Procurement Manager</a> , NTA
	361	Power to cover in any watercourse so as to make it a public drain and power to do any work that is necessary to exclude any pollutant from any watercourse	Infrastructure	GM Infrastructure, Waters & Waste Manager
	446	Power to require betterment contributions for covering watercourse	Infrastructure	GM Infrastructure, Waters & Waste Manager
	447	Power to permit the diversion, alteration, protection or replacement of drainage works for certain purposes	Infrastructure	GM Infrastructure, Waters & Waste Manager
	451		Infrastructure	GM Infrastructure, Waters & Waste Manager
		Powers to require owners of land in certain cases to provide private drains and to do any work necessary for the efficient drainage of the premises	Infrastructure	GM Infrastructure, Waters & Waste Manager
	459(1)	Power to enter upon premises and execute, provide, and do all things considered necessary, to allow construction of private drains through adjoining premises	Infrastructure	GM Infrastructure, Waters & Waste Manager
	460	Power to set conditions	Infrastructure	GM Infrastructure, Waters & Waste Manager
	461	NOT DELEGATED- COUNCIL ONLY-Power to declare private drain to be a public drain	Infrastructure	
	462			
		Power to replace or repair any property destroyed or damaged by unlawful connection of a private drain, or remove or alter a private drain subject to advising Mayor and Deputy Mayor prior to actioning.	Infrastructure	GM Infrastructure, Waters & Waste Manager
	467	Power to require removal of any tree or part of any tree, the roots of which enter or are likely to enter any public drain	Infrastructure	GM Infrastructure, Waters & Waste Manager
	468(1)	Power to purchase, or make and maintain, or enlarge, alter, extend, or repair, any drainage channel or land drainage works constructed under this Part of this Act in any drainage area in the district	Infrastructure	GM Infrastructure, Waters & Waste Manager
	509	Power to inspect private dams, weir, or mill race and to close or open any sluice or flood gates for the purpose of inspection	Infrastructure	GM Infrastructure, Waters & Waste Manager
	510	Power to require removal of obstruction from drainage channel or watercourse	Infrastructure	GM Infrastructure, Waters & Waste Manager
	511	Power to make advances to owner to enable compliance with requirements under section 511 or to cover in or improve any drainage channel or watercourse	Infrastructure	GM Infrastructure, Waters & Waste Manager
	514(1)		Infrastructure	GM Infrastructure, Waters & Waste Manager
		Powers to carry out works with respect to any drainage works and maintenance on roads and public works in accordance with Schedule 14	Infrastructure	GM Infrastructure, Waters & Waste Manager
	516		Infrastructure	GM Infrastructure, Waters & Waste Manager
	647(1)	Duty to fix fire hydrants in main pipes	Infrastructure	GM Infrastructure, Waters & Waste Manager
	648(1)	Duty to keep charged with water the pipes to which fire hydrants are fixed	Infrastructure	GM Infrastructure, Waters & Waste Manager
	591	Powers for the provision of parking places, buildings and transport stations	Infrastructure	GM Infrastructure, Waters & Waste Manager
	Schedule 10	Powers and duties in relation to stopping of roads and the temporary prohibition of traffic on roads	Infrastructure	GM Infrastructure, Waters & Waste Manager
	Schedule 14 clause 3	Power to interfere with the road or work, so far as may be necessary to effect all necessary repairs in the waterworks, drainage works, trade wastes systems, drainage channels, gas pipes, electricity cables or poles, on giving to that local authority or body not less than 3 days previous notice in writing	Infrastructure	GM Infrastructure, Waters & Waste Manager

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	Schedule 14 clause 4	Power in any emergency or danger to the waterworks, drainage works, trade waste systems, drainage channels, gas pipes, electricity cables, poles or property adjoining, without and previous notice, proceed to effect the necessary repairs, but shall as soon as practicable thereafter inform the local authority or body	Infrastructure	GM Infrastructure, Waters & Waste Manager
		Exercise the powers relating to approved water supply, sanitary drainage works and storm water on private land as contained in Subpart 3 of Part 8 and Schedule 12 of the Local Government Act 2002	Infrastructure	GM Infrastructure, Waters & Waste Manager
		Exercise the powers relating to removal of obstructions in drainage channels or water courses as contained in Section 511 of the Local Government Act 1974	Infrastructure	GM Infrastructure, Waters & Waste Manager
Local Government Act 2002	116	Duty to establish and maintain a register of all instruments affecting any of its property	Infrastructure	GM Infrastructure, Waters & Waste Manager
	125	Duty to assess the provision of water and other sanitary services	Infrastructure	GM Infrastructure, Waters & Waste Manager
	131	NOT DELEGATED- COUNCIL ONLY- Power to close down or transfer a water service that is no longer appropriate to maintain		
	136	Power to enter contracts for any aspect of operation of all or part of a water service	Infrastructure	GM Infrastructure, Waters & Waste Manager
	162	Power to make application to the District Court seeking an injunction to restrain a person from committing a breach of bylaw or an offence under this Act subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
	163	Power to remove or alter a thing that is or has been constructed in breach of a bylaw subject to advising Mayor and Deputy Mayor prior to actioning	Regulatory	GM Customer Experience, Regulatory Manager, Monitoring & Compliance Team Leader
	168	NOT DELEGATED -COUNCIL ONLY- Power to dispose of property seized and impounded		
	171	Power of entry to any land or building other than a dwelling house for the certain purposes	Infrastructure	GM Infrastructure, General Manager Sustainable Growth and Investment, General Manager Customer Experience, Waste & Water Manager, Building Control Team Leader, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
	172	Power, of warranted enforcement officer, to enter onto land for enforcement purposes	Regulatory	GM Infrastructure, General Manager Sustainable Growth and Investment, General Manager Customer Experience, Waste & Water Manager, Building Control Team Leader, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
	173	Power of entry for certain purposes in cases of emergency or danger	Infrastructure	GM Infrastructure, General Manager Sustainable Growth and Investment, General Manager Customer Experience, Waste & Water Manager, Building Control Team Leader, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
	175	Power to recover against a person for damage by wilful or negligent behaviour subject to advising Mayor and Deputy Mayor prior to actioning	ALL	
	181	Powers to construct works on or under private land or under a building on private land. Report to the next available council or relevant committee meeting.	Infrastructure	GM Infrastructure
	182	Power of entry to any land or building for the purpose of checking water supply, drainage works or other utility service provision	Regulatory	GM Infrastructure, General Manager Sustainable Growth and Investment, General Manager Customer Experience, Waste & Water Manager, Building Control Team Leader, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
	183	Power to require occupier or owner of land to remove fire hazards	Regulatory	GM Infrastructure, General Manager Sustainable Growth and Investment, General Manager Customer Experience, Waste & Water Manager, Building Control Team Leader, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Senior Building Control Officer, Monitoring & Compliance Officer, Principal Planner, Planner
	186(2)	Power to carry out work or provide things in situation where occupier or owner defaults and power to recover costs. Report to the next available council or relevant committee meeting.	Regulatory	General Managers
	187	Power to recover costs and reasonable administrative and supervision charges for work authorised to be carried out in a default situation. Report to the next available council or relevant committee meeting.	Regulatory	Monitoring & Compliance Team Leader, Building Compliance Officer, Building Control Manager, Regulatory Manager, Senior Building Control Officer, Principal Planner
	193	Power to restrict water supply subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	GM Infrastructure
	198	Power to require contributions for developments as provided for in a policy adopted under section 102(1) that is consistent with section 201	Regulatory	General Manager Sustainable Growth and Investment Planning Manager, Building Technical Support Officer, Building Control Officer, Regulatory Manager, Trainee Building Control Officer, Senior Building Control Officer, Building Control Manager, Principal Planner, Planner, Regulatory Officer Consent
	207A to 207F	The Chief Executive may enter into Development Agreements with developers for the provision, supply or exchange of infrastructure, land or money to provide network infrastructure, community infrastructure or reserves that are in or a part of the district or alter standard conditions; this includes, for example: • Expenditure being within an approved budget of up to \$250,000; • Arrangements where the impact of the agreement has a zero net impact on the budget provided the gross amount is less than \$250,000; and • Authorisation of a deferred development contribution payment provided that a statutory land charge is in place. The provisions of sections 207A to 207F shall apply to such agreements, and authority is subject to all Development Agreements being reported to the appropriate Chair	CE	
	208	Powers if development contributions not paid or made	Regulatory	General Manager Sustainable Growth and Investment, Planning Manager
	209(1)	Duty to refund money and return of land if development does not proceed subject to advising Mayor and Deputy Mayor prior to actioning	CE	
	210(1)(a)	Duty to refund money if not applied to specified reserve purpose within 10 years after receipt of money subject to advising Mayor and Deputy Mayor prior to actioning	CE	
	210(1)(b)	Duty to return land if not used for specific reserve purpose within 10 years after land is acquired subject to advising Mayor and Deputy Mayor prior to actioning	CE	
	224	Power to give written warning in respect of water wastage	Infrastructure	GM Infrastructure, General Manager Customer Experience, Monitoring & Compliance Team Leader, Waters & Waste Manager, Operations Engineer
	249	Power, as member or officer of local authority or other appointed person, to represent local authority in proceedings	CE	All General Managers, Building Control Manager, Regulatory Manager, Building Control Officer, Trainee Building Control Officer, Building Compliance Officer, Monitoring & Compliance Officer, Principal Planner, Regulatory Officer Consent
	252	Power to recover as debts, money payable for works, material or things provided or done or money payable as development contributions	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
Local Government Official Information and Meetings Act 1987	12	Duty to transfer request to another local authority or appropriate department within 10 working days	CE	
	13	Power to decide whether the request is to be granted and if so, in what manner and for what charge (if any)	CE	
	14	Power to extend the time limit for a reasonable period in order to provide the official information	CE	
	15	Power to determine the manner of presenting information requested	CE	
	16	Power to provide documents with some information deleted	CE	
	17	Power to refuse requests for information	CE	
	21	Power to withhold some of the information in any document requested by the applicant under this section	CE	
	24	Duty to take specific precautions when any personal information is requested under section 23(1)	CE	

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	25	Duty to inform any person who make any request relating to correction of personal information held about them, of any action taken as a result of the request	CE	
	26	Power to refuse to disclose personal information refuse under section 23(1)	CE	
	44A	Duty to provide Land Information Memorandum when requested	Democracy	General Manager Engagement & Transformation, Administration Manager, Land Information Memorandum Officer
	46	Duty to publicly notify a list of all meetings of that local authority scheduled for the following month	Democracy	Governance Advisor
	46A	Duty to make available all agendas and associated reports of meetings of the local authority with specific exceptions	Democracy	Governance Advisor
	49	Duties relating to provision of copies of the agenda for any meeting that is open to the public	Democracy	Governance Advisor
	51	Duty to make available for inspection and to provide copies of the minutes of any meeting of the local authority	Democracy	Governance Advisor
	51A	Duty to publicly notify any resolution passed at an extraordinary meeting with certain exceptions	Democracy	Governance Advisor
Machinery Act 1950	21(A)	Power to issue a permit for the erection and operation of amusement devices	Regulatory	Building Control Manager, Regulatory Manager, Monitoring & Compliance Team Leader
Major Events Management Act 2007	49(2)	Power, as major event organiser, to give permission to a major event sponsor to take proceedings for relief (This is only relevant if there is an Order in Council in place naming the Council as a major events organiser)	CE	
Minimum Wage Act 1983	8A(1)	Duty, as employer, to keep a wages and time record	Human Resources	GM People & Capability, HR Business Partner
Municipal Insurance Act 1960	5	Power to become a member of The New Zealand Municipalities Cooperative Insurance Company Limited	CE	
	7	Power to apply money in fire insurance funds, accident funds and other similar funds in payment for shares in the capital of the company or in payment of insurance premiums to the company	CE	
New Zealand Library Association Act 1939	5	Power to become a member of the Association	Community	GM Customer Experience, Library Manager
Parental Leave and Employment Protection Act 1987	16	Authority to temporarily transfer a pregnant female employee from one job to another if she is unable to perform her work to the safety of herself and others or is incapable of performing her work adequately	Human Resources	GM People & Capability, HR Business Partner
	36	Duty, as employer, to notify employee in response to employee's wish to take parental leave	Human Resources	GM People & Capability, HR Business Partner
	38	Duty to give notice in relation to return to work and preference for appointment	Human Resources	GM People & Capability, HR Business Partner
Parks	n/a	Authority to approve commercial sponsorship signs in parks. Signs must comply with Kaipara District Council's Bylaw	Infrastructure	GM Infrastructure
Postal Services Act 1998	40	Power to prescribe reasonable conditions on postal operators in regard to erection and maintenance public letterboxes	Infrastructure	GM Infrastructure
	41	Duty to inform the postal operator of any conditions imposed after receipt of the written notice of the intention to undertake work	Infrastructure	GM Infrastructure
Privacy Act 1993	27	Power to refuse to disclose any information requested pursuant to principle 6 if request relates to specific matters of security, defence or international relations	CE	
	28	Power to refuse to disclose any information requested pursuant to principle 6 if withholding information is necessary to protect information including trade secret or the commercial position of the person who supplied or who is subject of the information	CE	
	29	Power to refuse to disclose any information requested pursuant to principle 6 for other reasons	CE	
	32	Power to refuse to either confirm nor deny the existence or non-existence of certain information	CE	
	39	Power to transfer information privacy requests to other agency in certain circumstances	CE	
	40	Duty, as agency to which an information privacy request is made or transferred, to decide whether the request is to be granted and, if so in what manner and to notify individual who made request of decision	CE	
	41	Power to extend a time limit, in respect of a request, for a reasonable period having regard to circumstances	CE	
	43	Power to make documents available with deletions or alterations where there is good reason for withholding some of the information contained in that document	CE	
	44	Duty to give reason for refusal of request	CE	
	60	Duty, as the agency responsible for administering any public register, in administering that register, to comply with the information privacy principles and the public register privacy principles	CE	
Property	n/a	Authority to sign applications, documents or instruments or certify any document or instrument in relation to any interest in land, on behalf of council, including but not limited to agreements for sale and purchase; leases; documents for amending or withdrawing caveats; easement certificates; compensation certificates; release of bonds or encumbrances.	Regulatory	General Manager Sustainable Growth and Investment, Planning Manager, General Manager Infrastructure, Property and Commercial Advisor
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL-Authority to approve the terms and conditions for the acquisition or disposal of real estate. Authority being conditional on acquisition/sale being approved by council and on the consideration being less than \$100,000.		
	n/a	Authority to make resource management consent applications	Infrastructure / Community	GM Infrastructure, General Manager Sustainable Growth and Investment, Planning Manager, Community Relationships Manager, Capital Works & Procurement Manager, NTA, Waters & Waste Manager, Property and Commercial Advisor
	n/a	Authority to make building consent applications	Infrastructure / Community	GM Infrastructure, General Manager Sustainable Growth and Investment, Planning Manager, Community Relationships Manager, Capital Works & Procurement Manager, NTA, Waters & Waste Manager, Property and Commercial Advisor
	n/a	Authority to give consent, and make submissions or objections as adjoining landowner, or potentially affected party in relation to property they are responsible for.	Infrastructure	GM Infrastructure, Property and Commercial Advisor, Community Relationships Manager
	n/a	Authority to sign certificates defining legal boundaries adjoining council land	Infrastructure	GM Infrastructure
	n/a	Authority, as property owner, to approve or decline all tenancies	Infrastructure	GM Infrastructure, Property and Commercial Advisor, Property Officer
	n/a	Authority, as property owner, to approve contributions to tenants for minor repairs and repainting.	Infrastructure	GM Infrastructure, Property and Commercial Advisor, Property Officer
	n/a	Authority, as property owner, to terminate tenancies for non-compliance with tenancy agreements subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	GM Infrastructure, Property and Commercial Advisor, Property Officer

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority to set, review and reduce prices and rents in relation to existing council leases.		
	n/a	Authority as lessor or lessee to sign agreements to lease for residential and commercial property.	Infrastructure	GM Infrastructure, Property and Commercial Advisor
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority as property owner, lessor or licensor to assign and surrender leases and licenses.		
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority as lessee or licensee to sublease, assign and surrender leases and licenses.		
	n/a	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Authority to approve variations to commercial, industrial and residential leases and licenses.		
	n/a	Authority to approve works on, over or under council land, including leases where there is a commercial aspect. This does not apply to parks, reserves or roads	Infrastructure	GM Infrastructure, Property and Commercial Advisor, Parks and Recreation Manager
	n/a	Authority to approve a renewal of lease where there are no variations to the lease subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	GM Infrastructure, Property and Commercial Advisor
	n/a	Authority to administer leases and licenses of council-owned land and facilities subject to advising Mayor and Deputy Mayor prior to actioning. This includes the power to enforce the conditions of the lease or license, such as terminating the lease or license and approving rights of renewal where there is no rent review involved. Report to the next available council or relevant Committee meeting.	Infrastructure	GM Infrastructure, Property and Commercial Advisor
	n/a	Authority to close a premise in an emergency situation, subject to following any council established crisis management procedures. Report to the next available Council or relevant Committee meeting.	Infrastructure	General Managers
Property Law Act 2007	9	Power to execute a deed subject to Council approval	CE	GM Infrastructure
	25	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to make dispositions of interest in land and other property		
	27	Power to execute contracts of guarantee subject to Council approval	CE	GM Infrastructure
	41(2)(a)	Power, as vendor, before the time of settlement to do all acts necessary to cause the register to cease to be limited as to title	Property	Property and Commercial Advisor
	50	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, as assignor, to assign a legal or equitable thing in action		
	208	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to enter into a short term lease		
	210	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, as lessor or lessee, to terminate lease		
	236	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, as lessee, upon receipt of termination of lease after severance to terminate the lease for the residue of the land comprised in the lease		
	308	Power, as person entitled, to give notice of work required in respect of a positive covenant benefiting the land	Property	Property and Commercial Advisor
	316	Power, as a person bound by an easement, a positive covenant, or a restrictive covenant, to make application for order under section 317 modifying or extinguishing easement or covenant subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
	319	Power, as owner or occupier of land, to apply to court for order under section 320 authorising entry onto or over neighbouring land subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
	322	Power to apply for relief for wrongly placed structure subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
	327	Power, as owner or occupier of landlocked land, to apply to a court for order under section 328(1) granting reasonable access to any landlocked land subject to advising Mayor and Deputy Mayor prior to actioning	Property	Property and Commercial Advisor
	334	Power, as owner or occupier of any land, to apply to court for order of removal or trimming of trees or removal or alteration of structures subject to advising Mayor and Deputy Mayor prior to actioning	Infrastructure	GM Infrastructure, Parks and Recreation Manager, Waters & Waste Manager
Protected Disclosures Act 2000	11(1)	Duty to have in operation appropriate internal procedures for receiving and dealing with information about serious wrongdoing in or by the Council	CE	All GMs
	11(3)	Duty to provide information about the existence of the internal procedures, and adequate information on how to use the procedures	CE	All GMs
	16(1)	Power to refer information disclosed from one appropriate authority to another	CE	All GMs
	16(2)	Duty to notify the person by whom the protected disclosure of information was made that the information has been referred	CE	All GMs
Public Audit Act 2001	24	Duty to ensure that the Auditor General has access at all times to the documents of the entity relating to the performance and exercise of the Auditor General functions, duties and powers	Finance	GM Risk, IT and Finance, Financial and Corporate Planning Manager
	25	Duty to provide the Auditor General with any document in the Council's, custody care or control and with information or an explanation about information	Finance	GM Risk, IT and Finance, GM Governance Strategy & Democracy, Financial and Corporate Planning Manager
Public Records Act 2005	40(3)	Power to dispose of local authority records in certain circumstances	CE	
	45	Duty, of administrative head of the controlling local authority, to classify access status of local authority records and power to change classification of local authority records	CE	
Public Works Act 1981		The General Manager Operations is authorised to execute Council's responsibilities, duties and powers under the provisions of the Public Works Act 1981- except those specifically reserved to the Chief Executive by virtue of the Act, and, subject to, in the case of the purchase or disposal of land other than road legalisation of up to \$50,000 in value, such purchase or disposal being in accordance with the Long-term Plan and having been specifically approved by Council resolution.	Infrastructure	GM Infrastructure
	17(1)	The Minister or a local authority may enter into an agreement to purchase any land for any public work for which the Crown or local authority, as the case may be, is responsible	Infrastructure	GM Infrastructure (up to \$50,000)
	17(1)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to enter into an agreement to purchase any land for any public work for which it is responsible		
	17(4)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power, if the land fits certain criteria, to apply to the Maori Land Court for the district in which the land is situated for an order under the provisions of Part 9 of the Maori Affairs Amendment Act 1974		

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	18(1)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Duty to serve notice of the Council's desire to acquire the land; lodge a notice of desire to acquire the land; invite the owner to sell the land; negotiate in good faith with the owner in an attempt to reach an agreement for the acquisition of the land		
	18(2)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to take the land under this Act in certain circumstances		
	18(3)	Power to withdraw notice under section 18(1)	CE	
	18(4)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Duty to give notice to District Land Registrar that section 18(1) notice has been withdrawn or deemed to be withdrawn		
	18(5)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to apply to the Maori Land Court for an order under the provisions of Part 10 of Te Ture Whenua Maori Act 1993		
	18(7)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to proceed to take land under certain circumstances		
	19	Power, where agreement under section 17 or agreement for payment of compensation has been entered, to forward a compensation certificate to the District Land Registrar to be registered against certificate of title to all land affected by it	Infrastructure	GM Infrastructure
	23(1)(b) and	Duty to publicly notify information about land to be taken and give notice of intention to take land to owner	Infrastructure	GM Infrastructure
	34(3)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to subdivide, develop, provide access to, set apart, or dispose of any severed land taken under this section		
	41(e)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to apply to the Maori Land Court for order under section 134 Te Ture Whenua Maori Act 1993 to dispose of former Maori land when no longer required		
	43	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to sell land on deferred payments		
	44	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to acquire as part of general revenues of local authority the purchase money or instalments of purchase money of land sold under section 40, section 42, or section 43		
	45	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to grant a lease or tenancy of the land or a licence to occupy the land for land held for public work		
	47	Power to apply to District Land Registrar to issue of certificates of title to land held for public works	Infrastructure	GM Infrastructure
	48	Power to grant easement over or under land held for public work	Infrastructure	GM Infrastructure
	49	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to sell or let or lease, or grant any easement in respect of, together with or separately from the surface of the land, the air space above the land and subsoil of the land		
	63	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Duty to pay compensation for injurious affection where no land taken		
	65	Power to assess compensation for land acquired for public work for which no general demand exists	CE	
	71(6)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to require further information if the owner or occupier of any land wishes to do anything on or under the land which may cause the amount of compensation payable to him to be reduced		
	71(7)	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to decline the section 71(5) application from the owner or occupier		
	73	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to provide monetary assistance to the owner of land acquired for public work to acquire another private residence of a reasonably comparable standard		
	74	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to provide monetary assistance to the owner of land acquired for public work to purchase farm or commercial or industrial property of a standard reasonably equivalent to that so taken or acquired		
	75	NOT DELEGATED- COUNCIL ONLY UNLESS SPECIFIC DELEGATION MADE BY COUNCIL- Power to pay compensation to tenants of residential and business premises for costs relating to moving to other accommodation		
	76	Duty, upon receipt of application from owner of the land, to refund expenses where acquisition of land is abandoned	Infrastructure	GM Infrastructure
	79	Power to take proceedings to determine compensation if person entitled fails to make claim	Infrastructure	GM Infrastructure
	81	Power to apply to District Court for an order authorising Public Trust to represent infants, mentally disordered person, a person under some other legal disability, or a beneficiary under a trust, not having a guardian or absentee owners	Infrastructure	GM Infrastructure
	84	Power to file claim and notice in District Court that requires claim to be heard by Tribunal	Infrastructure	GM Infrastructure
	96	Power to pay compensation to Public Trustee to the parties entitled to the rents and profits of the land when right to compensation is doubtful	Infrastructure	GM Infrastructure
	99(2)	Power to pay the mortgagor the full amount of any compensation where the compensation does not exceed \$250, without incurring any liability to the mortgagee, notwithstanding anything in this section	Infrastructure	GM Infrastructure
	103	Power to grant any right, privilege, or concession in, upon, over, or under any land taken or reserved for the purpose of any public work in lieu of compensation	Infrastructure	GM Infrastructure
	105	Power to grant land as compensation where equivalent land not readily available	Infrastructure	GM Infrastructure
	107	Power to enter into agreement, with person entitled to land under section 105 or 106, for the repayment of any money agreed to be due by way of equality of exchange on such terms and conditions (including interest) as may be agreed upon by the parties	Infrastructure	GM Infrastructure
	107A	Power to grant lease or licence as compensation	Infrastructure	GM Infrastructure
	110	Power of entry onto land for survey purposes	Infrastructure	GM Infrastructure
	111	Power of entry onto land for other survey and investigation purposes and conduct specified associated activities on that land	Infrastructure	GM Infrastructure
	114(2)(h)	Power to give consent for any land to be declared as road	Infrastructure	GM Infrastructure
	115	Power to forward to District Land Registrar a certificate of consent to be registered against the title to all land affected	Infrastructure	GM Infrastructure
	117(1)	Power to deal with stopped roads as if the road had been stopped pursuant to the Local Government Act 1974	Infrastructure	GM Infrastructure



Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	133	Power to require the removal of trees, hedges and other structures that interfere with roads or public works	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA, Parks & Recreation Manager
	191	Power to apply the land acquired for public work to any authorised secondary use and power to grant licences, permits, and privileges in respect of any authorised secondary use of the land	Infrastructure	GM Infrastructure
	233	Duty to provide notice before entry onto private land where authority is given to enter on any land and construct, maintain, or operate a public work before the land has been acquired	Infrastructure	GM Infrastructure
	234(1)	Power to enter land do such work is necessary to remove danger or cause of the likelihood of serious interference	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA, Parks & Recreation Manager
	237	Power to approve excavations near electric lines, telecommunications installation public works	Infrastructure	GM Infrastructure
	239	Power to remove and dispose of property abandoned on public works land	Infrastructure	GM Infrastructure
	240	Power to commence proceedings to recover land from persons holding illegal possession	Infrastructure	GM Infrastructure
Rates Rebate Act 1973	5(5)	Duty to grant rebate of rates	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	7(5)	Duty to refund to owner of owner occupied flat of contribution towards rates	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	9	Power to apply to Secretary for Local Government for refund of rebates granted	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	13(1)(b), 13(2)	Power, officer of territorial authority authorised by that authority, to receive declarations	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
Rating Valuations Act 1998	10	Duty to supply details of general revaluation to Valuer-General	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	12	Duty to give public notice and make available for inspection the District Valuation Roll	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	13	Duty to give notice of valuation to each owner and ratepayer (if different) of each rating unit	Finance	Revenue Manager, Revenue Collection Officer, Revenue Operations Officer
	14	Power to make alterations to the current district valuation roll	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	16(2)	Power to require the reasonable costs of a valuation to be paid by the applicant before undertaking the valuation	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	34	Duty to determine an objection after the outcome of the review	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	35	Duty to give objector written notice of decision on a review	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	38	Power to be represented by certain persons in any proceedings before a Land Valuation Tribunal	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	41	Duty to supply copies of entries in district valuation rolls available to public	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	42	Duty to maintain all required information and documents and to supply such information and documents to the Valuer-General	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	43(1)	Power to obtain contribution to the cost of preparing and maintaining the valuation roll from the regional council	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	45(1)	Power to enter on any land to carry out valuations	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
Rating Valuations Regulations 1998	6	Power to extend due date for lodging an objection	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	8	Duty to notify objector where insufficient information is supplied with objection	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
	10	Power to refuse to consider late or incomplete objections	Finance	General Manager Sustainable Growth & Investment, Revenue Manager
Regulatory	n/a	Authority to appoint approved independent Hearing Commissioners to hear proceedings on consent applications.	Community	General Manager Sustainable Growth Planning Manager, General Manager Customer Experience, Regulatory Manager
	n/a	NOT DELEGATED- COUNCIL ONLY- authority to appoint independent Hearing commissioners to hear proceedings on consent changes or plan changes.		
Reserves Act 1977		The exercise of the Council's powers and authorities under Parts III and V of the Reserves Act Note: This does not include powers delegated to the Council by the Minister, which may only be exercised by the Council.	Community	GM Infrastructure, Parks and Recreation Manager
	8	Power to appoint rangers	Community	GM Infrastructure, Parks and Recreation Manager
	15(3)	Power to do all things necessary to effect any exchange of the land authorised under section 15(1)	Community	GM Infrastructure, Parks and Recreation Manager
	40(1)	Duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act	Community	GM Infrastructure, Parks and Recreation Manager
	41(1)	Duty to prepare management plans for the reserve under its control, management, or administration.	Community	GM Infrastructure, Parks and Recreation Manager
	42	Power to preserve trees and bush on any recreation reserve, or government purpose reserve, or local purpose reserve	Infrastructure	GM Infrastructure, Parks and Recreation Manager
	45	NOT DELEGATED- COUNCIL ONLY- Power to authorise any voluntary organisation or educational institution to erect shelter, huts, cabins, lodges and similar resting or sleeping accommodation on any recreation reserve or scenic reserve		
	48	Power to grant rights of way and other easements over reserves for specified purposes	Community	GM Infrastructure, Parks and Recreation Manager
	48A(1)	NOT DELEGATED- COUNCIL ONLY- Power to grant a licence to engage in works for purposes of any station for the transmission, emission, or reception of any form or radio, electric, or electronic communications		
	48A(3)	NOT DELEGATED- COUNCIL ONLY- Power to approve terms and conditions of licence under section 48A(1)		
		Power to authorise the taking and killing of any specified kind of fauna, excluding indigenous fauna in any recreation, government purpose, or local purpose reserve and power to authorise the use of firearms, traps, nets, or other like objects within the reserve subject to advising Mayor and Deputy Mayor prior to actioning	Community	GM Infrastructure, Parks and Recreation Manager
	50	Power to introduce indigenous flora or fauna or exotic flora if authorised	Community	GM Infrastructure, Parks and Recreation Manager
	51(1)	Powers (other than leasing) in respect of recreation reserves	Community	GM Infrastructure, Parks and Recreation Manager
	53	Powers (other than leasing) in respect of recreation reserves	Community	GM Infrastructure, Parks and Recreation Manager
	55	Powers (other than leasing) in respect of scenic reserves	Community	GM Infrastructure, Parks and Recreation Manager
	57	Powers in respect of nature reserves	Community	GM Infrastructure, Parks and Recreation Manager
	58	Powers in respect of historic reserves	Community	GM Infrastructure, Parks and Recreation Manager
	59	Powers in respect of scientific reserves	Community	GM Infrastructure, Parks and Recreation Manager
	71	Power to farm or graze recreation or local purposes reserve land	Community	GM Infrastructure, Parks and Recreation Manager
	72	Power to allow others to use recreation or local purposes reserve land for farming or grazing	Community	GM Infrastructure, Parks and Recreation Manager
	73	NOT DELEGATED- COUNCIL ONLY- Power to grant lease of recreation or local purposes reserve land for farming or grazing, afforestation or other purposes		
	74(2)	Power to grant licences to temporarily occupy certain reserves for certain purposes subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	75	Power to afforest or enter contract for afforestation of recreation or local purpose reserves	Community	GM Infrastructure, Parks and Recreation Manager
	78	Duty to apply all money received by way of rent, royalty, or otherwise in respect of any dealing with any reserve for the purposes of this Act.	Community	GM Infrastructure, Parks and Recreation Manager
	79	Duty to pay all money received under this Act in specified accounts	Community	GM Infrastructure, Parks and Recreation Manager
	80	Duty to apply money received under this Act for purchasing, taking on lease, managing, administering, maintaining, protecting, improving, and developing the reserves under its control, and for no other purpose	Community	GM Infrastructure, Parks and Recreation Manager

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
	85A	Power to spend revenue derived from trees grown on a recreation or local purpose reserve for other purposes conditional on the Ministers approval	Community	GM Infrastructure, Parks and Recreation Manager
		Power, as local authority which is the administering body of any reserve, to apply money or make advances from the general fund or account to the administering body of the reserve towards the management, improvement, maintenance, and protection of that reserve or other reserve, towards the cost of the acquisition by the Crown of any land or interest in land for the purposes of this Act, or in payment for the consideration for any conservation covenant	Community	GM Infrastructure, Parks and Recreation Manager
	89		Community	
	90	Power, as local authority which is the administering body of a recreation reserve, to borrow money for the improvement and development of the reserve or the purchase of other land for addition to the reserve or for payment of the consideration for any conservation covenant	Community	GM Infrastructure, Parks and Recreation Manager
	91	Power, as local authority which is the administering body of a recreation reserve, to have debit in accounts in anticipation of revenue from reserves	Community	GM Infrastructure, Parks and Recreation Manager
	92	Power to grant relief to lessees and licensees of reserves subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	93	Powers of constables, rangers and other officers subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	95	Power, as officer of administering body, of seizure or forfeiture of certain property on reserves subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	100	Power, as ranger, to stop and search boats, seize items and arrest people in certain conditions subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	100A	Power, as ranger, to seize and remove boats in certain circumstances subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	110	Power to remove and dispose of vehicles and boats subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	115	Power to grant or refuse application of lessee or licensee for consent to transfer, sublease, mortgage, or otherwise dispose of his or her interest subject to advising Mayor and Deputy Mayor prior to actioning.	Community	GM Infrastructure, Parks and Recreation Manager
	119	Duty to give public notice when required under this Act	Community	GM Infrastructure, Parks and Recreation Manager
	120	Duties in respect of objections to intention of administering power to exercise any power conferred by this Act	Community	GM Infrastructure, Parks and Recreation Manager
Safety	n/a	Authority to decide on the most appropriate response to matters concerning emergency work on scheduled trees	Community	GM Infrastructure, Parks and Recreation Manager
Tax Administration Act 1994	16(2)	Duty, as occupier of land, to provide the Commissioner with all reasonable facilities and assistance for the effective exercise of his powers under this section; and to answer all his questions	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	22	Duty to keep business and other records in respect of any business carried on during any income year	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	22A(3)(b)	Duty to retain records for 7 years or longer if required after the end of the year to which the records relate	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	23	Duty, as taxpayer, to retain returns where information transmitted electronically	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	24	Duty, as employer, to keep records regarding PAYE	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	24G	Power, as employer, upon notification by employee, to use tax code which reflects that employee's circumstances have changed	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	24J	Duty to provide a PAYE payment form to the Commissioner by the application due date set out in section RA 15 of the Income Tax Act 2007	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	32A	Duty, as employer, to provide records to employee or trustee of a superannuation fund details of all employer contributions to superannuation fund	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	33	Authority to provide return of income to Commissioner	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	46	Duty, as employer, to make returns as to employees	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	46B	Duty, as employer who pays their FBT liability under the single rate option or the alternate rate option, to provide quarterly Fringe Benefit Returns	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	46E	Duty to provide information for calculations on FBT liability	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	47	Duty to provide a PAYE payment form showing the amount of employer's superannuation contribution, the amount of ESCT relating to the contribution, and any other particulars required by the Commissioner	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	48B	Duty, as retirement scheme contributor, to provide reconciliation statement for retirement scheme contribution withholding tax	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	92	Duty to make taxpayer assessment of taxable income and income tax liability	Finance	Financial and Corporate Planning Manager, Financial Services Manager
	92B	Duty to make taxpayer assessment of GST	Finance	Financial and Corporate Planning Manager, Financial Services Manager
Telecommunications Act 2001	119	Power to consider specified matters, set, vary, or revoke reasonable conditions with regard to lines, wireless works and telephone cabinets on roads	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	128	Duty to remove or trim plants that interfere with telecommunication networks, when requested	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	137	Duty to notify the network operator in writing of any conditions imposed in respect of the construction and maintenance of lines in, on, along, over, across, or under any road	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	142	Power to impose reasonable conditions for network operators in constructing, placing, and maintaining public telephone cabinets, distribution cabinets, or any other similar appliances on a road	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
	143	Duty to notify network operator of any conditions imposed on placing cabinets or appliances on roads	Infrastructure	GM Infrastructure, Capital Works & Procurement Manager, NTA
Transport	n/a	Authority to determine all matters in relation to parking infringements and minor traffic offences in respect of stationary vehicle	Regulatory	General Manager Customer Experience, Regulatory Manager, Team Leader Regulatory, Monitoring & Compliance Team Leader
Travel	n/a	CHAIR OF A&R ONLY- Authority to approve domestic travel for the Commissioners or Mayor and Deputy Mayor as the case may be.	Chair A&R	Update to: Mayor and/or Deputy Mayor has authority to approve domestic travel for the Commissioners or Mayor and Deputy Mayor (the other) as the case may be.
	n/a	CHAIR OF A&R ONLY- Authority to verify expenses relating to approved travel (both domestic and international) by the Commissioners or Mayor and Deputy Mayor as the case may be.	Chair A&R	Update to: Mayor and/or Deputy Mayor has authority to verify expenses relating to approved travel (both domestic and international) by the Commissioners or Mayor and Deputy Mayor (the other) as the case may be.
Trespass Act 1980	3	Power, as occupier, to warn a trespasser to leave the property. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance Team Leader, Building Compliance Officer, Library Manager
	4(1)	Power as occupier, either at the time of the trespass or within a reasonable time thereafter, to warn a trespasser to stay off the property. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance Team Leader, Building Compliance Officer, Library Manager
	4(2)	Power, as occupier, to warn that person to stay off the property where there is reasonable cause to suspect that any person is likely to trespass on the property. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance Team Leader, Building Compliance Officer, Library Manager
	9(1)	Power, as occupier of private land, to require that a person found trespassing give name and other particulars. Report to the next available Council or relevant Committee meeting.	Regulatory	Regulatory Manager, Monitoring & Compliance Team Leader, Building Compliance Officer, Library Manager



Statute or Function	Statutory Reference	Description	Functional Area	CE delegation
Wages Protection Act 1983	5	Power, as employer, to make deductions from wages with worker's consent	Finance/HR	GM People and Capability, Financial and Corporate Planning Manager
	6	Power, as employer, to recover overpayments in certain circumstances	Finance/HR	GM People and Capability, Financial and Corporate Planning Manager
	8	Power, as employer, to pay to a worker by specified cheque any wages that have become payable	Finance/HR	GM People and Capability, Financial and Corporate Planning Manager
	10	Power, as employer, to pay wages by order, money order, or specified cheque where worker absent	Finance/HR	GM People and Capability, Financial and Corporate Planning Manager
Waste Minimisation Act 2008	32	Power to spend levy money in manner prescribed in this Act	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	42	Duty to encourage effective and efficient waste management and minimisation	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	43(1)	NOT DELEGATED- COUNCIL ONLY- Duty to adopt a waste management and minimisation plan		
	43(3)	NOT DELEGATED- COUNCIL ONLY- Power to amend the waste management and minimisation plan or revoke it and substitute a new plan		
	44	Duty to observe certain requirements when preparing, amending or revoking waste management and NOT DELEGATED- COUNCIL ONLY- minimisation plan		
	45	NOT DELEGATED- COUNCIL ONLY- Power to prepare and adopt jointly with another district, a waste management and minimisation plan for the whole or parts of the districts		
	46	Powers with regard to funding of and charging fees for any service, facility, or activity provided	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	47	Power to make grants or advances of money to any person, organisation, group, or body of persons for the purpose of promoting or achieving waste management and minimisation on any terms or conditions that Council thinks fit	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	48(3)	Duty to, as soon as practicable, amend the waste management and minimisation plan to give effect to a direction given to the Council by the Minister	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	50	Duty to make an assessment of and conduct a review of waste management and minimisation plan	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	52(1)	Power to undertake, or contract for, any waste management and minimisation service, facility, or activity ( whether the service, facility, or activity is undertaken in the Council's own district or otherwise)	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	53	Power to sell any marketable product resulting from any activity or service carried out under this Part of the Act, but any proceeds of sale must be used in implementing the Council's waste management and minimisation plan	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	54	Duty to collect waste promptly, efficiently and regularly	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	84	Duty to return property seized and impounded	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
	85	Power to dispose of property seized and impounded	Infrastructure	GM Infrastructure, <a href="#">Water &amp; Waste Manager</a>
Wild Animal Control Act 1977	30	Power to apply funds for destruction of wild animals	Regulatory	GM Infrastructure, Regulatory Manager, Parks and Community Manager
	31	Duty to submit plans for destruction of wild animals for approval of Minister	Regulatory	GM Infrastructure, Regulatory Manager, Parks and Recreation Manager



**Financial Delegations - tier limitations****Schedule 1**

Provided that the expenditure is included in the Council's current approved Long-term Plan and budgeted for the year it is to be spent, or in an approved forecast or otherwise authorised by Council, the delegations set out in the following table apply.

Expenditure Range Within Budget	Procurement Requirements	CE delegation to:
Less than \$50,000	For purchases up to \$50,000, oral quotations are permitted.	Budget Holder* or Budget Holder's General Manager or Delegated Project Manager
\$50,000 - \$100,000	Three quotations are required, unless an exemption has been authorised by the General Manager.	General Manager
\$100,000 - \$300,000	Potential infrastructure contracts with a value of over \$100,000 are to be competitively tendered, unless an exemption has been authorised by the Chief Executive.	General Manager Infrastructure Services
\$100,001 - \$499,000	Potential contracts with a value of over \$100,000, are to be competitively tendered, unless an exemption has been authorised by the Chief Executive.	N/A, with exception of delegation to General Manager Infrastructure Services as described above
Over \$500,000	A Business Case shall be submitted to Council as part of the approval process for any high value procurement over \$500,000 unless Council has approved otherwise.	N/A

Added line

Note 1: Expenditure under these delegations is to be reported to the next available Council meeting.

\*Budget Managers are those individuals who have responsibility to manage a budget as part of their role or position. These individuals are listed here:

- ♦ Chief Executive
- ♦ General Manager Risk, IT and Finance
- ♦ General Manager Regulatory, Planning and Policy
- ♦ General Manager People and Capability
- ♦ General Manager Community and Customer Services
- ♦ General Manager Infrastructure
- ♦ General Manager Governance, Strategy and Democracy
- ♦ Financial Services Manager
- ♦ Financial and Corporate Planning Manager
- ♦ Roading Manager
- ♦ Water Services Manager
- ♦ Revenue Manager
- ♦ Library Manager
- ♦ Information Services Manager
- ♦ Customer Services Manager
- ♦ Property and Commercial Advisor
- ♦ Governance Services Manager
- ♦ Communications Manager
- ♦ Parks and Community Manager
- ♦ Building Control Manager
- ♦ Regulatory Manager
- ♦ Resource Consents Manager
- ♦ Policy Manager
- ♦ Administration Manager (Authorises spending for Cafeteria supplies, Postage courier, Stationery, Town Hall, Council Office maintenance, electricity, and cleaning both Dargaville and Mangawhai)
- ♦ NTA Manager

**Update to:**

- ♦ Chief Executive
- ♦ General Manager Sustainable Growth and Investment
- ♦ General Manager Engagement and Transformation
- ♦ General Manager People and Capability
- ♦ General Manager Customer Experience
- ♦ General Manager Infrastructure Services
- ♦ Water & Waste Manager
- ♦ Parks and Recreation Manager
- ♦ Property and Commercial Advisor
- ♦ Capital Works & Procurement Manager, NTA
- ♦ Iwi Relations Manager
- ♦ Communications and Engagement Manager
- ♦ Community Relationships Manager
- ♦ PGF Projects Manager
- ♦ Policy Manager
- ♦ PMO Manager
- ♦ Strategy and Governance Manager
- ♦ Administration Manager (Authorises spending for Cafeteria supplies, Postage courier, Stationery, Town Hall, Council Office maintenance, electricity, and cleaning both Dargaville and Mangawhai)
- ♦ Planning Manager
- ♦ Major Projects Lead
- ♦ Building Control Manager
- ♦ Quality Assurance Manager
- ♦ Financial Services Manager
- ♦ Revenue Manager
- ♦ Financial and Corporate Planning Manager
- ♦ Customer Services Manager
- ♦ Library Manager
- ♦ IT Manager (Authorises spending for IT software, hardware and telecommunications including consultancy)
- ♦ Regulatory Manager

- ♦ Regulatory Officer Consents and/or Post Approval Officer (Authorises QV Services)
- ♦ Land Drainage Co-ordinator (Authorises spending for Storm Water activities as well as Drainage)
- ♦ Monitoring and Compliance Officer (Authorises miscellaneous for Monitoring Team)
- ♦ Infrastructure Technical Officer (Authorises Solid Waste)
- ♦ Property and Commercial Officer (Authorises all Social Housing costs, Civil Defence, and Rural Fire)
- ♦ Records Manager (As part of this role purchases for Health and Safety goods are made)
- ♦ Regulatory Contracts Officer (Authorises Liquor / Health Licenses and Dog costs)







# **Decision-making over the 2019/2020 Christmas recess period**

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Gavin Dawson, Governance Advisor

## **Purpose/Ngā whāinga**

To establish and agree on a process to be used for urgent decisions over the 2019/2020 Christmas-New Year period ("the recess period").

## **Recommendation/Ngā tūtohunga**

That the Kaipara District Council:

1. Delegates the power to make urgent decisions on behalf of the Council or its committees between the last scheduled meeting in December 2019 and the first meeting of Council or relevant committee in 2020 (the recess period) to the Mayor and Deputy Mayor.
2. Notes that if it is considered necessary, an extraordinary meeting of the Council will be called during the recess period.
3. Notes that if the urgent decision-making process is exercised, the instances will be reported to the first Council or relevant committee meeting, in 2020.
4. Designates Councillor Curnow the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of local emergency in the event the Mayor is unavailable over the recess period

## **Discussion/Ngā kōrerorero**

Over the recess there is a need to have a decision making process to respond to any urgent matters in a timely and effective manner. Recess would start on Thursday 12 December and end when the first full Council meeting is scheduled to take place.

The process will only apply to urgent decisions, with non-urgent decisions to be referred to the appropriate committee or full council meeting scheduled in 2020.

If the matter is a major one, an extraordinary meeting of elected members will be called.

The Mayor of the Kaipara District has the power to declare a state of local emergency throughout the recess. However, it would be useful for the Council to appoint a delegate should the Mayor not be available at the time.

## **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Gavin Dawson, 3 October 2019.



## Meeting calendar for the 2019—2022 triennium

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Lisa Hong, Governance Advisor

### Purpose/Ngā whāinga

To adopt the meeting calendar for 2020, 2021 and 2022.

### Executive summary/Whakarāpopototanga

Meeting calendar for the remainder of the triennium has been prepared for adoption.

### Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Adopts the meeting schedule for 2020, 2021 and 2022 (Attachment A).
- b) Delegates the General Manager Transformation and Engagement to re-schedule meetings and to determine venues and times, in consultation with the respective chairpersons.
- c) Delegates the Chief Executive to update Council's awards and grants policies to implement a staggered funding schedule (Attachment B).

### Context/Horopaki

The Local Government Act 2002 enables Council to adopt a schedule of meetings (Clause 19(6), Schedule 7). Referencing the new committee structure and the Committee Terms of Reference, staff prepared a draft meeting calendar for the remainder of the triennium.

The elected members were briefed on the first draft at the Council Briefing on 04 December 2019 and were invited to provide feedback. Elected members requested that committee meetings not be held in January. At the meeting, staff also noted minor changes to accommodate regional and national commitments (e.g. meetings hosted by the Northland Regional Council and Local Government New Zealand). These changes are reflected in the attached meeting calendar (Attachment A).

### Discussion/Ngā kōrerorero

#### Options

Council can:

Option 1: Adopt the recommended meeting calendar

Option 2: Make amendments, or

Option 3: Defer this decision.

**Option 1** is the recommended option. The attached meeting calendar was made using principles to set dates rather than selecting dates ad hoc. This is recommended as it provides consistency for the public and allows better forward planning by staff and elected members.

**Option 2** is not recommended. The meeting calendar provides structure to council and committee meetings. If meetings need to be re-scheduled, staff and respective chairpersons will determine if this is appropriate through the recommended delegation.

**Option 3** is not recommended. This option will likely prevent committees from meeting in the first quarter of 2020, which may delay works or cause less efficient decision-making. When committees are unable to meet to consider matters under their responsibility or make decisions under their delegation, urgent matters may be referred to Council meetings.

### Meeting date principles

The following amended meeting date principles were used to create the attached meeting calendar (Attachment A). Some exceptions have been made around statutory holidays.

- **Council briefings and workshops**
  - February—December: 1<sup>st</sup> Wednesday
- **Elected member development days**
  - January: last Wednesday
  - March—November: 2<sup>nd</sup> to last Wednesday, alternating months
  - Excluding the pre-election period
- **Council meetings**
  - February—November: last Wednesday
  - December: 3<sup>rd</sup> Wednesday
- **Kaipara Horizons Committee**
  - March, June, September, December: 2<sup>nd</sup> Tuesday
- **Audit, Risk and Finance Committee meetings**
  - March, June, September, December: 2<sup>nd</sup> Thursday
- **Remuneration and Development Committee**
  - February, May, August, November: 2<sup>nd</sup> Wednesday
- **Awards and Grants Committee**
  - Community Assistance Grant: 3<sup>rd</sup> Wednesday in June
  - Citizens Awards: 2<sup>nd</sup> Thursday in July
  - Mangawhai Endowment Lands Account: 3<sup>rd</sup> Wednesday in August
  - Reserve Contributions Fund: 3<sup>rd</sup> Thursday in September
- **Mangawhai Community Park Governance Committee**
  - March\*, June, September, December: 1<sup>st</sup> Monday
- **Taharoa Domain Governance Committee**
  - February\*, May, August, November: 2<sup>nd</sup> Tuesday
- **Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee**
  - February\*, May, August, November: 3<sup>rd</sup> Tuesday
- **Raupo Drainage Committee**
  - February\*, May, August, November: 3<sup>rd</sup> Thursday

\*First quarter meeting slots for these committees will be used for informal meetings.

### Awards and grants policies

The Awards and Grants Committee has the authority to allocate all awards and grants. Council's current policies include concurrent application periods for the Community Assistance Grant, the Mangawhai Endowment Lands Account and the Reserve Contributions Contestable Fund. It is recommended that the awards and grants policies be amended to implement staggered application periods instead, as outlined in Attachment B for 2020.

Staff believe that a staggered approach will:

- Give more clarity to applicant community organisations, as they often apply for multiple grants
- Allow for a more thorough staff administrative process, which includes the initial review of applications for compliance; compilation and assessment of supporting documents and accountability reporting; and communication with the applicant organisations
- Better manage the Committee's workload, which includes reviewing all received applications.

The recommended funding schedule is further broken down in Attachment C. This new approach will be included in the recommendation as amendments to relevant policies.

### **Delegation to staff and chairpersons**

It is recommended that the General Manager Engagement and Transformation be delegated to re-schedule meetings if required and to determine venues and times, in consultation with the respective chairpersons.

### **Financial implications**

Meeting costs will be met using existing budgets as allocated in the Annual Plan and Long Term Plan.

## **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

## **Next steps/E whaiake nei**

Meeting invitations will be sent to all committee members. Meeting dates will be published on the website.

## **Attachments/Ngā tapiritanga**

	Title
A	Recommended meeting calendar for 2020, 2021 and 2022
B	Recommended staggered funding schedule for 2020

Lisa Hong, 05 December 2019



Attachment A: 2020 Meeting Calendar

Date	January	February	March	April	May	June	July	August	September	October	November	December
1	New Year's Day			Wednesday 01 Council Briefing		Queen's Birthday	Wednesday 01 Council Briefing					
2	Day After New Year's Day		Monday 02 Mangawhai Park						Wednesday 02 Council Briefing			Wednesday 02 Council Briefing
3						Wednesday 03 Council Briefing						
4			Wednesday 04 Council Briefing								Wednesday 04 Council Briefing	
5		Wednesday 05 Council Briefing	Northland Field Days					Wednesday 05 Council Briefing				
6		Waitangi Day	Northland Field Days		Wednesday 06 Council Briefing							
7			Northland Field Days						Monday 07 Mangawhai Park	Wednesday 07 Council Briefing		Monday 07 Mangawhai Park
8						Monday 08 Mangawhai Park			Tuesday 08 Horizons			Tuesday 08 Horizons
9						Tuesday 09 Horizons	Thursday 09 A & G (Citizens)					
10			Tuesday 10 Horizons	Good Friday					Thursday 10 Audit		Tuesday 10 Taharoa Domain	Thursday 10 Audit
11		Tuesday 11 Taharoa Domain				Thursday 11 Audit		Tuesday 11 Taharoa Domain			Wednesday 11 Remuneration	
12		Wednesday 12 Remuneration	Thursday 12 Audit		Tuesday 12 Taharoa Domain			Wednesday 12 Remuneration				
13				Easter Monday	Wednesday 13 Remuneration							
14												
15												
16												Wednesday 16 Council Meeting
17						Wednesday 17 A & G (CAG)			Thursday 17 A & G (RCF)		Tuesday 17 Harding Park	
18		Tuesday 18 Harding Park	Wednesday 18 EM Dev					Tuesday 18 Harding Park			Wednesday 18 EM Dev	
19					Tuesday 19 Harding Park			Wednesday 19 A & G (MELA)			Thursday 19 Raupo	
20		Thursday 20 Raupo			Wednesday 20 EM Dev			Thursday 20 Raupo				
21					Thursday 21 Raupo							
22							Wednesday 22 EM Dev					
23									Wednesday 23 EM Dev			
24						Wednesday 24 Council Meeting						
25			Wednesday 25 Council Meeting								Wednesday 25 Council Meeting	Christmas Day
26		Wednesday 26 Council Meeting						Wednesday 26 Council Meeting		Labour Day		
27	Northland Anniversary			ANZAC Day	Wednesday 27 Council Meeting							
28										Wednesday 28 Council Meeting		Boxing Day
29	Wednesday 29 EM Dev			Wednesday 29 Council Meeting			Wednesday 29 Council Meeting					
30									Wednesday 30 Council Meeting			
31												

## Attachment A: 2021 Meeting Calendar

Date	January	February	March	April	May	June	July	August	September	October	November	December
1	New Year's Day	Northland Anniversary	Monday 01 Mangawhai Park						Wednesday 01 Council Briefing			Wednesday 01 Council Briefing
2	Day After New Year's Day			Good Friday		Wednesday 02 Council Briefing						
3		Wednesday 03 Council Briefing	Wednesday 03 Council Briefing								Wednesday 03 Council Briefing	
4	Day After New Year's Day Observed							Wednesday 04 Council Briefing				
5				Easter Monday	Wednesday 05 Council Briefing							
6		Waitangi Day							Monday 06 Mangawhai Park	Wednesday 06 Council Briefing		Monday 06 Mangawhai Park
7				Wednesday 07 Council Briefing		Queen's Birthday	Wednesday 07 Council Briefing					
8		Waitangi Day Observed				Tuesday 08 Horizons	Thursday 08 A & G (Citizens)					
9		Tuesday 09 Taharoa Domain	Tuesday 09 Horizons						Thursday 09 Audit		Tuesday 09 Taharoa Domain	Thursday 09 Audit
10		Wednesday 10 Remuneration				Thursday 10 Audit		Tuesday 10 Taharoa Domain			Wednesday 10 Remuneration	
11			Thursday 11 Audit		Tuesday 11 Taharoa Domain			Wednesday 11 Remuneration				
12					Wednesday 12 Remuneration							
13												
14						Monday 14 Mangawhai Park			Tuesday 14 Horizons			Tuesday 14 Horizons
15												Wednesday 15 Council Meeting
16		Tuesday 16 Harding Park				Wednesday 16 A & G (CAG)			Thursday 16 A & G (RCF)		Tuesday 16 Harding Park	
17								Tuesday 17 Harding Park			Wednesday 17 EM Dev	
18		Thursday 18 Raupo			Tuesday 18 Harding Park			Wednesday 18 A & G (MELA)			Thursday 18 Raupo	
19					Wednesday 19 EM Dev			Thursday 19 Raupo				
20					Thursday 20 Raupo							
21							Wednesday 21 EM Dev					
22									Wednesday 22 EM Dev			
23												
24		Wednesday 24 Council Meeting	Wednesday 24 EM Dev								Wednesday 24 Council Meeting	
25				ANZAC Day				Wednesday 25 Council Meeting		Labour Day		Christmas Day
26				ANZAC Day Observed	Wednesday 26 Council Meeting							Boxing Day
27	Wednesday 27 EM Dev									Wednesday 27 Council Meeting		Christmas Day Observed
28				Wednesday 28 Council Meeting			Wednesday 28 Council Meeting					Boxing Day Observed
29									Wednesday 29 Council Meeting			
30						Wednesday 30 Council Meeting						
31			Wednesday 31 Council Meeting									

Attachment A: 2022 Meeting Calendar

Date	January	February	March	April	May	June	July	August	September	October
1	New Year's Day					Wednesday 01 Council Briefing				
2	Day After New Year's Day	Wednesday 02 Council Briefing	Wednesday 02 Council Briefing							
3	New Year's Day Observed							Wednesday 03 Council Briefing		
4	Day After New Year's Day Observed				Wednesday 04 Council Briefing					
5		Waitangi Day							Monday 05 Mangawhai Park	
6				Wednesday 06 Council Briefing		Queen's Birthday	Wednesday 06 Council Briefing			
7		Waitangi Day Observed	Monday 07 Mangawhai Park						Wednesday 07 Council Briefing	
8		Tuesday 11 Taharoa Domain	Tuesday 10 Horizons						Thursday 08 Audit	Local Government Elections
9		Wednesday 09 Remuneration				Thursday 09 Audit		Tuesday 09 Taharoa Domain		
10			Thursday 10 Audit		Tuesday 10 Taharoa Domain			Wednesday 10 Remuneration		
11					Wednesday 11 Remuneration					
12										
13						Tuesday 13 Mangawhai Park			Tuesday 13 Horizons	
14						Tuesday 14 Horizons	Thursday 14 A & G (Citizens)			
15		Tuesday 15 Harding Park		Good Friday		Wednesday 15 A & G (CAG)			Thursday 15 A & G (RCF)	
16								Tuesday 16 Harding Park		
17		Thursday 17 Raupo			Tuesday 17 Harding Park			Wednesday 17 A & G (MELA)		
18				Easter Monday	Wednesday 18 EM Dev			Thursday 18 Raupo		
19					Thursday 19 Raupo					
20										
21										
22										
23		Wednesday 23 Council Meeting	Wednesday 23 EM Dev							
24										
25				ANZAC Day	Wednesday 25 Council Meeting					
26	Wednesday 26 EM Dev									
27				Wednesday 27 Council Meeting			Wednesday 27 Council Meeting			
28									Wednesday 27 Council Meeting	
29						Wednesday 29 Council Meeting				
30			Wednesday 30 Council Meeting							
31	Northland Anniversary							Wednesday 31 Council Meeting		

Key

Black = Council meetings, briefing and development days (all Elected Members are invited to attend)

Purple = Kaipara Horizons Committee

Blue = Audit, Risk and Finance Committee, Remuneration and Development Committee

Green = Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee, Mangawhai Community Park Governance Committee, Taharoa Domain Governance Committee

Yellow = Raupo Drainage Committee

Red = Awards and Grants Committee

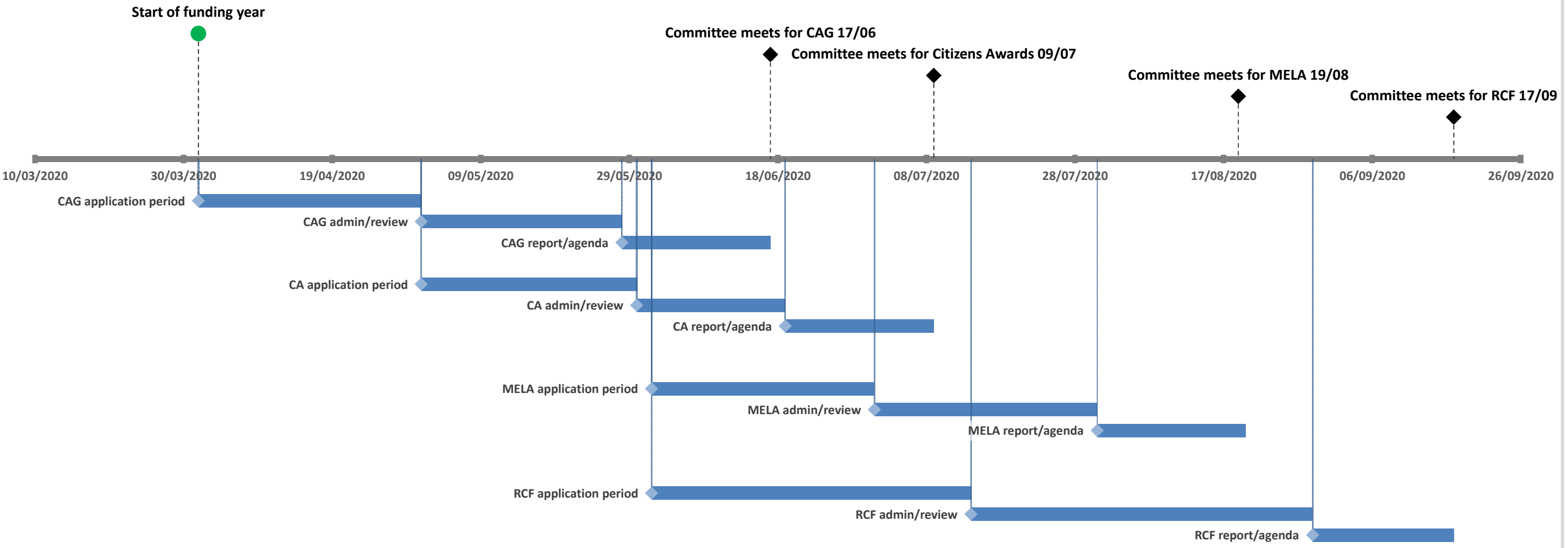
Grey = Weekends

Light grey = public holidays





Attachment B: Funding Schedule 2020



**Key**  
CAG = Community Assistance Grant  
CA = Citizens Awards  
MELA = Mangawhai Endowment Lands Account  
RCF = Reserve Contributions Fund

Application period = open for applications  
Admin/review = staff administrative and review process  
Report/agenda = report and agenda publication



# **Temporary road closure approval – Whakapirau Road culvert replacement**

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 November 2019  
**Reporting officer:** Wendy Campbell, Corridor Access Coordinator

## **Purpose/Ngā whāinga**

To seek approval from Council for the application of a temporary road closure for the purpose of replacing the culvert on Whakapirau Road located at RP80 – Roading maintenance.

## **Executive summary/Whakarāpopototanga**

Approve the application for a temporary road closure to allow the replacement of the culvert located on Whakapirau Road at RP80 to take place in a safe manner. The proposed closure is to be in place from Monday 17 February 2020 from 7am to Friday 21 February 2020 at 6:00pm and requires a detour be put in place via SH12 and Ford Road.

## **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Approves the application for the temporary road closure on Whakapirau Road at RP80 as shown on the proposed Traffic Management Diagram (attachment A of this report) from Monday 17 February 2020 from 7am to Friday 21 February 2020 at 6:00pm.
- b) Notes that this approval is conditional on the maintenance contractor informing all businesses/residents located within the road closure area with a letter drop.

## **Context/Horopaki**

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, Council is required to advertise any road closures at least 42 days in advance of an event. The decision to close the road is to be approved by Council under the Local Government Act 1974, s319.

The replacement of the culvert on Whakapirau Road will start on Monday 17 February 2020 from 7am and will continue for 5 working days until Friday 21 February 2020 6:00pm. To carry out the replacement in a safe manner a full road closure is required, a detour via State Highway 12 and Ford Road will be put in place for the duration of the works.

## **Discussion/Ngā kōrerorero**

The proposed traffic management diagram (Attachment A) necessitates the temporary closure of parts of Whakapirau Road. The proposed Traffic Management Plan requires the road to be closed for five working days.

This is likely to cause a small nuisance to the local businesses as residents as normal users of this road will experience a maximum of 15 minute detour to be added to their normal travelling routing when using the detour via State Highway 12 and Ford Road. The works was advertised

in the Lifestyler Newspaper on 5 November 2019 and closed for objections on 18 November 2019 without any objections received from the public.

### **Options**

Option A: Approve the application for the temporary road closure

By choosing option A, the council can allow for a safer event for the community, event participants and road users.

Option B: Decline the application for the temporary road closure.

Declining this application would mean that required replacement works to the culvert may not take place. As the local authority, Council has an obligation to provide a safe environment for the Roading Maintenance Network Contractor while carrying out required works within the scope of their contract as well as local residence.

The recommended option is Option A.

### **Policy and planning implications**

There are no policy and planning implications. The works have been undertaken in accordance with Local Government Act 1974, s319 – General powers of Council in respect of roads; ‘to stop or close any road or part thereof in the manner and upon the conditions set out in s342 and Schedule 10’.

### **Financial implications**

The applicant will bear all costs of temporarily closing the road.

### **Risks and mitigations**

There are no major risks associated with the decisions or matters outlined in this report.

## **Significance and engagement/Hirahira me ngā whakapāpā**

The public have been informed of the application.

## **Next steps/E whaiake nei**

Advise the applicant of the council’s decision. If approved, give public notice and advise stakeholders of the decision to close part of the road under Clause 11a of Schedule 10 of the Local Government Act 1974. Applicant to undertake letter drop to all residence/businesses located within the closure.

## **Attachments/Ngā tapiritanga**

Number	Title
A	Traffic Management Plan

Wendy Campbell, 31 October 2019

RCA consent (eg CAR/WAP) and/or RCA contract reference	
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## TRAFFIC MANAGEMENT PLAN (TMP) – SHORT FORM

Complete **short form** if simple activity and RCA permits. Refer to the NZ Transport Agency's Traffic control devices manual, part 8 Code of practice for temporary traffic management (CoPTTM), section E, appendix A for a guide on how to complete each field.


Organisation/ TMP reference	TMP reference:	Contractor (Working space): Broadspectrum Ltd.	Principal (Client): Kaipara District Council			
		Contractor (TTM): Broadspectrum Ltd.	RCA: KDC			
Location details and road characteristics	Road names and suburb		House no. / RPs (From and to)	Road level	Permanent speed	AADT/Peak flows
	Whakapirau Rd		0 to 200	1	100	580
	State Highway 12		012-0202-B/5.387 to 012-0202-B/11.087	1	100	2260
	Ford Road		0 to 4187	1	100	80
Description of work activity	Culvert Replacement the full road width at RP80 on Whakapirau rd.					

### Planned work programme

Start date	17/02/2020	Time	7:00am	End date	21/02/2020	Time	6:00pm
Consider significant stages, for example:	Full road closure required from 7:00am to 6:00pm for culvert replacement on Whakapirau road. The detour route will follow the state highway 12 along to Ford rd. which will be used as the detour route back to Whakapirau road. Stop/Go May be required at certain points during this process also.						
Alternative dates if activity delayed							

### Road aspects affected (delete either Yes or No to show which aspects are affected)

Pedestrians affected?	Yes No	Property access affected?	Yes No	Traffic lanes affected?	Yes No
Cyclists affected?	Yes No	Restricted parking affected?	Yes No	Delays or queuing likely?	Yes No
TSL/ Diagram (see TSL decision matrix for guidance)	TSL details as required Approval of Temporary Speed Limits (TSL) are in terms of Section 5 of Land Transport Rule: Setting of Speed Limits 2003, Rule 54001 (List speed, length and location)		Times (From and to)	Dates (Start and finish)	Diagram ref. no.s (Layout drawings or TMDs)
Attended day/ night	A temporary maximum speed limit of 30km/h is hereby fixed for motor vehicles travelling over the length of 350m situated between 17303 (House no./RP) and 17353 (House no./RP) on Colville Rd (street or road name)		7.30am to 5.00pm	17/02/2020 – 21/02/2020	TMP 1, TMP 2
Unattended day/ night	A temporary maximum speed limit of 50km/h is hereby fixed for motor vehicles travelling over the length of 350m situated between 17303 (House no./RP) and 17353 (House no./RP) on Colville Rd (street or road name)		5.00pm to 7.30am	17/02/2020 – 21/02/2020	

<b>RCA consent (eg CAR/WAP) and/or RCA contract reference</b>						
<b>TSL duration</b>	Will the TSL be required for longer than six months? <i>If yes, attach the completed checklist from section I-18: Guidance on TMP Monitoring Processes for TSLs to this TMP.</i>					Yes    No
<b>Contingency plan</b>						
If long queues form or delays exceed 10mins (or any other period required by RCA), site to be disestablished or additional lanes made available.		Adjust TMD to suit unforeseen circumstances (eg weather or site overlaps with another work site).		Emergency services will be accommodated and access provided through the site as required.		
<b>Add additional contingencies:</b>						
<b>Contact details</b>						
	<b>Name</b>	<b>24/7 contact number</b>	<b>CoPTTM ID</b>	<b>Qualification</b>	<b>Expiry date</b>	
<b>Principal</b>	Kaipara District Council					
<b>TMC</b>	Wendy Campbell	09 439 1136		TMC		
<b>Engineers' representative</b>						
<b>Contractor</b>	Broadspectrum Ltd.	094395871				
<b>STMS</b>	Hamish Morgan	07/03/2019	104532	STMS LV 1	28/11/2019	
<b>TC</b>						
<b>Others as required</b>						
<b>TMP preparation (or approval if STMS delegated authority to approve TMPs)</b>						
<i>Delete the option that does not apply (either prepared or approved)</i>						
Prepared / Approved	Hamish Morgan	07/03/19		104532	STMS LV 1	28/11/2021
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
<b>This TMP meets CoPTTM requirements</b>			<b>Number of diagrams attached</b>		4	
<b>TMP returned for correction</b>						
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
<b>Engineer/TMC to complete following section when approval or acceptance required</b>						
<b>Approved by TMC or engineer (delete one)</b>						
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
<b>Acceptance by TMC (only required if TMP approved by engineer)</b>						
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
<b>Qualifier for engineer or TMC approval</b>						

Approval of this TMP authorises the use of any regulatory signs included in the TMP or attached traffic management diagrams.

This TMP is approved on the following basis:

1. To the best of the approving engineer's/TMC's judgment this TMP conforms to the requirements of CoPTTM.
2. This plan is approved on the basis that the activity, the location and the road environment have been correctly represented by the applicant. Any inaccuracy in the portrayal of this information is the responsibility of the applicant.
3. The TMP provides so far as is reasonably practicable, a safe and fit for purpose TTM system.
4. The STMS for the activity is reminded that it is the STMS's duty to postpone, cancel or modify operations due to the adverse traffic, weather or other conditions that affect the safety of this site.

TMP or generic plan reference	
-------------------------------	--

<b>ON-SITE RECORD</b> On-site record must be retained with TMP for 12 months.			Today's date	
Location details	Road names(s):	House number/RPs:	Suburb:	

<b>Working space</b>		
Person responsible for working space		
	Name	Signature
Where the STMS/TC is responsible for both the working space and TTM they sign above and in the appropriate TTM box below		

<b>TTM</b>					
STMS in charge of TTM					
	Name	TTM ID Number	Warrant expiry date	Signature	Time
Worksite handover accepted by replacement STMS					
	Name	ID Number	Warrant expiry date	Signature	Time
	Tick to confirm handover briefing completed				

<b>Delegation</b>					
Worksite control accepted by TC/STMS-NP					
	Name	ID Number	Warrant expiry date	Signature	Time
	Tick to confirm briefing completed				

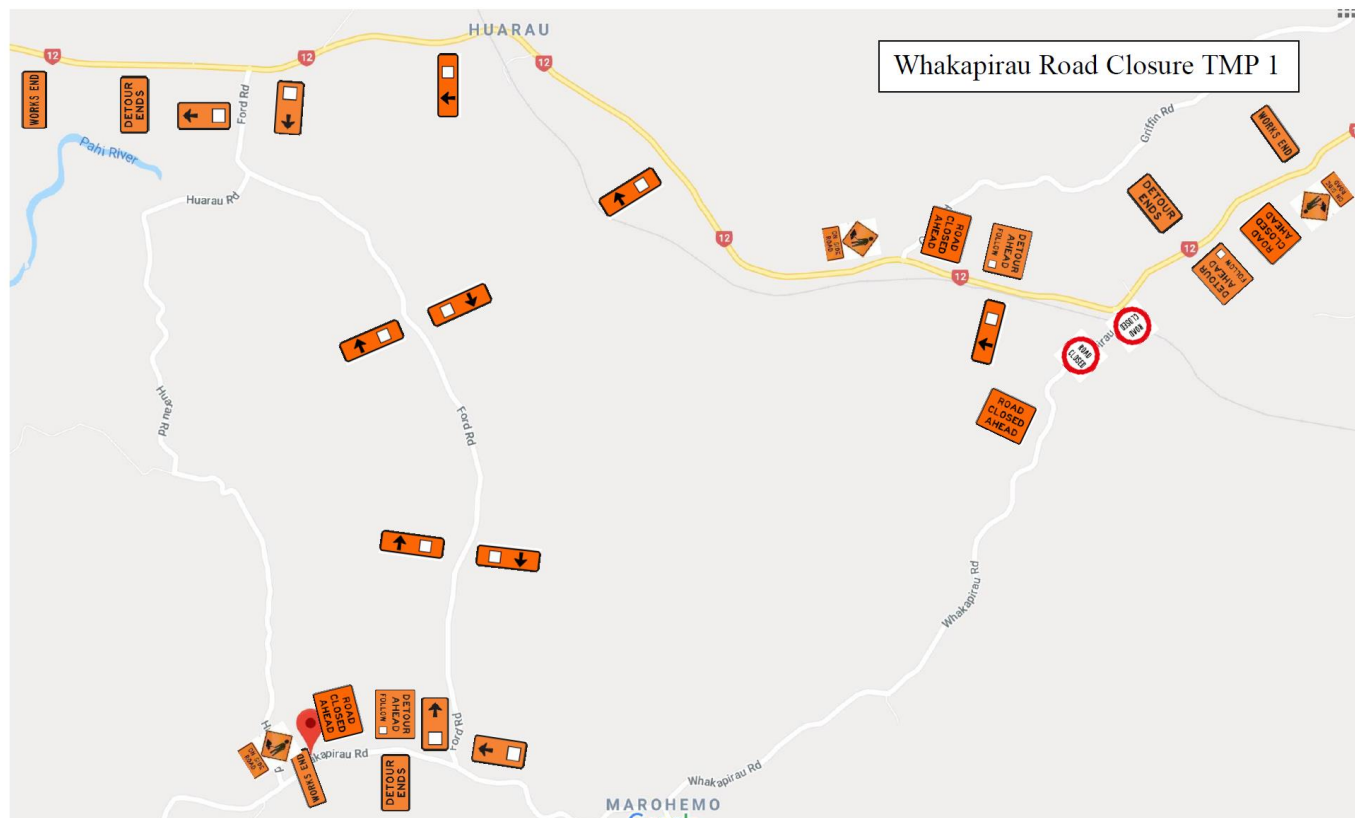
<b>Temporary speed limit</b>					
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):
From: To:	TSL installed				
	TSL remains in place				
	TSL removed				
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):
From: To:	TSL installed				
	TSL remains in place				
	TSL removed				
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):
From: To:	TSL installed				
	TSL remains in place				
	TSL removed				
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):
From: To:	TSL installed				
	TSL remains in place				
	TSL removed				



# Worksite monitoring

TTM to be monitored and 2 hourly inspections documented below.

Items to be inspected	TTM set-up	2 hourly check	2 hourly check	2 hourly check	2 hourly check	2 hourly check	TTM removal
High-visibility garment worn by all?							
Signs positioned as per TMP?							
Conflicting signs covered?							
Correct delineation as per TMP?							
Lane widths appropriate?							
Appropriate positive TTM used?							
Footpath standards met?							
Cycle lane standards met?							
Traffic flows OK?							
Adequate property access?							
<i>Add others as required</i>							
<b>Time inspection completed:</b>							
<b>Signature:</b>							
<b>Comments:</b>							
<b>Time</b>	<b>Adjustment made and reason for change</b>						



# Static operations

## TWO-WAY TWO-LANE ROAD

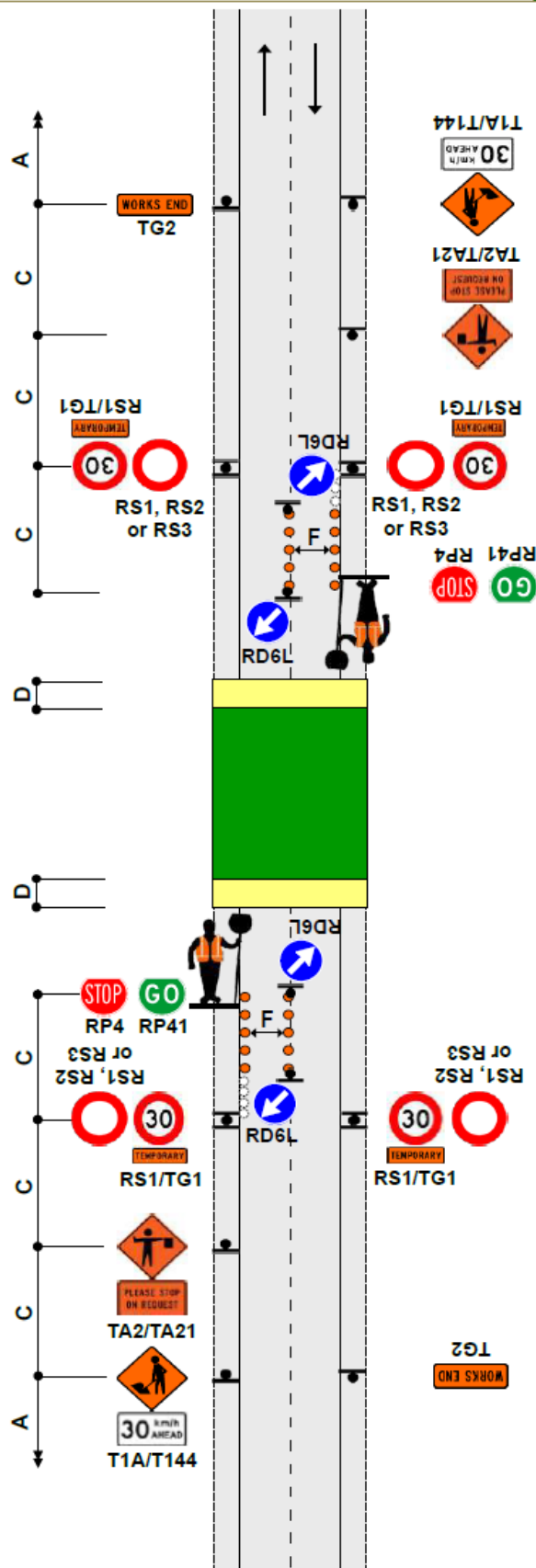
All traffic stopped temporarily

Manual traffic control (STOP/GO or STOP/SLOW)

**F2.15**  
**Level 1**

### Notes

1. Closure period not to exceed the limit set or approved by the RCA
2. Extend advance warning signs towards on-coming traffic beyond any expected traffic queues
3. MTC with RP4/RP41 STOP/GO or RP4/RP42 STOP/SLOW paddle on road shoulder located between 1st and 2nd cone in the cone threshold closest to the working space
4. Minimum 5 cones in cone threshold at:
  - 2.5m centres - less than 65km/h
  - 5m centres - more than 65km/h
5. MTCs must show same message to oncoming traffic (eg STOP/STOP or GO/GO)
6. Refer to C10.2.3 MTC essentials for further information
7. When road users are passing the working space in alternating flow, all construction equipment must be stopped on same side of the road if there is no separation from the live lane
8. Where damage is likely to occur to passing traffic eg during sealing, traffic must be stopped in both directions
9. The T144 X0km/h AHEAD sign is optional



Traffic control devices manual part 8 CoPTTM

Section F

4th edition, November 2018

# Static operations

## TWO-WAY TWO-LANE ROAD

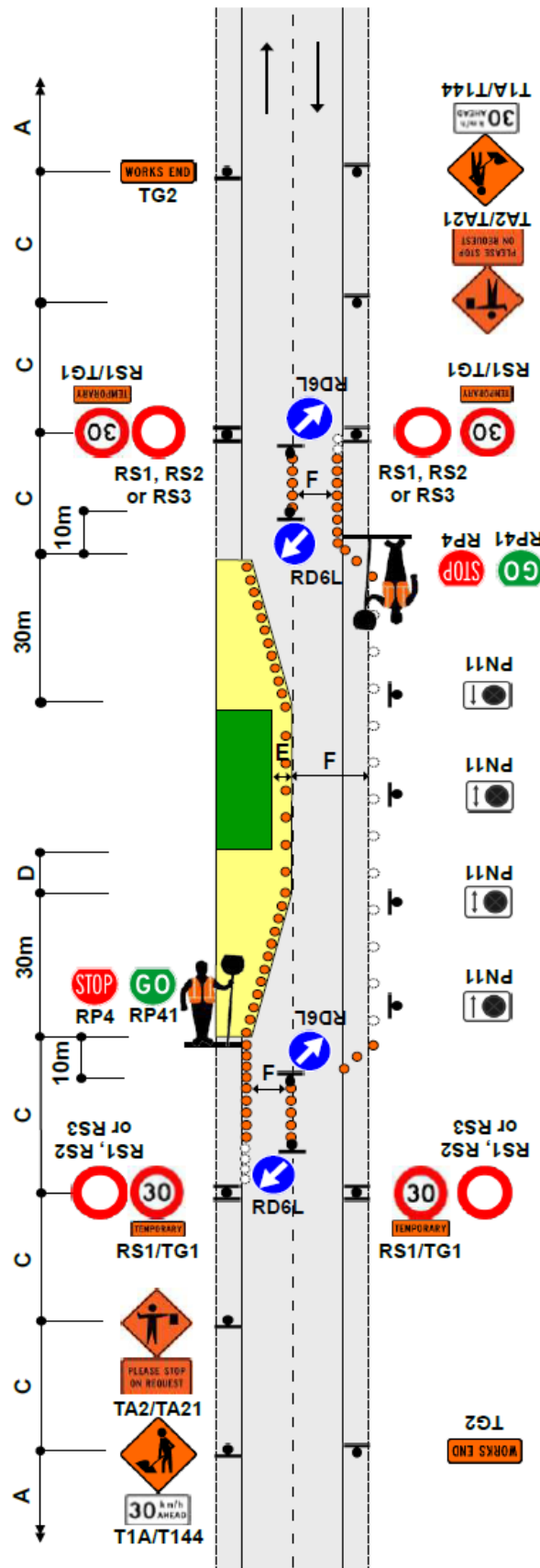
### Single-lane alternating flow

#### Manual traffic control (STOP/GO or STOP/SLOW)

**F2.14**
**Level 1**

#### Notes

1. Extend or place extra advance warning signs towards on-coming traffic beyond any expected traffic queues
2. A 30m return taper at the end of the closure is mandatory
3. Cones are required on edge of the temporary lane opposite closure if road is not well defined
4. To allow heavy vehicles to manoeuvre, cones in the channel must be offset by at least 10m where the direction changes. Refer C8.2.12
5. Use PN11 no stopping signs, if necessary
6. MTC with RP4/RP41 STOP/GO or RP4/RP42 STOP/SLOW paddle on road shoulder located between 1st and 2nd cone in the cone threshold closest to the working space
7. Minimum 5 cones in cone threshold at:
  - 2.5m centres - less than 65km/h
  - 5m centres - more than 65km/h
8. Refer to C10.2.3 MTC essentials for further information
9. Delays cannot exceed the time approved by the RCA (normally 5 to 10 minutes)
10. The T144 30km/h AHEAD sign is optional



Traffic control devices manual part 8 CoPTTM

Section F

4th edition, November 2018

## **Council submission on Action for Healthy Waterways**

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Virginia Smith, Policy Analyst

### **Purpose/Ngā whāinga**

To retrospectively approve the submission sent to the Ministry for the Environment on behalf of the Kaipara District Council regarding the *Action for Healthy Waterways* consultation.

### **Executive summary/Whakarāpopototanga**

In September, the Ministry for the Environment released the *Action for healthy waterways* package, with submissions closing at the end of October. Staff drafted a response (available at Attachment A) and submitted it by the due date. It was submitted on the proviso that Council had not provided approval, and that this would be sought post the election.

### **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Approves the Council submission for the Ministry for the Environment's "Action for healthy waterways (October 2019)" at Attachment A.

### **Context/Horopaki**

In October 2019, the Ministry for the Environment (MfE) released the *Action for healthy waterways* package that contained the draft National Policy Statement for Freshwater Management, proposed National Environmental Standards for Freshwater, and the draft Stock Exclusion Section 360 Regulations.

Staff drafted a submission and provided it to the MfE prior to the due date. The submission ensured that a District perspective was given. The MfE were advised that Council approval would be sought post the elections.

The submission supports the Government's proposed objectives to;

- Stop further degradation of New Zealand's freshwater resources
- Reverse past damage to bring New Zealand's freshwater resources, waterways, and ecosystems to a healthy state within a generation.

The submission, however, highlighted issues such as the lack of procedural practice, and suggested drafting improvements that could be made. Recommendations were made in the submission.

## Discussion/Ngā kōrerorero

### Options

1. Approve the Council's submission for Action for healthy waterways (October 2019).  
This is the recommended approach. There are no implications from a financial, policy and planning or risk perspective. The Government is the decision-maker in this area and will take views in to account.
2. Do not approve the Council's submission for Action for healthy waterways (October 2019).  
Again, there are no implications from a financial, policy and planning or risk perspective of the submission.  
If this is the decision of Council, staff would withdraw the submission from the process.

## Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

## Next steps/E whaiake nei

Staff will advise the MfE of the decision made by Council on this submission.

## Assuming adoption, staff will provide Attachments/Ngā tapiritanga

Number	Title
A	Action for healthy waterways (October 2019)

Virginia Smith, 21 November 2019

## Submission

**To:** Ministry for the Environment  
<mailto:consultation.freshwater@mfe.govt.nz>

**By:** Kaipara District Council

**On:** Action for healthy waterways (October 2019)

### Introduction

Kaipara District Council (KDC) is grateful for the opportunity to comment on the *Essential Freshwater Reform* package as set out in the discussion document *Action for Healthy Waterways* and the accompanying Draft National Policy Statement for Freshwater Management (NPS-FM), Draft Stock Exclusion section 360 Regulations (Draft SER), and the Proposed National Environmental Standards for Freshwater (NES-FM) (the Essential Freshwater Proposals). KDC submits our feedback in the interest of promoting the sustainable management of our District's natural and physical resources and the social, economic, and cultural wellbeing of our people and communities.

### Executive summary/Whakarāpopototanga

Kaipara District spans two coastlines; it incorporates the largest enclosed harbor in the southern hemisphere,<sup>1</sup> the longest river in Northland,<sup>2</sup> a pristine series of dune lakes as well as three of the seven major freshwater catchments in Northland.<sup>3</sup> We have an estimated 1500 farm landowners across the Kaipara catchment, most of which have highly erodible land (80,910ha). Many of our residents' lives' revolve around their access to water, so we understand the importance of sustainably and the complexities that water (both fresh and coastal) management present.

We support the Government's proposed objectives to (1) stop further degradation of New Zealand's freshwater resources, and; (2) reverse past damage to bring New Zealand's freshwater resources, waterways, and ecosystems to a healthy state within a generation. However, we are also concerned that without sufficient financial support from the Government to assist our residents with the proposed requirements, especially within our primary sector, that the proposed directives will have a crippling effect on the financial wellbeing of our residents.

Failure by the Minister for the Environment to prepare or publish an evaluation report of the proposals as per the requirement of section 32 of the Resource Management Act 1991 (RMA) has led to the disappointing quality of the draft proposals. There are examples of incompatibility between the Draft NPS-FM, the Draft SER, and the proposed NES-FM, from apparent contradictions between the Essential Freshwater proposals, through to their ambiguous terminology and over-complicated directives.

The inadequate attention to the social and economic costs through the Regulatory Impact Analysis is of real concern, as this should have alerted the Ministry for the Environment to their legal obligation of completing a section 32 (RMA) analysis. KDC is concerned about the effects that the proposed Essential Freshwaters Reform package will have on our residents' environmental, economic, social, and cultural wellbeing.

We highly urge the Minister to consider conducting a section 32 report on the draft Essential Waters proposals package before proceeding further. Please find KDC feedback on the Essential Waters proposal packages below.

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<sup>1</sup> Kaipara Harbour.

<sup>2</sup> Northern Wairoa River

<sup>3</sup> <https://www.nrc.govt.nz/for-schools/school-information-packs/rivers-and-streams/#Major%20catchments%20in%20Northland>

## Draft National Policy Statement for Freshwater Management

### Clause 1.5 & 2.1

The concept of Te Mana o te Wai as set out in the draft NPS-FM appears to be at odds with the purpose of the RMA (section 5). Section 45(1) of the RMA states that “[t]he purpose of national policy statements is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of the Act.”

There is no reference to Te Mana o te Wai in the Act. Of concern is that the hierarchy of priorities in Te Mana o te Wai may be inconsistent with the purpose of the Act. The RMA is concerned with the effects of an activity inside a set parameter, compared to Te Mana o te Wai where its holistic nature pushes the focus outside of, or in connection with, the area and proposed activity. “From mountain to sea”.

At 1.5 Te Mana o te Wai is described as a ‘concept’; however, it later transforms into a “framework” that dictates how Regional and Territorial authorities must consult with Māori to determine their values and interests in any Regional Policy Statements for Freshwater management. At clause 2.1, the proposed NPS-FM embeds the priorities of Te Mana o te Wai concept/framework as an objective.

This may cause ambiguity for Regional Councils who must interpret and then deliver the Regional policy statements for territorial authorities to implement through the District Plan.

The fact that the proposed NPS-FM will not require Regional Council to undergo the process set out in schedule 1 of the RMA sets (in our view) a bad precedent. The proposed Essential freshwater package will have a significant impact on the public’s environmental, economic, cultural, and social wellbeing. Transparency of the process, and to avoid or mitigate any potential litigation, (regarding resource consent challenges), Māori must be able to provide evidence that can withstand legal scrutiny in order for their values to form part of any NPS, NES, RPS, and District Plan objectives.

### Recommendation:

Clarify the relationship between Te Mana o te Wai and the purpose and principles of the RMA and undertake a thorough RMA s32 analysis of the costs and benefits of the proposal.

Make the evaluation report available to people so that they can provide feedback to the Minister for his consideration prior to a recommendation under section 52 of the Act.

Write in the requirement to ensure some form of evidence is used to assist Regional and Territorial authorities to justify the application of Te Mana o te Wai priorities as set out in 2.1.

### Clause 2.2

There appears to be an inherent tension between Policy 13 and the objective of the draft NPS and Policy 1. Policy 13 states that “[c]ommunities are [to] be enabled to provide for their economic wellbeing while managing freshwater in a manner consistent with Te Mana o te Wai as required the national objectives framework and other requirements of



this National Policy Statement.” It may be challenging to enable some communities to provide for their economic wellbeing if their economic (and social and cultural wellbeing) is a lower priority than the health and wellbeing of freshwater ecosystems in certain areas.

These situations could potentially lead to an increase in litigation at both Regional and Territorial authority level due to declined resource consent applications that cannot guarantee that the activity for which consent is sought will not cause any degradation beyond the fresh water unit's current state.

**Recommendation:** Undertake a robust RMA s32 analysis of the costs and benefits of Policy 13 and make the evaluation report available to people so that they can provide feedback to the Minister for his consideration prior to a recommendation under section 52 of the Act.

#### **Clause 3.4**

Clause 3.4(4) states that “local authorities that share jurisdiction over a catchment should co-operate in the integrated management of the effects of land use and development.” It is unclear who is ultimately responsible for managing the effects on freshwater. Are territorial authorities responsible for activities requiring resource consents, or are they responsible for enforcement? Each is adding the extra financial burden onto our ratepayers.

Integrated management needs to incorporate other large landowners. For example, in Northland, the Department of Conservation administers a substantial proportion of high-value waterbodies and wetlands.

**Recommendation:** Providing clear direction on whether Regional councils or Territorial authorities are responsible for managing the effects of land use on freshwater bodies, freshwater ecosystems, and sensitive receiving environments resulting from urban development.

Include others like the Department of Conservation into the integrated management and determine where responsibilities are to be assigned.

## **Proposed National Environmental Standards for Freshwater**

**Note:** It is not clear what RMA restrictions several of the standards apply to. For example, is standard 10(2) a section 9 rule (restrictions on the use of land) or section 14 rule, or both? Clarification and consistency of terminology are required to remove any ambiguity from the document. If Regional Councils are unable to determine terminology, this uncertainty will ultimately filter down into District Plans and consent applications. It will lead to unnecessary costs and time-wasting, without it achieving the objectives of the proposed NES-FM.

#### **Clause 4**

A constructed wetland is defined as “...a wetland constructed by artificial means that: (a) supports an ecosystem of plants that are suited to wet conditions; and (b) is constructed for a specific purpose in a place where a natural wetland does not already exist.” Wetlands often form

unintentionally as a result of human activities (e.g., construction of roads, railway bunds, drains, etc.). That is, they were not constructed for a specific purpose and therefore, would be deemed natural wetlands.

The proposed NES states that a natural wetland means a wetland as defined in the RMA, with some exceptions. We consider that the definition should be amended by being more specific about what a natural wetland is and is not. For example, stream and river margins and lakes are, by definition, natural wetlands.

Lack of aligned or correct definitions will lead to uncertainty, inconsistent interpretation, and application, which in turn could lead to litigation and associated costs regarding resource consent applications. An example is “Vegetation destruction” although defined in the proposed NES-FM as “destroying any significant indigenous vegetation,” the term “significant indigenous vegetation” is not defined in the proposed NES-FM or the RMA. This will need to be addressed.

**Recommendation:** Clarifying the status of wetlands created unintentionally by human activities (e.g., construction of roads, railway bunds, and drains);  
Clarifying if the land water margins of streams, rivers, and lakes that support a natural ecosystem of plants and animals are natural wetlands;

**Clause 9** The definition of earth disturbance in clause 9(b) should be amended by excluding earthworks associated with fencing (e.g., benching and tracking). Such activities should not be subject to consenting processes because they will be a disincentive to positive action.

By not excluding the above it will prove to be a waste of resources, and add unnecessary pressure to Regional and Territorial authorities who will have to process resource consents for these activities.

**Recommendation:** Amend the definition of earth disturbance by excluding earthworks associated with fencing (e.g., benching, signage, and tracking).

**Clause 10** There are inconsistencies of directives between 3.15(7) of the proposed NPS-FM and clauses 7 and 10 of the NES, which may discourage individuals from restoring or maintaining wetlands on their properties due to the added costs of obtaining a resource consent to fence these areas off.

This requirement will also become an obstacle to implementing stock exclusion regulations.

**Recommendation:** Amend either the proposed NPS-FM or the clauses in the NES to provide consistency and certainty about the directives.

**Clause 18** The Proposed NES does not contain a definition for river bed infilling.

**Recommendation:** Provide a definition of river bed infilling.

**Subpart 1** Many of the clauses in this subpart are poorly drafted to the extent where they will be extremely difficult to interpret, especially when reading together. This will lead to inconsistency and ambiguity for not only the regulators but also farmers. This, in turn, will lead to a further waste of resources (money and time).

**Recommendation:** Review the whole section. Clauses should be simplified for clarity and certainty.

**Clause 37** KDC considers that the requirement for farms to have a certified farm plan on highly erodible land within the Kaipara catchment, in two years is entirely unrealistic. We would recommend that this timeframe be extended to reflect the capacity and capabilities of not only the Regional Council, but also our farmers within the Kaipara catchment. Without significant government support to assist with the development of a farm plan for all pastoral farms the objective set in clause 37 has already set our Kaipara farmers up to fail.

**Recommendation:** Review proposed timeframes for the farming sector within the Kaipara Catchment. The timeframes should take into account the capacity of both Regional Council and those farmers to develop and implement farm plans.

Provide significant financial assistance to ensure that the development and implementation process is just and accomplished.

**Clause 38** This clause is confusing in the draft NES-FM. Clause 38(1)(j) implies that only farms in Schedule 1 catchments have to develop a nitrogen loss reduction action plan, in accordance with sub clause 38 (5). However, clause 38(5) reads as a universal obligation.

**Recommendation:** Reassess clauses to provide clarity and consistency across the proposed draft NES-FM

## Draft Stock Exclusion Section 360 Regulations

**Note 1** Clarification is needed to determine whether it is the intent of the regulation to only exclude stock from parts of the river or from the whole river. Providing a definition for ephemeral, and stating how and where you measure the river width. Consideration should also be given to the different widths due to seasonal changes (flooding, king tides), especially in the Kaipara catchment.

**Recommendation:** Provide clarity of terminology, and regulations.

**Note 4:** There is no process for applying for the exemption, or is the intention of the Ministry that this will also go through the resource consenting process? If so will it then be the responsibility of Territorial authorities to check for compliance or will this remain with Regional Councils? This is unclear due to the integrated management of catchments set out in clause 3.4 of the proposed NPS-FM.

**Recommendation:** Provide clarity by determining responsibility and including the process.

## Requirements of Stock Exclusion

### In general:

All requirements demand significant financial and land contributions from KDC farmers. 5 meters from a waterway does not take into consideration the cleaning of waterways nor secure access to waterways in the future. All requirements will need governmental financial investment to incentivise farmers within our District and gain public support. It is not clear who will be responsible for monitoring and enforcing compliance with the national regulations, including recovery of costs associated with doing so. This must be addressed.

### Conclusion:

KDC supports the objectives of the proposed Essential Freshwater Reform package in principle, however we recommend that:

- the Minister considers initiate a section 32 (RMA) report on the proposed Essential Freshwater Package, and release for public feedback.
- the Government reassess the proposed Essential Freshwater Reform package in its entirety to ensure consistency across the proposed NPS-FM, draft NES-FM, and draft SER documents.
- the Ministry for the Environment ensures there is no ambiguous terminology and that policy directions are not complex.
- the Minister develop a financial package to assist with any transition, and implementation costs, both at the gate and at local authority level.
- the Ministry determine and provide processes where needed.
- the Ministry address the inconsistencies of rules across the different sectors of our society, to ensure a fair and just system. If it is the intention to deliver an Essential Freshwater package then, for example, the 5 metres stock exclusion regulation should also apply to all landowners with waterways that are within or connected to the boundary of their properties. As it is now it does not achieve the fundamental concept of Te Mana o te Wai, “from mountain to sea.”
- the Minister also assess the capacity and capabilities at local levels to determine whether each has the resources and professional planners required to meet the extra workload that the Essential Freshwater package will demand, within the proposed timeframes.

# **Response to Cr Larsen's Notice of Motion – Browns Road Property**

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Jim Sephton, GM Infrastructure

## **Purpose/Ngā whāinga**

To provide Council with an overview of the current position regarding the development of Browns Road Property. This is in respond to Cr Larsen's Notice of Motion from the Kaipara District Council meeting 26 September 2019.

## **Executive summary/Whakarāpopototanga**

The development of part of the Browns Road property for the purpose of outdoor recreation (walking and mountain biking facilities) has been developed by officers in consultation with Iwi and other partners.

Four workstreams have been created

- Engineering – Safety, Costs, risks and feasibility
- Legal & Planning – Consent and RMA implications
- Economic – Potential benefits and financial management
- Iwi – Establishing a positive relationship for progress

Key progress includes the completion of a report on the irrigation potential, development of car park and access options, commencement of planting around the disposal field to minimise perceived impacts on neighbours.

The next key step is confirmation from Te Runanga o Ngati Whatua that they will withdraw their interest from the property. This will allow final investigations to be completed.

Funding for design and consent development will be requested as part of the 2020/21 Annual Plan.

Subject to a satisfactory conclusion with interested parties, the project will be included in the 2021 LTP for construction in partnership with the Tracks Trust.

## **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Notes this report on the Browns Road Property as per Councillor Jonathan Larsen's Notice of Motion dated 18 September 2019.

## Context/Horopaki

In 2017 Council purchased 247Ha of land to use as the disposal area for the Mangawhai Waste water treatment scheme. Approximately 140Ha of this land is steep to rolling native bush regeneration.

In 2017 the Mangawhai Tracks Charitable Trust offered to utilise this land as a Mountain bike and walking facility.

In early 2018 the Office of treaty Settlement (OTS) approached Council and highlighted the Lincoln Downs property as an area of interest to Te Runanga o Ngati Whatua.

A Notice of Motion was put forward by Cr Larsen at the Council Ordinary meeting 26 Sept 2019, the purpose of which is to report back to council on the use of the Lincoln Downs bush block, and to include information about the proposed walking and mountain biking facilities.

## Discussion/Ngā kōrerorero

Progress is described below within the four work streams which have been established

- Economic – Potential benefits and financial management
- Engineering – Safety, Costs, risks and feasibility
- Iwi – Establishing a positive relationship for progress
- Legal & Planning – Consent and RMA implications

### **Economic – *The potential to play a key role in unlocking economic activity***

It's important that we understand the likely patronage of this and other facilities in the District so that we can plan for how we cater for demand, create tourism benefits within communities, raise revenue and pay for maintenance.

We are in the process of appointing a consultant who will assist us in the development a Business Case for the Ancient Kauri Coast (with an initial focus on wharfs). The scope for this will include the Mangawhai corridor as it is important to recognise the opportunity to create a mutually beneficial relationship between activities across the District.



Officers have progressed discussions with Northland Inc and NZTA regarding the inclusion of the corridor between Kaiwaka and Mangawhai as part of the Northland Regional Cycle Plan. This would increase the potential catchment of the facility whilst reducing car based dependency.



The next steps are

- Develop options for connecting the facility as part of the corridor – this would benefit a working party including the Mangawhai Tracks Charitable Trust and Bike Kaipara
- Estimate the likely patronage of the facility
- Identify the benefits – including adjacent communities
- Consider financial and commercial options

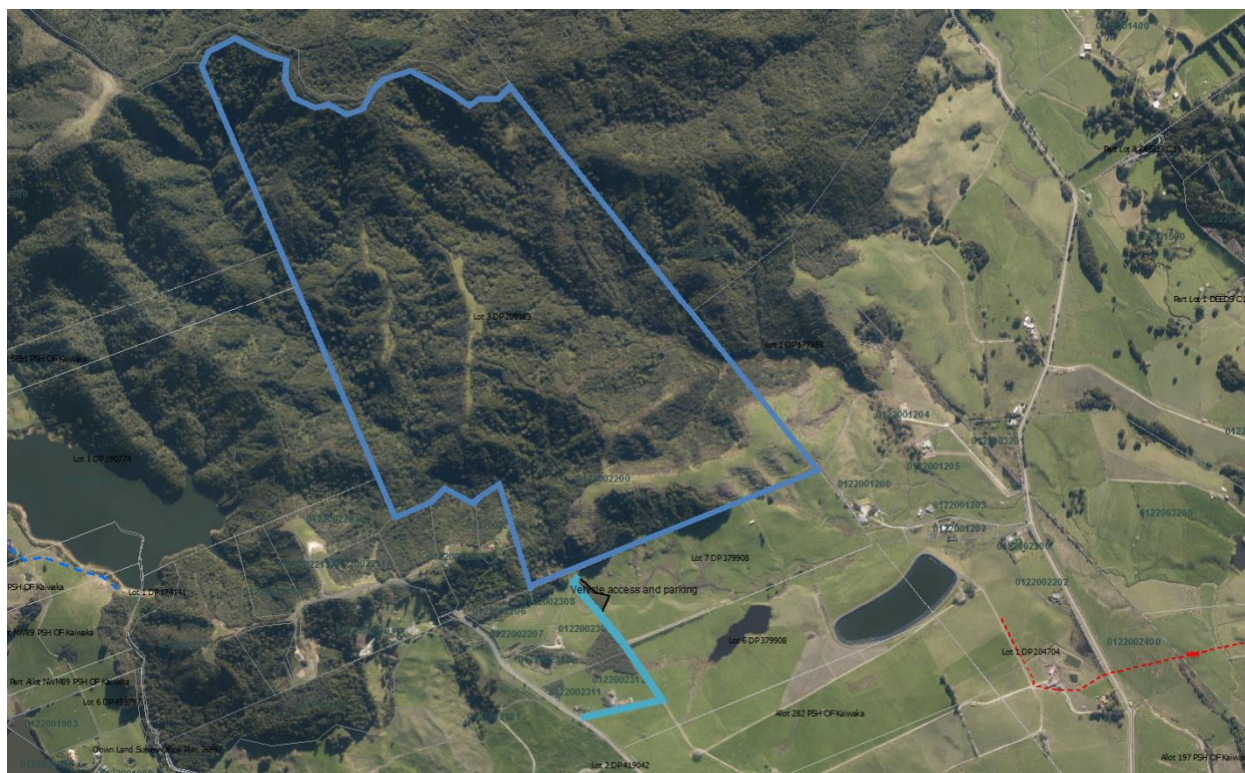
### Engineering – *The land is suitable for outdoor activities*

The initial feasibility work has been undertaken to address two questions

1. Does the bush block have the potential to be utilised for it's originally intended purpose as an irrigation/disposal area
2. Can access be provided which does not negatively impact adjacent properties?

A report has been commissioned by Council which confirms that the bush area is unsuitable for drip lines or waste water (Ww) disposal due to the type of soils and terrain.

Council has also investigated ways to enter and park at the location for this purpose and it has been confirmed that there are feasible options.



The next steps are

- Confirm the likely patronage and demand for all users (through economic stream)
- Engage with affected community
- Design a transport package (cycle access, bus and car) for both access and parking
- Develop cost estimates – capital and maintenance

This work will be presented back to Council for consideration and inclusion in the Long Term Plan.

### ***Iwi - Te Runanga o Ngati Whatua's interest to be confirmed***

In early 2018 Kaipara District Council received a notification from the office of treaty settlements outlining Te Runanga o Ngati Whatua's interest in the Lincoln Downs Property along with several others.

Although Council is not looking to sell the land, the Runanga could seek to have the land returned to them if it is not being used for its original intention.

The Runanga have approached Council and the Office of Treaty Settlements have now confirmed that Council can deal directly with the Runanga.

There have been regular engagements with the Runanga and more recently they have appointed a single point of contact for us to conclude the discussion.

It is expected that a formal agreement on the interest of the Runanga can be reached early next year. If there continues to be an impasse, negotiation through the OTS may be sought.

Irrespective of this aspect, it is the intention of Council to work in partnership with the relevant Iwi/hapu in the development of this facility.

### **Legal & Planning - *Maintaining positive relationships***

A programme of work is underway to create a landscape buffer between the disposal field and our neighbours. This is an important piece of work as it reduces some of their concerns and it is considered that this should be completed before commencing engagement.

A Cultural Values Assessment will be sought which will inform the development of options and the overall package.

A Consenting Plan will be developed once the overall concept has been confirmed.

### **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.'



## Next steps/E whaiake nei

The likely timeframe is aligned with the Annual Plan 2020/21 and Long Term Plan 2021 process.

### 2019/20

- Resolve Te Runanga Ngati Whatua interest
- Complete planting of landscape bund
- Scope business case and option development – request funding in Annual Plan
- Cultural Values Assessment
- Establish Advisory Group and develop connections

### 2020/21

- Develop Mountain Bike Concept with Trust
- Develop Business Case
  - Estimate the likely patronage of the facility
  - Identify the benefits – including adjacent communities
  - Consider financial and commercial options
- Engage with affected community
- Design a transport package (cycle access, bus and car) for both access and parking
- Develop cost estimates – capital and maintenance
- Confirm with Council
- Approve consenting strategy

### 2021 LTP

- Develop & lodge consents
- Complete design for mountain bike park, car park and access
- Construction

Matthew Smith, 26 November 2019



# **Report on public input: Stop 5G Mangawhai Petition**

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Kathie Fletcher, Policy Manager  
Paul Waanders, District Planner

## **Purpose/Ngā whāinga**

To respond to the Stop 5G petition received by Council in September 2019 and report on the relevant matters that Council has jurisdiction over.

## **Executive summary/Whakarāpopototanga**

The petition identified the possible harm of 5G technology and urged council to take action to halt 5G installation in Mangawhai. Staff investigated the legal jurisdiction local government has when dealing with installing 5G technology.

Council only has jurisdiction to draft rules to manage the following areas:

- Trees and vegetation in road reserves
- Significant trees
- Historic heritage values
- Visual amenity landscapes
- Significant habitats for indigenous fauna
- Outstanding natural features or landscapes
- Places adjoining coastal marine areas
- Rivers and lakes
- Controls over earthworks.

## **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Notes the commentary of the areas that Council has jurisdiction over;
- b) Requests that staff respond to the Lead Petitioner;
  - i. regarding the areas over which Council has no jurisdiction
  - ii. that central government is the legal authority responsible for the installation of 5G technology
  - iii. to submit their petition to the Ministry of Health, the Ministry of Business Innovation and Employment and the Ministry for the Environment.

## **Context/Horopaki**

Council received a petition at the September Council meeting, which is available at Attachment A. The Council Petitions Policy asks that staff respond to petitions formally.

Staff have investigated matters in line with the direction received from the Council's meeting of 26 September, namely that Kaipara District Council (Council):

- a) Receive the 'Stop 5G in Mangawhai' petition 13 September 2019.
- b) Request the Chief Executive investigate the issues raised in the petition that Council has jurisdiction over and report back to the council.

During the presentation, the petitioner raised the following matters:

1. Lack of control over the location of aerials.
2. The opinion that the *NZS 2772. 1: 1999 Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300 GHz* (NZ exposure standard) is out of date or in need of a review and that any central government roll out decision be deferred until such review.
3. Uncertainty about terminology in the field of electromagnetic radiation which cause interpretation issues.
4. Bias of central government and industry priority—speed over health.
5. Need to take a precautionary approach, for example, Belgium has decided not to permit the roll-out of 5G.

## Discussion/Ngā kōrerorero

Council's jurisdiction with regards to 5G installation is limited to drafting rules to manage:

- Trees and vegetation in road reserves
- Significant trees
- Historic heritage values
- Visual amenity landscapes
- Significant habitats for indigenous fauna
- Outstanding natural features or landscapes
- Places adjoining coastal marine areas
- Rivers and lakes
- Controls over earthworks.

## 5G Installation issues

The installation of telecommunication facilities is governed by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (the NESTF 2016). Where telecommunication facilities and activities are not regulated under the NESTF 2016, they continue to be managed through Council's district and regional plans.

Local Authorities can provide for certain limitations in their District Plan, but this is severely restricted by the National Environmental Standard for Telecommunication Facilities 2016 (NES) as contained in NESTF 2016 where a regulated activity is a **permitted activity** if it is carried out in accordance with this NES.

The NES is a binding regulation and replaces certain existing rules in district plans and bylaws that affect the activities of telecommunications operators. This does not mean that activities not permitted by the NES are prohibited. It simply means that in some cases resource consents will need to be applied for, and these applications will be assessed against the provisions of the relevant district plan. The NES needs to be read in conjunction with rules in a plan because some rules will still be applicable. Complying with the NES alone may not be sufficient. Where an activity cannot meet the permitted activity criteria in the NES, it will continue to be managed by the existing rules in the relevant district plan.

The NESTF 2016 is designed to support the efficient deployment and development of telecommunication networks across the country, reducing compliance costs and timeframes for

service providers, councils, and consumers. The NESTF 2016 regulates the following activities as permitted activities, provided the prescribed standards are met:

- cabinets: – in the road reserve – outside the road reserve – servicing antenna on buildings
- antennas on existing poles in the road reserve
- antennas on new poles in the road reserve
- replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas)
- new poles and antennas in rural areas
- antennas on buildings (above a permitted height in residential areas)
- small-cell units on existing structures
- telecommunication lines (underground, surface mounted, and overhead).

The following changes were made to the standards in the NESTF 2016:

- increasing the size envelope for antennas on a pole in the road reserve
- increasing the height that replacement poles can be increased by in the road reserve
- allowing for replacement cabinets in the road reserve to be erected before existing cabinets are removed
- changing the existing reference to the superseded 1999 radiofrequency measurement standard to the 2016 radiofrequency standard, AS/NZS 2772.2
- including a wider range of areas with identified values (visual amenity, historic heritage, landscape, ecological, coastal) where district plan rules may be more stringent than the NESTF 2016.

Telecommunication facilities and activities that are not regulated under the NESTF 2016 continue to be managed through the relevant district and regional plans. These may include:

- new poles and antennas that are not located in the road reserve or rural zones
- the installation, operation and maintenance of a self-contained power unit to generate power for the facility and any associated earthworks
- the establishment, operation and maintenance of an access track to a telecommunication facility and any associated earthworks
- new telecommunication lines and associated support structures
- telecommunication exchanges.
- It is also important to note that the NESTF 2016 does not apply to any telecommunication facility or activity located in the coastal marine area (see Regulation 8) or over the bed of a lake or river (see Regulation 52).
- The NESTF 2016 does not override any regional earthwork rules, where these apply (see Regulation 54).

The Telecommunications Act, 2001 inter alia refers to radio frequencies, telecommunication and wireless works which would apply to the rollout of 5G technology. The provisions in section 135 makes it clear that the construction, and maintenance of lines and wireless works on roads are **permitted** and that the local authority only has to be notified of these works.

The last point of jurisdiction deals with council owned land where telecommunication facilities may be constructed. Normally this will be dealt with as a lease or a licence to occupy where council can grant the lease or licence or refuse such lease or licence.

### Options

1. Agree to advise the petitioners to submit their petition to the Ministry of Health, the Ministry of Business Innovation and Employment and the Ministry for the Environment, and that Council write to the Lead Petitioner providing the response and the research material obtained in the investigation.

This is the recommended option.

2. Not agree with the above approach.

### Policy and planning implications

The District Plan includes a chapter dealing with Telecommunication which has to give effect to the NESTF 2016.

### Financial implications

There are no direct financial implications.

### Risks and mitigations

There are no risks to council in responding to this petition.

### Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

### Next steps/E whaiake nei

Staff will write to the lead petitioner advising of this response and the need to submit their petition to the Ministry of Health, the Ministry of Business Innovation and Employment as well as the Ministry for the Environment. Staff will also make the research material available to the lead petitioner.

### Attachments/Ngā tapiritanga

	Title
A	26 September 2019 Agenda Report and Petition

Paul Waanders 16 October 2019

## Stop 5G in Mangawhai petition

Meeting: Kaipara District Council  
Date of meeting: 26 September 2019  
Reporting officer: Lisa Hong, Governance Advisor

### Purpose/Ngā whāinga

To acknowledge the receipt of the 'Stop 5G in Mangawhai' petition.

### Executive summary/Whakarāpopototanga

The council received the petition on 13 September 2019. In accordance with current policy, the petition is presented to the council and the response is being prepared.

### Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Receives the 'Stop 5G in Mangawhai' petition 13 September 2019.
- b) Requests the Chief Executive investigate the issues raised in the petition that council has jurisdiction over and report back to the council.

### Context/Horopaki

The principal petitioner Lis Martinac emailed the petition (attachment A) and an information sheet (attachment B) to the council on 13 September 2019. The petition consists of 403 words and 2,066 signatures.

### Discussion/Ngā kōrerorero

#### Petitions Policy

The council's Petitions Policy allows for constituents to directly appeal to the council by presenting a petition. The policy outlines the format of the petition and how the council must respond.

In accordance with the policy:

- The staff reviewed the petition, and the petition exceeded the word limit but otherwise complies with the policy.
- The principal petitioner has been invited to speak at the council meeting.
- Staff will review the issues raised in the petition that relate to areas which Council has jurisdiction over and will present a report to a future council meeting.
- Once the report is received by the council, staff will respond to the petitioners with the outcome and carry out any follow-up actions.

### Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

## Next steps/E whaiake nei

The staff will report back to the council and update the principal petitioner.

## Attachments/Ngā tapiritanga

	Title
A	<a href="#">Stop 5G in Mangawhai petition</a>
B	<a href="#">Information sheet</a>

Lisa Hong, 16 September 2019



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# Stop 5G in Mangawhai ~ New Zealand



**Lis Martinac** started this petition to Kaipara District Council

The undersigned are urgently calling for the Kaipara District Council to halt the roll out of 5G in our community due to serious potential health effects from this new technology. 5G will substantially increase exposure to radiofrequency electromagnetic fields (RF-EMF) on top of the 2G, 3G, 4G, Wi-Fi, etc. for telecommunications already in place. RF-EMF has been proven to be harmful for humans and the environment.

5G will massively increase the microwave and millimeter wave radiation in our environment. It will also use new frequencies that are not evaluated by experts independent from industry as to their safety.

A substantial and convincing amount of scientific studies show many adverse health effects and health hazards from radiofrequency/microwave radiation.

No evaluation of health effects nor of effects on the wildlife and the environment has been undertaken. There is no research showing safety neither from 5G alone, nor from the combined exposure to 5G + already existing radiation from GSM, 3G, WiFi, 4G etc.

During the recent years over 240 scientists from more than 40 countries have expressed their "serious concerns", via EMF Scientists Appeal, regarding the ubiquitous and increasing exposure to EMF generated by electric and wireless devices – already before the additional 5G roll-out. The over 240 scientists refer to the fact that "numerous recent scientific publications have shown that EMF affects living organisms at levels well below most international and national guidelines". Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and negative

impacts on general well-being in humans. Damage goes well beyond the human race, as there is growing evidence of harmful effects to both plants and animals.

We, the Kaipara Community, primarily urge the Kaipara District Council to assist our community to:

Take all reasonable measures to halt the 5G RF-EMF expansion until independent scientists can assure that 5G and the total radiation levels caused by RF-EMF (5G together with 2G, 3G, 4G, and WiFi) will not be harmful for our community, especially infants, children and pregnant women, as well as the environment.

We DO NOT give consent for the roll out of 5G technology in Mangawhai until these measures have been taken and our safety is assured. The health and wellbeing of our community and environment is of upmost importance to us. Please assist us to keep our community safe and well.

**2,066 have signed.**

[Retrieved from <https://www.change.org/p/kaipara-district-council-stop-5g-in-mangawhai-new-zealand> on 13 September 2019.]

## **Stop 5G ~ Supporting Information Links**

### **Our Local Petition Link (over 2000 signatures):**

<http://chnng.it/QJKMk49W>

### **Sue Grey Speaking about Wifi (relevant to NZ - this is essential information):**

<https://youtu.be/fAHA1FtPaw0>

### **Video Links from reliable sources/experts:**

<https://youtu.be/wIMHFU4PP50>

<https://www.youtube.com/watch?v=BwyDCHf5iCY&t=1330s>

<https://youtu.be/ol3tAxnNccY>

[https://youtu.be/sDOsw\\_l1bcA](https://youtu.be/sDOsw_l1bcA)

<https://youtu.be/yEfKfF1OHsY>

<https://takebackyourpower.net/watch-take-back-your-power-2017/>

<https://takebackyourpower.net/senate-hearing-wireless-industry-confesses-no-studies-showing-5g-safety/>

<https://ehtrust.org/michigan-senator-testifies-on-health-risks-of-5g-small-cells-and-the-internet-of-things/>

### **Brilliant Info Websites:**

<http://phiremedical.org>

[https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/?fbclid=IwAR08gYVall7YAqTrZ0Mk7zNSHrdvmswhNbPyTjZj6zr\\_LUncwFQrGOBZyX0](https://ehtrust.org/key-issues/cell-phoneswireless/5g-networks-iot-scientific-overview-human-health-risks/?fbclid=IwAR08gYVall7YAqTrZ0Mk7zNSHrdvmswhNbPyTjZj6zr_LUncwFQrGOBZyX0)

<https://www.emfscientist.org/?fbclid=IwAR1AD4-b4hz5EpXRWbPBMh--cX-K-4IKV7LC0M20qlalbW-z36D6lpnVlfw>

[https://www.5gspaceappeal.org/the-appeal?fbclid=IwAR3-9\\_PGc\\_ZsHZoL8WYxZWny4j3du3gXKNhJWUBw7cAg2Z7qMaWuCPbkAqA](https://www.5gspaceappeal.org/the-appeal?fbclid=IwAR3-9_PGc_ZsHZoL8WYxZWny4j3du3gXKNhJWUBw7cAg2Z7qMaWuCPbkAqA)

<https://takebackyourpower.net>

[www.5G.org.nz](http://www.5G.org.nz) is a source of non industry information about 5G specific to NZ that is being created by volunteers. It has some great informative articles (some listed below).

### **Further in-depth reading:**

<https://researcharchive.lincoln.ac.nz/handle/10182/4017?fbclid=IwAR0LnlmgsvuM33wmxdyd7n0vtiWFWrtz70cO1nYh-VlglQOms5Af8FgIVO4>

<https://bioinitiative.org>

[ethics.harvard.edu/files/center-for-ethics/files/capturedagency\\_alster.pdf](https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency_alster.pdf)

<https://www.5g.org.nz/2018/10/09/5g-in-nz-the-legal-and-regulatory-situation/>



<https://www.5g.org.nz/2019/02/27/why-is-the-minister-of-health-taking-advice-about-the-health-effects-of-5g-from-a-committee-influenced-by-people-with-ties-to-the-telecommunications-industry/>

[https://www.frontiersin.org/articles/10.3389/fpubh.2019.00223/full?fbclid=IwAR1a3p8ZKWvu4jdCoGexvY0E\\_b8lxJycGdBTURU1wfjWT7noWjbcCchX8CA](https://www.frontiersin.org/articles/10.3389/fpubh.2019.00223/full?fbclid=IwAR1a3p8ZKWvu4jdCoGexvY0E_b8lxJycGdBTURU1wfjWT7noWjbcCchX8CA)

**EMF protection:**

<https://www.emfanalysis.com>

**Take Action:**

Ray Broomhall - Australian Barrister (Has stopped 5G cell towers from being erected in Australia):  
<https://youtu.be/tLsHEVkne64>

**Our STOP 5G MANGAWHAI ~ NEW ZEALAND facebook group:**

<https://www.facebook.com/groups/435269183952539/>

**Please, consider taking measures in your home to reduce EMF exposure to you and your family, this is important to do asap. There are some very simple measures you can do immediately.**

Learn more about basics here: <https://sws.co.nz/swtnz.co.nz/reducing-your-emr-exposure-what-you-can-do/>

**EMF MITIGATION: This is the essential one to watch for full education on what you can do to mitigate the effects...**

Recorded June 8th, 2019 this Webinar goes in depth into what EMF's are, how they affect the body, and what we can do to lessen those effects. I highly recommend watching this. Reirani is incredibly knowledgeable. She has agreed to do a recorded speech for our next meeting. This video is very educational and in-depth, it's long, but you can watch it bit by bit if you like, it's worth it:

<https://www.kahapath.com/emf-mitigation?cid=0bbcd74f-057c-4b88-97f0-2059f1f0494b>

This information is essential for us to know and share!

Best wishes,

Lis

# **Clause 20A correction of the District Plan maps for the Chases Gorge Camp at Baylys Beach**

**Meeting:** Kaipara District Council  
**Date of meeting:** 11 December 2019  
**Reporting officer:** Paul Waanders District Planner

## **Purpose/Ngā whāinga**

To inform Council of the approval of a correction to the Operative Kaipara District Plan.

## **Executive summary/Whakarāpopototanga**

A correction was required to be made to a map in Appendix 13.1 of the Operative Kaipara District Plan with reference to the Chases Gorge Camp at Baylys Beach. This was an administrative error and the decision to correct the map was made under delegation by staff. This is required to be reported to Council for information.

## **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Note the decision made under delegation to correct Appendix 13.1 of the Operative District Plan with reference to the Chases Gorge Camp at Baylys Beach.

## **Context/Horopaki**

Clause 20A of the First Schedule of the RMA provides the opportunity to correct cross-referencing issues in an operative district plan. In terms of delegations, decisions on Clause 20A of the First Schedule to the RMA has been delegated to the Policy Manager provided that these decisions are reported to a Council meeting. This report deals with the correction of Appendix 13.1 with reference to the Chases Gorge Camp at Baylys Beach.

The Policy Manager, under delegation, has made the decision. This is available at Attachment A.

## **Discussion/Ngā kōrerorero**

A request was from the Chases Gorge Camp Trust, for the replacement of the wrong Appendix 13.1 Map (Attachment B) with the correct Appendix 13.1 Map (Attachment C). This map depicts the building sites on the property of Chases Gorge Camp at Baylys Beach.

Clause 20A enables a council to amend its operative plan to correct any minor errors without using the First Schedule of the Resource Management Act. Case law has determined what constitutes an ‘error’ and what a ‘minor’ error will be.

In this case, it is clear that the Hearings Panel under delegated authority approved the new maps but that an administrative error was made by using the old map, to create Appendix 13.1.

### **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in council’s Significance and Engagement Policy, and the public will be informed via agenda on the website.

### **Next steps/E whaiake nei**

The operative district plan will be updated with the correct map and developers informed of the approval of the correction of Appendix 13.1

### **Attachments/Ngā tapiritanga**

	Title
A	Clause 20A Correction of Maps for the Chases Gorge Camp at Baylys Beach
B	Previous Appendix 13.1
C	New Appendix 13.1

Paul Waanders    5 December 2019

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**Memorandum**

**To: Policy Manger: Kathie Fletcher**

**From: District Planner: Paul Waanders**

**Date: 30 October 2019**

**Subject: Clause 20A Correction of Maps for the Chases Gorge Camp at Baylys Beach**

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**Background.**

1. A request has been received for the replacement of the wrong Appendix 13.1 Map with the correct Appendix 13.1 Map depicting the building sites on the property of Chases Gorge Camp at Baylys Beach. (Attachment A)
2. The Kaipara District Plan 2003 shows the layout Map as Map 79 (Attachment B) with the two additional Proposed Building sites clearly marked, one of which subsequently has been built on.
3. In the submissions on the following Proposed Kaipara District Plan the Chases Gorge Camp Club requested that the layout plan be recognised and incorporated into the Kaipara District Plan and attached a detailed layout plan for consideration identifying inter alia the one site which was not yet built on. (Attachment C and maps flagged)
4. In the Hearings Report (Extracts as Attachment D) in paragraph 4.1.4 *Consequential Amendments* on page 22 and 23 it is clearly decided to accept the submission and to attach the Map as Appendix 1.
5. The decision was sent to the submitter with half of Appendix 1 but they did not react accepting that not including the second map was an oversight. (Attachment E)
6. The Kaipara District Plan became operative in 2013 and included the Special Conditions in provision 13.10.29 (3) with reference to Appendix 13.1 (Extracts of the DP as Attachment F) but for some unexplained reason the old Map 79 was used to create Appendix 13.1 rather than the maps that were submitted.
7. The Clause 20A correction request now deals with the replacement of the Appendix 13.1 Operative version with the Approved submitted version. (Attachment G).

**Legal position**

Clause 20A enables a Council to amend its operative plan to correct any minor errors without using the First Schedule of the Resource Management Act. Case law has determined what constitutes an 'error' and what a 'minor' error will be. An error is simply a mistake or inaccuracy which has crept into the plan. A correction can contain a clerical mistake or error arising from an accidental slip or omission but the use of the slip rule is

only applicable when it is used to correct a slip in the “expression” of the statement and not the “content”

In this case it is clear that the Hearings Panel under delegated authority approved the new Maps but that an administrative error was made by using the old, but previously legitimate Map, to create Appendix 13.1. The maps that were submitted during the hearing should have been used to create Appendix 13.1. From the decision version and the notice to the submitter it is clear that although only one map instead of two maps were sent, the intention was to include both maps into the Operative Kaipara District Plan.

It is not clear why the new maps were not used and why the 2003 map was adapted to become Appendix 13.1 but that was a mistake and therefore an error which can be corrected through the provisions of Clause 20A of the First Schedule to the RMA.

### Delegation

The authority to make minor amendments to correct minor errors on an Operative District Plan has been delegated to inter alia the Policy Manager subject to the condition that this decision has to be reported to the next Council meeting.

### Recommendation.

That the erroneous map in Appendix 13.1 of the Operative Kaipara District Plan be replaced with a new Appendix 13.1 as depicted in Attachment G.

That this change be conveyed to the submitter and

That the report be submitted to Council for information.



Paul Waanders District Planner

Recommendation is approved/ not approved/ approved as amended

Kathie Fletcher

Policy Manager

Date:


  
 28/11/19



## **Attachments**

[Attachment A: Request for Correction](#)

[Attachment B: Map 79 Kaipara District Plan 2003](#)

[Attachment C: Submissions and Maps](#)

[Attachment D: Extracts from Hearings Report](#)

[Attachment E: Decision Letter plus half the Maps](#)

[Attachment F: Extract from the Operative Kaipara District Plan 2013](#)

[Attachment G: New version of Appendix 13.1](#)



## Appendix 13.1 Chases Gorge Camp Club Proposed Building Site

