

NORTHLAND REGIONAL COUNCIL

Agenda

For meeting to be held in the Council Chamber, Northland Regional Council,
36 Water Street, Whāngārei, on Tuesday 19 February 2013,
commencing at 2.30 pm

**Recommendations contained in the council agenda are NOT council decisions.
Please refer to council minutes for resolutions.**

OPEN MEETING

Minutes Silence - Whaea Winika Wimirangi (Koko) Heihei and Paddy Whiu

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1.0	APOLOGIES	
	Councillor Tony Davies-Colley	
2.0	DECLARATIONS OF CONFLICTS OF INTEREST	
3.0	PRESENTATIONS	
	There are no presentations	

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<p>ACC - Accident Compensation Corporation</p> <p>AHB - Animal Health Board</p> <p>ALGIM - Association of Local Government Information Management</p> <p>AMA - Aquaculture Management Area</p> <p>ARC - Auckland Regional Council</p> <p>BOI - Bay of Islands</p> <p>CAPEX - Capital Expenditure (budget to purchase assets)</p> <p>CBEC - Community, Business and Environment Centre</p> <p>CDEM - Civil Defence Emergency Management</p> <p>CEG - Co-ordinating Executive Group – Northland Civil Defence management team</p> <p>CEO - Chief Executive Officer</p> <p>CIMS - Co-ordinated Incident Management System (emergency management structure)</p> <p>CMA - Coastal Marine Area</p> <p>CPCA - Community Pest Control Areas</p> <p>CRI - Crown Research Institute</p> <p>DHB - District Health Board</p> <p>DOC - Department of Conservation</p> <p>DOL - Department of Labour</p> <p>DPMC - Department of Prime Minister and Cabinet</p> <p>EBOP - Environment Bay Of Plenty</p> <p>ECA - Environmental Curriculum Award</p> <p>ECAN - Environment Canterbury</p> <p>EE - Environmental Education</p> <p>EECA - Energy Efficiency Conservation Authority</p> <p>EEZ - Exclusive Economic Zone</p> <p>EF - Environment Fund</p> <p>ERMA - Environmental Risk Management Authority</p> <p>EMA - Employers and Manufacturers Association</p> <p>EOC - Emergency Operations Centre</p> <p>EW - Environment Waikato</p> <p>FDE - Farm Dairy Effluent</p> <p>FNDC - Far North District Council</p> <p>FNHL - Far North Holdings Limited</p> <p>FPP - First Past the Post – voting system for NRC elections</p> <p>GE - Genetic Engineering</p> <p>GIS - Geographic Information System</p> <p>GMO - Genetically Modified Organism</p> <p>HASNO - Hazardous Substances & New Organisms Act</p> <p>HBRC - Hawke's Bay Regional Council</p> <p>HEMP - Hapū Environmental Management Plan</p> <p>Horizons - Brand name of Manawatu-Wanganui Regional Council</p> <p>HR - Human Resources</p> <p>IEMP - Iwi Environmental Management Plan</p> <p>IPPC - Invited Private Plan Change: a process to allow Aquaculture Management Areas to be established</p> <p>IRIS - Integrated Regional Information System: new computer system being developed collaboratively with other Regional Councils</p> <p>KDC - Kaipara District Council</p> <p>KPI - Key Performance Indicator</p> <p>LATE - Local Authority Trading Enterprise</p> <p>LGA - Local Government Act 2002</p> <p>LGNZ - Local Government New Zealand</p> <p>LGOIMA - Local Government Official Information and Meetings Act 1987</p> <p>LGOL - Local Government Online</p> <p>LTCCP - Long Term Council Community Plan</p> <p>LTFS - Long Term Financial Strategy</p> <p>LTNZ - Land Transport New Zealand</p> <p>MAF - Ministry of Agriculture & Forestry</p> <p>MCDEM - Ministry of Civil Defence & Emergency Mgmt</p> <p>MFE - Ministry for the Environment</p> <p>MFish - Ministry of Fisheries - also known as MOF</p> <p>MHWS - Mean High Water Springs</p>	<p>MNZ - Maritime New Zealand</p> <p>MOF - Ministry of Fisheries - also known as MFish</p> <p>MOH - Ministry of Health</p> <p>MOT - Ministry of Transport</p> <p>MSD - Ministry of Social Development</p> <p>NCMC - National Crisis Management Centre</p> <p>NES - National Environmental Standards</p> <p>NDHB - Northland District Health Board</p> <p>NZRC - New Zealand Refining Company (Marsden Point)</p> <p>NGO - Non-Governmental Organisation</p> <p>NIF - Northland Intersectoral Forum</p> <p>NIWA - National Institute of Water and Atmosphere</p> <p>NORTEG - Northland Technical Advisory Group</p> <p>NPC - Northland Port Corporation</p> <p>NZCPS - New Zealand Coastal Policy Statement</p> <p>NZTA - New Zealand Transport Agency</p> <p>NZQA - New Zealand Qualifications Authority</p> <p>NZWWA - New Zealand Water and Wastes Association</p> <p>OFI - Opportunity for Improvement</p> <p>ORC - Otago Regional Council</p> <p>OSH - Occupational Safety & Health (now Dept of Labour)</p> <p>PDF - Portable Document Format</p> <p>PPE - Personal Protective Equipment</p> <p>RAC - Regional Affairs Committee</p> <p>RAP - Response Action Plan</p> <p>RAQP - Regional Air Quality Plan</p> <p>RCP - Regional Coastal Plan</p> <p>RDC - Rodney District Council</p> <p>RFI - Request for Information</p> <p>RFP - Request for Proposal</p> <p>RLTC - Regional Land Transport Committee</p> <p>RLTS - Regional Land Transport Strategy</p> <p>RMA - Resource Management Act 1991</p> <p>RMG - Resource Managers Group (Regional Councils)</p> <p>RMZ - Riparian Management Zone</p> <p>ROI - Return on Investment</p> <p>RPMS - Regional Pest Management Strategy</p> <p>RPS - Regional Policy Statement</p> <p>RTO - Regional Tourism Organisation</p> <p>RWASP - Regional Water and Soil Plan</p> <p>SCAR - SmartStream Council Activity Reporting</p> <p>SITREP - Situation Report</p> <p>SMF - Sustainable Management Fund</p> <p>SOE - State of Environment (or) State Owned Enterprise</p> <p>SOLGM - Society of Local Government Managers</p> <p>SPARC - Sport & Recreation New Zealand</p> <p>SRC - Southland Regional Council (Environment Southland)</p> <p>STV - Single Transferable Vote</p> <p>SWAG - Surface Water Allocation Group</p> <p>SWPA - Sustainable Water Programme of Action</p> <p>TA - Territorial Authority: City & District Councils</p> <p>TAC - Technical Advisory Group</p> <p>Tier 1 - Site level plan or response for an oil spill</p> <p>Tier 2 - Regional level plan or response to an oil spill</p> <p>Tier 3 - National level plan or response to an oil spill</p> <p>TLA - Territorial Local Authority – City & District Councils</p> <p>TMP - Treasury Management Plan</p> <p>TOR - Terms of Reference</p> <p>TPK - Te Puni Kōkiri (Ministry of Maori Development)</p> <p>TRAION - Te Rūnanga a Iwi o Ngāpuhi</p> <p>TRC - Taranaki Regional Council</p> <p>TROTR - Te Rūnanga o Te Rarawa</p> <p>TUANZ - Telecommunications Users Association of NZ</p> <p>WCRC - West Coast Regional Council</p> <p>WDC - Whangarei District Council</p> <p>WHHIF - Whangarei Harbour Health Improvement Fund</p> <p>WWTP - Wastewater Treatment Plant</p>
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ISSUE: Chairman's Report to Council**ID:** A295351**To:** Council Meeting, 19 February 2013**From:** Craig Brown, Chairman**Date:** 8 February 2013

Summary The purpose of this report is to provide an update from the Chairman for December 2012 and January 2013. It concludes with the recommendation that the report be received.

**Normal
Operations**



This report is for the months of December 2012 and January 2013.

Meetings/events attended:

During the period I attended the following meetings/events/functions:

- Meetings attended with the council's CEO, Malcolm Nicolson:
 - Whāngārei Heads School Enviroschools Green/Gold Celebration.
 - Stephen Town, New Zealand Transport Agency.
 - Trevor Downey and Richard Bull, Mangawhai Harbour Restoration Society - conditions for mangrove removal.
 - Ngāti Hine – moorings/marinas at Ōpua (Councillors Tony Davies-Colley and Bronwyn Hunt and Policy Specialist, Ben Lee, also attended).
- Ruakaka Economic Development meeting.
- Pete Peters – leasehold property.
- Gary Hooper and Tom Hollings, Aquaculture New Zealand, and Callum McCullam, Clevedon Coast Oysters – consent bonds on oyster farms.
- Catch up meeting with Morris Cutforth, Mayor, Whāngārei District Council.
- Along with staff members Rachel Ropiha, Iwi Liaison Officer; Obi Khanal, Environmental Monitoring Officer - Air Quality; Jean-Charles Perquin, Environmental Monitoring Officer - SOE and Compliance and I attended a hui at Eparaima Marae, Kaikou, regarding dust nuisance.

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Correspondence:

During December and January I sent out the following correspondence:

Date	Addressed To	Subject
03.12.12	Mike Rashbrooke	Walls Bay esplanade reserve and ongoing activities of the neighbouring boatyard
05.12.12	Andy Britton Enterprise Northland Trust	Enterprise Northland Trust
13.12.12	John Errington Chairman Remuneration Authority	Return of completed questionnaire
21.12.12	David Gordon General Manager Network Performance KiwiRail	Letter of support for Port Dargaville Cruises Ltd
10.01.13	Peter Jensen	Congratulations on New Year's Honour
10.01.13	Tony Norman	Congratulations on New Year's Honour
15.01.13	Steven James Secretary Top Energy Consumer Trust	Selection of trustees for Top Energy Trust
24.01.13	Eruera Taurua, Chairperson Te Hapae Ashby, Vice Chairperson Te Tiriti o Waitangi Marae Trust Board	Waitangi commemorations 2013
25.01.13	Hon Phil Heatley	Cabinet restructure
30.01.13	Margaret Hicks	RPS submissions

Compliance with decision making processes:

The activities detailed in this report are provided for in the council's 2012-2022 Long Term Plan and as such are in accordance with the council's decision making process and sections 76 to 82 of the Local Government Act 2002.

Recommendation:

That the Chairman's report dated 8 February 2013 be received.

ISSUE: Chief Executive's Report to Council**ID:** A279026**To:** Council Meeting, 19 February 2013**From:** Malcolm Nicolson, Chief Executive Officer**Date:** 8 February 2013**Summary:** The purpose of this report is to provide an overview of recent council organisation activity. It concludes with the recommendation that the report be received.**Normal
Operations**

Report:

5.1 – COMMUNITY REPRESENTATION AND ENGAGEMENT

GOVERNANCE MATTERS**Annual Plan Update**

The draft Annual Plan 2013/14 was adopted for consultation by the council at the December 2012 meeting. Consultation began on 19 January 2013, with public notices being published throughout the week beginning 14 January 2013. Letters advising of the submissions period and the availability of the summary and full draft Annual Plan have been distributed to our normal channels. Just over 100 hardcopies of the documents have been sent to our mailing list contacts. The submissions period closes on Thursday 21 February 2013 and the hearings are currently scheduled for 11-13 March 2013.

Local Electoral Amendment Bill

The Local Electoral Amendment Bill seeks to amend the Local Electoral Act 2001 and the Local Electoral Regulations 2001 with regard to provisions for the conduct of local elections, transparency and accountability around electoral donations and the integrity and efficiency of the electoral system.

The Bill is a Government Bill and submissions, called for by Parliament's Justice and Electoral Committee, closed on 21 December 2012. The Committee is due to report back to Parliament on 11 March 2013 with enactment expected during May 2013.

The main purposes of the Bill are to:

- improve provisions for the conduct of local elections;
- increase transparency and accountability in the provision, receipt, disclosure, recording and reporting by candidates of electoral donations;
- strengthen the integrity and efficiency of the local election system, which will result in increased public confidence in local elections.

The main drivers of the Bill are:

- an increasing public concern that candidates at local authority elections do not have the same degree of transparency and accountability in regard to donations as that expected of parliamentary candidates;

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- technical and procedural amendments to the Local Electoral Act 2001 arising from the Justice and Electoral Committee's 2008 and 2011 reports of inquiry to the 2007 and 2010 local authority elections.

The main changes contained in the Bill are:

- limits the size of an anonymous donation that a recipient can retain (\$1,500 maximum – anything over gets paid to the local authority);
- amends the definitions of 'anonymous' and 'donations';
- increased disclosure, reporting and recording obligations;
- introduces penalties for non-compliance with new obligations;
- amends representation review provisions (ability for a territorial authority to move outside the +/-10 criteria but if so, review forwarded onto the Local Government Commission for determination);
- requires all nomination material to be lodged together (nomination paper, deposit, candidate profile statement). Currently it is not necessary for candidates to lodge their candidate profile statements at the same time as other nomination material;
- a candidate's principal place of residence and any dual candidacies to be stated on the candidate profile statement. This will mean that if a candidate lives for example in Auckland but is standing for the Whangarei Constituency of the Northland Regional Council, then the fact that the person lives in Auckland will have to be stated in their candidate profile statement. If a candidate is standing for both the regional council and the district health board, this will also have to be stated on their candidate profile statement;
- removal of the provisions for voluntary retirement of candidates (except for those deemed incapacitated). This means if a candidate stands for more than one position the candidate will no longer be able to voluntarily withdraw from one of those positions prior to the election;
- provision to adjourn an election in the event of an emergency (arisen to recognise events such as the Christchurch earthquake);
- require the voting document to contain notice of voting offence provisions (this is already undertaken by stating for example it is an offence to complete another person's voting document);
- removal of requirement for a local authority to resolve to adopt early processing of returned voting documents (this decision to be the electoral officers');)
- provision of an additional week between the close of nominations and the start of the voting period (results in the open/close dates for nominations one week earlier than currently);
- provision of candidate profile statements to be published following the close of nominations (currently restricted to the start of the voting period);
- provision for a consistent date for all candidates to take office (currently there are different dates depending if a member is elected unopposed or elected by physical election).

Most of the amendments relate to improved administrative processes which are expected to result in better informed electors and more efficiently run elections. The changes to the clauses for anonymous donations are probably long overdue and bring these provisions into line with Parliamentary elections.

A copy of the Bill is **attached** as an appendix to this report.

5.2 – ECONOMIC DEVELOPMENT

UNISA Ports Study

The report was received by council at a joint NRC/WDC extraordinary council meeting on 6 December 2012. A further workshop on the report and the potential next steps is scheduled for 18 February 2013.

Far North District Council Sustainable Growth Strategy

Staff have attended two partner forums run by the Far North District Council. These forums were run as scanning sessions to help the Far North District Council project team identify current patterns and trends within the Far North that can guide and assist the development of a Sustainable Growth Strategy. Far North District Council is now collating the results of these sessions and will be developing their project plan. This will help identify how staff can assist the Far North District Council with this project.

Irrigation Needs Study

Staff are currently scoping a feasibility study for irrigation needs within Northland. This project is aimed at defining the value of developing irrigation infrastructure in Northland. The intention is to apply for funding assistance through the Ministry of Primary Industries to undertake a full study of the benefits available to the region from reliable irrigation. In general this will cover the potential irrigation areas and the potential economic benefits. Flow on benefits such as flood management and energy generation may be considered later as additional factors.

5.3 – RESOURCE MANAGEMENT

INVESTIGATION REPORT

Findings

- Acceptance that improvement can and should be made to the current process.
- High demand from applicants for improvements to current system.
- Primary areas in which improvement can be made is in processing times and cost of the process.
- This can be achieved by improving the quality of applications and providing better guidance to consenting officers on the “appropriate” level of information required to process an application.

Council should provide guidance on:

- The appropriate level of assistance or education it wants provided to applicants.
- The appropriate levels of assistance staff are to provide applicants in seeking to consult with persons “affected” by application.
- Guidance to determine the number of commissioners to hear an application.
- The equitable balance of fee recovery (user pays) for the applicant and subsidisation of application through rates.

For more a more detailed review please refer to **Attachment 2**.

Work is continuing on this and monitoring reviews.

RESOURCE MANAGEMENT PLANNING**Resource Management Reform Bill**

The Resource Management Reform Bill was introduced into Parliament on 5 December 2012.

This is an omnibus bill that amends the Resource Management Act 1991, the Local Government (Auckland Transitional Provisions) Act 2010, and the Local Government Official Information and Meetings Act 1987. The Bill aims to make improvements to the consenting regime, provide for the delivery of the first combined plan for Auckland, provide further powers to make regulations, and make technical and operational changes. It is recommended that council support a submission on the Bill by Local Government NZ as this states generic concerns, very well. This is the subject of an agenda item to this council meeting.

Developing a new Regional Policy Statement (RPS)

Staff have completed summarising submissions and the further submission period will run from 18 February to 1 March 2013. This is slightly later than previously reported due to the large number and complexity of submissions received (885) and the additional quality control process. Full submissions, summary of submissions and further submission forms will be available at all council offices and on the council website at www.nrc.govt/newRPS.

Staff met with the three member independent RPS hearing committee on 15 January 2013. This initial meeting was to run through the RPS development process and its content and discuss the hearings process through to recommendations on submissions. A second workshop has been scheduled for 25 February 2013 to run through the detail of the mapping component of the Proposed RPS.

Following the close of the further submission process, staff will finalise their officer's reports with the intention of holding hearings between 20 May and 7 June 2013.

Implementation of the National Policy Statement for Freshwater Management

Progress continues with the completion of catchment descriptions for the outstanding water bodies of Kai Iwi lakes and Waipoua river catchment. The catchment descriptions will be presented to the February 2013 Environmental Management Committee. Catchment descriptions for the Waitangi and Mangere river catchment will be completed in time to be presented to the March 2013 Environmental Management Committee.

The Freshwater NPS requires council to establish limits based on objectives and values. One tool that can help determine relative values in a local setting is the River Values Assessment System (RiVAS), which has been used by a number of other councils to assist them. Staff are in negotiations with Professor Ken Hughey, who develop the modelling tool, to model the uses and values of Northlands water bodies, starting with native fish, swimming, natural character and tangata whenua values. Background papers and reports of RiVAS can be found at www.lincoln.ac.nz/Research-Centres/LEaP/Environmental-Management--Planning/Projects/Prioritising-river-values/

The next step in the implementation process will be to develop an engagement model outlining how council will consult with and seek input into the development of freshwater objectives, limits and targets. The Freshwater NPS envisages a high level of community, tangata whenua and key stakeholder engagement and any council engagement model will need to reflect this.

Plan Change 1 (Moorings and Marinas) to the Regional Coastal Plan

Council publicly notified decisions on Variation 2 to Plan Change 1 on 22 December 2012. The appeal period ends 22 February 2013. At this time no appeals have been received.

Plan Change 4 (Aquaculture) to the Regional Coastal Plan

The plan change is currently going through the appeal process.

The court hearing has been set for mid-March 2013 in Paihia. The regional council provided rebuttal evidence from its planning expert (David Hill) and the Harbourmaster (Jim Lyle). As the hearing date draws closer, some of the appellants have reconsidered their positions and have decided to limit their participation in the hearing. Accordingly it's expected the hearing will be relatively short - probably a maximum of two days.

The hearing will only be looking at the extent of the aquaculture prohibited areas. Once a decision has been made on these, the focus will turn to the remaining provisions which are mainly about how aquaculture is considered outside of the prohibited areas. For most of the appellants, their main concern is the extent of the prohibited areas, and therefore once a decision is made on these, it's anticipated that there'll be limited interest in the remaining provisions.

Moorings and Marinas Strategy

The primary objective of the Moorings and Marinas strategy is to set out how future demand for moorings and marinas in Northland will be provided for.

Following the three focus group meetings in late 2012, a consultant (Beca) was contracted to write the draft strategy. It was provided to the regional council on 4 February 2013. The next step is for the sub-committee (Councillors Brown, Davies-Colley and Hunt) to review the draft and approve its release for public feedback. The public feedback period is expected to start mid-late March 2013. A newsletter is being circulated to all mooring owners and other stakeholders mid February 2013 giving a 'heads up' of the upcoming release of the draft strategy for public feedback, and providing information on other mooring related issues.

OTHER RESOURCE MANAGEMENT ISSUES**Land Use and Subdivision Applications**

Between December 2012 and January 2013, 5 non-notified resource consent applications were received from the district councils. No comments were made.

DEPARTMENT OF CONSERVATION DRAFT NORTHLAND CONSERVATION MANAGEMENT STRATEGY

The Department of Conservation have invited submissions on draft Conservation Management Strategies (CMS) for Northland and Auckland. Submissions on these strategies close 15 March 2013. The CMS are unlikely to have significant implications for council and it is recommended that if needed staff lodge submissions under authority delegated to the GM Planning and Policy.

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CONSENTS**Consents in Process**

During December 2012 and January 2013, a total of 51 Decisions were issued. A copy of these decisions is circulated under separate cover. These decisions comprised:

December 2012 (30)

0	Moorings
8	Coastal Permits
1	Air Discharge Permits
4	Land Discharge Permits
1	Water Discharge Permits
7	Land Use Consents
6	Water Permits
3	Bore Consents

January 2013 (21)

0	Moorings
7	Coastal Permits
1	Air Discharge Permits
2	Land Discharge Permits
3	Water Discharge Permits
2	Land Use Consents
3	Water Permits
3	Bore Consents

The processing timeframes for the December 2012 consents ranged from:

- 61 to 4 calendar days, with the median time being 28 days;
- 42 to 2 working days with the median time being 20 days.

The processing timeframes for the January 2013 consents ranged from:

- 1445 to 1 calendar days, with the median time being 49 days;
- 952 to 1 working days with the median time being 19 days.

17 Applications were received in December 2012.

25 Applications were received in January 2013.

Of the 162 applications in progress at the end of January 2013:

- 68 were received more than 12 months ago (most awaiting further information);
- 15 were received between 6 and 12 months ago (most awaiting further information);
- 79 less than 6 months.

Appointment of Hearing Commissioners

The following commissioner was appointed for one consent hearing in January 2013:

- Mr Rob van Voorthuysen for consents associated with the removal and maintenance of mangroves along the Hatea River. The hearing is scheduled for 6 and 7 March 2013.

Consents Decisions and Progress on Notified Applications in Process, Objections and Appeals

The current level of notified application processing activities at the end of January 2013 is (by number):

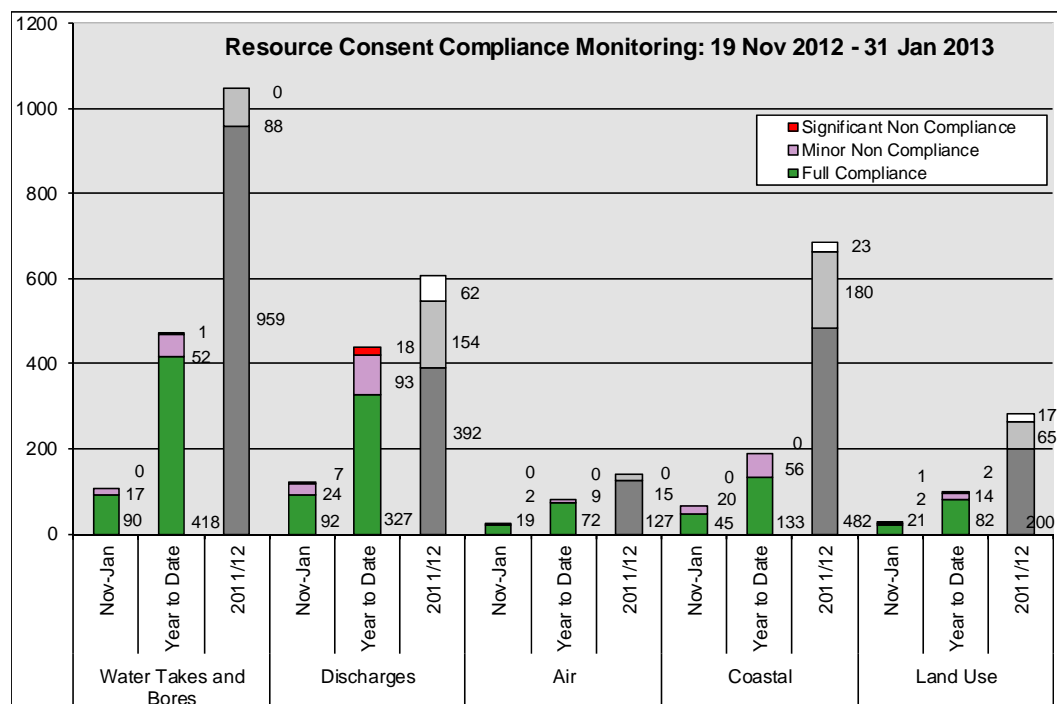
• Applications Publicly/Limited Notified During Previous Month	0
• Progress on Applications Previously Notified	14
• Hearings and Decisions	2
• Appeals/Objections	7

A more detailed summary of the above activities can be found in **Attachment 3**.

MONITORING

COMPLIANCE MONITORING

A summary of the results of compliance monitoring for the period 19 November 2012 – 31 January 2013 is shown below. Further details are being reported to the Environmental Management Committee on 19 February 2013.



Air discharges

Twenty one compliance assessments for air discharge consents were made during the reporting period, including nine industrial site visits. Nineteen operations were fully compliant with their resource consent conditions and the remaining two had slightly elevated emissions (minor non-compliance).

Ambient air monitoring results for PM₁₀, sulphur dioxide and carbon monoxide at Robert Street, Whāngārei showed compliance with the National Environmental Standard (NES) for Air Quality during November and December 2012. Monitoring of PM₁₀ in the Marsden Point airshed started early December 2012 at the new Bream Bay College site in Ruakaka. So far the results have complied with the NES.

Coastal

Coastal consent inspections were undertaken at 65 sites during the reporting period, most of which were inspections of structures in the Houhora and Rangaunu harbours. Marina water quality testing and sampling of the dredging operation at Culham Engineering was also undertaken. A total of 45 inspections revealed full consent compliance and the remaining 20 inspections revealed minor non-compliances.

The Whāngārei and Bay of Islands harbours water quality sampling runs were undertaken in January and the Kaipara harbour run was undertaken in late November and January. The results for the Whāngārei harbour run showed all sites had low levels of faecal indicator bacteria (FIB). However the results for 62.5% of the sites showed levels of nutrients exceeding the relevant guidelines. All sites in the Bay of Islands had low FIB levels and 25% of sites had elevated nutrient levels. The Kaipara

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harbour sites had similar results on both sampling occasions with low levels of FIB recorded and elevated nutrients at some sites.

The “Draw the line” boat sewage campaign was undertaken over the summer holiday period. The campaign aims to remind people of the correct ways of disposing of sewage, and encourages them to keep untreated sewage out of our harbours. A total of 75 vessels were visited, with their crews receiving pamphlets and being asked a couple of simple questions relating to their knowledge of the Marine Pollution Regulations (MPR), and their understanding of complying with them.

Of the 75 vessels visited, 83% of people ‘interviewed’ stated they were aware of the MPR. Approximately 75% of vessels had a means of sewage containment (holding tank or “porta-potty”) and 4% had a treatment system, with the remaining 21% having no means to comply with the regulations. Though this does not necessarily mean these vessels are illegally discharging sewage, it shows that it is practically difficult for them to comply with the regulations. It is also difficult for council to enforce the regulations by proving discharges have occurred and therefore we rely on education, such as the ‘Draw the Line’ campaign.

Approximately 25% of vessels were from Northland, with 30% from the rest of New Zealand and 45% from overseas. Therefore it is difficult for council to educate all visitors prior to arrival in Northland’s waters to ensure they have means to comply with the regulations. Education and/or rule changes need to be made at a national level to help make a significant impact in reducing illegal sewage discharges.

Along with providing on-water handouts directly to vessel crew, the message on appropriate marine sewage disposal was also spread via boat clubs, marinas and FM and marine radio.

Land use monitoring

Twenty-four compliance visits were made during the reporting period, of which 21 revealed full compliance, two revealed minor non-compliance and one earthworks site was found to be significantly non-compliant.

Hazardous Waste

Approximately 17 enquiries were received during the reporting period regarding potentially contaminated sites.

Water quality and discharge monitoring

A total of 125 compliance assessments were made during the reporting period. Some 77% of the assessments revealed full compliance with consent conditions and seven consents were found to be significantly non-compliant with consent conditions. All seven significantly non-compliant consents were for discharges from FNDC wastewater treatment plants. Four of the discharges (Ahipara, Hihi, Kerikeri and Kaitāia wastewater treatment plants) were not having significant adverse effects on the receiving waters at the time of inspection. The remaining three discharges (Kaikohe, Paihia and Whatuwhiwhi wastewater treatment plants) were non-compliant with the water quality conditions of their consents.

During the reporting period NRC staff attended the:

- Hikurangi Swamp Scheme meeting hosted by WDC. No issues were raised for the NRC.
- Ngawha Geothermal Power Station Peer Review Panel Meeting. No compliance issues were raised and the peer review panel experts were satisfied

Infringement Notices

There were 8 infringement notices issued during the period. These were for:

- FDE discharges (4)
- Dead stock (1)
- Discharge to CMA (1)
- Burning and smoke nuisance (1)
- Failure to provide information (1)

Other Enforcement**FDE prosecutions**

- A defended hearing in the Whāngārei District Court is set to take place on 14-15 February 2013. This relates to charges which were laid against a Waipū farmer for alleged offences in 2011.
- Sentencing of Share Farms EP Limited and S Purvis took place on 20 December 2012 in relation to offences they committed in 2011. Share Farms was fined a total of \$32,137.50 plus costs of \$2,862.50 and Purvis was fined a total of \$5,000.

Haruru Falls land and water contamination

Following pleas of not guilty in February 2012 and a number of court adjournments for various reasons, a further court fixture has been set for 14 February 2013, at which time the defended hearing will be scheduled. This legal action relates to charges laid against two individuals and the company, which operated the Haruru Falls site.

Waitangi River illegal diversion and earthworks

A further court fixture has been set for 19 February 2013, at which time a defended hearing will be scheduled. This legal action relates to charges laid against two defendants for alleged offences which occurred in 2011. Remediated works under emergency powers were carried out by the council and application has been made for an enforcement order for reimbursement of costs incurred.

Kaimaumau Swamp vegetation clearance and earthworks

Following pleas of not guilty in May 2012 to all charges resulting from alleged illegal vegetation clearance and drainage in 2011, the defendants elected trial by jury. Considerable delays have been experienced through court adjournments, and the council now awaits the next court fixture on 22 February 2013, at which a pre-trial date will be indicated. It is noted however, that the court has indicated that the trial itself will probably not be scheduled until 2014.

NRC has also commenced committal proceedings. These proceedings are concurrent with the prosecution procedures and all evidence has been filed with the court. The hearing has been set to take place in Whāngārei from 11-14 February 2013.

BIOSECURITY**Freshwater advocacy**

The NRC has been awarded \$20,000 by the Ministry for Primary Industries (MPI) to run a regional didymo and aquatic pest advocacy programme during the 2012/13 summer. Fortunately the region does not have didymo and the money will be used to help build awareness of freshwater pest impacts and how we can stop their spread.

The MPI funding has enabled staff to contract the Mountain to Sea Conservation Trust to publicise the key messages and help run the "Check, Clean, Dry" programme again

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this summer. Mountain to Sea Conservation Trust is a non-profit organisation with the aim of providing practical, action based community freshwater conservation messages. The programme will educate a range of people to clean aquatic gear between waterways and encourage the reporting of aquatic pests to the council.

Marine pests

Survey and removal of Mediterranean fan worm has continued at Marsden Cove and Port Nikau. More than 1500 fanworm have been removed so far and survey will continue to ensure all juvenile fanworm are eradicated before they have a chance to become mature and produce offspring.

Experiencing Marine Reserves (EMR), a Northland business specialising in marine education, have been contracted to promote community awareness of marine pests in Whāngārei during the summer months. They are actively promoting awareness of marine pests, particularly Mediterranean fanworm during their community snorkel days and other events. NRC was present at the first snorkel day during the school holidays and over 150 people attended and were made aware of fan worm and the importance of antifouling. EMR have scheduled an industry stakeholders information night for 13 February 2013 where slipway, marina and other marine operators will be able to ask questions about fan worm and marine pests. Divers are still actively removing fanworm from known infestation sites and the NIWA/MPI port surveillance for Whāngārei has been extended to include extra sites to determine if the pest has spread to anywhere else within the harbour. Surveys conducted thus far have not found fanworm in locations other than Marsden Cove Marina and Port Nikau.

Community Pest Control Areas (CPCAs)**Takahoa Bay - Oneriri**

During December 2012, possum monitoring was completed and the results showed that possum numbers are low and approximately 3% below that required in the management plan. Landowners involved in the ongoing maintenance work have been encouraged by the results and intend keeping up the effort.

Ranganui

This CPCA, located near Dargaville, also has shown that landowners can maintain low possum numbers. Possum abundance was measured in December at 3% which indicates a low population and well within the management plan maximum allow limit of 15%. Additional maintenance poison materials are to be delivered shortly.

Pest Plants

Dargaville biosecurity staff completed the annual spraying of Manchurian wild rice sites at Okahu, near Dargaville and two sites at Hukatere on the Kaipara Harbour. The Okahu site is now controlled with less than half a backpack of herbicide and was originally controlled with gun and hose.

Release of *tradescantia* stem beetles

A release of the second biological control agent to help control *tradescantia* (wandering jew) has been made in Maunu and will be monitored over the coming year as it establishes. When numbers have built up sufficiently, insects will be moved around to other Northland sites to assist their natural spread.

LAND AND BIODIVERSITY**Land Management****Environmental Fund**

A total of \$41,613.50 was approved in the December 2012 fund allocation round. This brings the total allocation for the year to date to \$547,638. The allocation by district and funding stream for year to date is shown below.

Funding Streams					
District	Soil Conservation	Biodiversity	Coastal	Water Quality	Projects by District
Far North	2	3	7	30	42
Whāngārei		5	5	40	50
Kaipara		1	1	2	4
Projects by Funding Stream	2	9	13	72	96

CoastCare

CoastCare visits were made to Ruakaka, Waipū Cove, Langs Beach, Taipā, Tokerau and Ahipara. The summer edition of *Northland CoastCare News* has been published and distributed. It is available online at www.nrc.govt.nz/coastcare

Safe Beach Driving

Safe beach driving information events were held at Ruakaka, Tokerau Beach, Rarawa Beach and Ahipara to encourage safer and less environmentally damaging beach driver behaviour.

Integrated Kaipara Harbour Management Group - New Flagship Farm Sites

Planning is underway for field days at flagship farm sites, as part of the project work of the Integrated Kaipara Harbour Management Group. These field days will provide an opportunity to highlight a number of innovative practices beneficial to water quality that could be easily adopted by other farmers in the catchment. It is proposed that one will be held on JV Farms (Edwin and Ben Smith, Hikurangi Swamp).

The farm uses cheap two wire electric fencing to exclude stock from the drains and the drains are managed to assist with removal of contaminants by keeping a certain amount of vegetation within them. Stock are excluded from the river in the highly flood prone areas with single wire electric fence, these areas are grazed in summer and stock are excluded over winter or any other times that the soil is wet. Use of an automated scraper and wash down system in the backing gate dramatically reduces the amount of water used in the dairy shed and therefore the volume of effluent that needs to be dealt with.

Wetlands

In November 369 landowners of the Top 105 wetlands in the Far North were sent letters and information. The letters offered possible funding assistance to help fence or look after the wetlands. An extended summary of feedback from the mailout is being provided to the Environmental Management Committee at its February meeting (Wetlands Update agenda item).

Soil Conservation – Poplar and Willow Nursery, Flyger Road

A Plant and Food senior scientist and General Manager of the Poplars and Willows Trust visited the Flyger Road nursery site during December. The merits of the site were discussed including the development of soils, species selection, irrigation and linking in with nursery managers group to source 'peg' supplies.

A meeting was held with Stewart Peterson, Rural Skills Tutor Northtec. He is now assisting with the setup and establishment of the Flyger Road Nursery. Stuart has experience operating a poplar nursery at Whatawhata Research Station in the Waikato. It is intended that learning opportunities will be made available to students in exchange for labour in various stages of the nursery setup. Possible roles could include the collection, grading and planting of peg material; measuring up of planting rows; fencing; and nursery maintenance once poles are growing.

Waioira Northland Water Priority Catchments (Waitangi, Mangere, Whāngārei Harbour) and Farm Water Quality Improvement Plans

All dairy farms within the three priority catchments have received letters offering opportunities to have a site visit undertaken by a NRC Land Management Advisor. The purpose of the site visit is to discuss options for improving water quality within the catchment and the option of having a water quality improvement plan (WQIP) completed for their property. Follow-up phone calls and site visits are underway to progress this initiative. To date there has been a mixed response, with a number of landowners still unable to be contacted.

5.4 – RIVER MANAGEMENT

RIVER MANAGEMENT**Awanui**

The Tarawhataroa slip repair work has commenced and the contractor is making good progress. Completion of works is anticipated by mid-February 2013.

Yearly scheduled river maintenance work, specifically the long-reach digger work is expected to start mid-February. Yearly maintenance spraying is approximately 50% completed, yearly mulching is 100% complete and the yearly floodgate inspection and maintenance programme is approximately 20% complete.

Staff are working with FNDC regarding the slip and road repair along Gills Road specifically where NRC will fund the slip repair and FNDC will fund the lifting of the road crest. Staff are awaiting confirmation from FNDC that funding is available for the road works.

Staff are currently assessing the effects of the Waihoe flood gate upgrade proposal.

A programme for a comprehensive condition assessment of the stopbank and channel assets of the scheme is being compiled. Staff intend to undertake the survey during March, and will utilise the information to refine forecasts of expenditure for maintenance and replacement of assets.

The Awanui River computer model calibration is complete and design storm runs (from which to produce flood maps) are 60% complete.

Kaeo-Whangaroa Rivers

Resource consent has been granted for the flood scheme work at Kaeo. Land use agreements have not been secured for all required land, so construction has been postponed until next work season. Steps for taking the remaining land have been undertaken via the Public Works Act, and it is anticipated that the outstanding land will be acquired in advance of the 2013/14 works season.

The Stage 1 flood scheme works were tendered in anticipation of having secured all land use agreements. Staff are in negotiation with the preferred tender with a view to holding the tender current to the 2013/14 works season.

Work has started on the annual river maintenance programme.

Flood model extension and recalibration has been completed. Design storm runs have also been completed but have not yet been received by NRC. Scheme simulations with the updated model will then be run for scheme stages 1 and 2 combined.

Follow up with property owners continued regarding use of the funding assistance for the most flood vulnerable dwellings in Kaeo. To date two agreements have been signed with property owners. Further detail is provided in the February EMC River Management report.

Kerikeri-Waipapa River

Work on the maintenance programme is scheduled to begin in mid-February.

The Kerikeri Flood Model has been calibrated and design storm runs have been completed. Checks have been undertaken on the design storm results. The flood model is ready for scheme simulations. These simulations will allow for a comparison of modelled flood levels before and after proposed changes to the river system.

Kaihu River

The 2012-2013 maintenance contract is underway and cleaning work is progressing in the lower reaches. Follow-up rice grass spraying is scheduled for mid-March and the Biosecurity team is monitoring the kill-rate and will adjust the scope if needed. The spraying to date appears to have been very effective.

The Kaihu River Liaison Committee meeting was held on 30 January 2013.

Whāngārei Urban Rivers

Resource consent and notice of requirement for the Kotuku detention dam were lodged and public notification is scheduled for 5 February 2013. Final geotechnical site investigations for the detailed design were completed. Work on acquiring necessary land has been progressing.

The maintenance works programme is approximately 15% complete, with gravel extraction work commencing in the lower reaches of the Waiarohia River downstream of Woods Road.

The Whāngārei catchment flood model upgrade is still underway. Flows and levels through the model have been calibrated and staff have identified a number of further improvements. Once improvements have been completed the design storms will be run.

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Waitangi River

The flood model is currently being re-calibrated based on new flood records from the recently installed additional river gauges.

Kawakawa River

Staff met with the Hundertwasser Trust representatives to ensure that the planned wetlands will fit in to the longer term flood protection works for the Kawakawa Town Stopbank option.

Minor River Works

Staff are progressing the minor river works listed in the LTP as per the table below.

Staff have been liaising with FNDC to carry out significant gravel management in Pawarenga in order to limit bank erosion and protect the bridge over the Rotokakahi River, this work is likely to proceed over the next few months. Gravel management at Waima, Panguru and Otiria is planned to be undertaken by the end of March along with Willow control in the Otaika Stream, with channel maintenance in the Waiharakeke River and maintenance in the Whirinaki River.

River	Work Programmed for this Work Season	Proposed date for Physical Works
Rotokakahi @ Pawarenga	Gravel/Shingle Management with FNDC	Feb-March 2013
Panguru and Lower Waihou	Gravel management around bridges	Feb 2013
Whirinaki	Maintenance Assistance for Whirinaki Toiora Project	Ongoing
Waima	Clear gravel under SH Bridge	Jan 2013
Waihou	Lower earth mounds/berm along Rahiri Rd with FNDC	Feb 2013
Waitangi River	Haruru Falls RC application to allow removal of shingle island build up in CMA	Feb 2013
Otiria Stream, Turntable Hill	Shingle extraction and willow spraying SH1 Bridge	Feb 2013
Otiria and Morewa	Clearance around spillway and Waiharakeke Bridge	Feb-March 2013.
Waiharakeke (Willowbank, kawakawa)	Remove tree affecting NRC Gauging Station	Complete
Kawakawa	Resource Consent for Township Stopbanks	N/A
Maungahuru (Piano Hill)	Remove tree/island blocking flow up stream SH1	Feb 2013
Otaika Stream	Willow spraying/removal	Feb 2013
Whangarei Heads Road	Remove flame tree (Waikaraka) with WDC	Feb 2013
Ngunguru River	Remove shingle island	Feb 2013
Ahuroa River (Waipu)	Willow spraying/removal	Complete
Paparoa	Removal of Tree with KDC	Feb 2013

Beach Profiling

The survey for the summer beach profiling is scheduled to begin next month. The purpose of the beach profiling is to record long term beach accretion and erosion trends.

HYDROLOGY**New Hydrometric Station Installations and Maintenance**

The installation of the South Hokianga automatic rain station has been delayed as discussions and agreements with the Waimā site landowners had to be rescheduled to early 2013.

Cellular phone communications problems have persisted at five automatic rain stations. These stations are operating with old GSM Vodafone modems (since 2005)

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and take some time to download data to the telemetry system. These will be replaced with updated GPRS G3 modems during February.

NPS Freshwater and Water Allocation project

Recent focus is on the priority catchments and planning low flow work to assess base line ecological flow requirements. This assessment is required to help set flow limits and allocation limits that will protect ecological values in the Waitangi, Mangere and Hātea River Catchments.

Kaipara Harbour Integrated Study

As part of the joint research project involving NIWA, NRC and the Auckland Council, NIWA is providing assistance with turbidity and sediment sampling equipment installations at three NRC hydrometric stations. These stations are located on three of the main freshwater inflows into the northern Kaipara Harbour; the Mangakāhia River, the Wairua River and the Manganui River. Although there have been numerous delays with this project, the equipment support structures are now ready to be established followed by the installation of the sensors and sediment equipment. NIWA has also completed development of instrument software which is compatible with the NRC telemetry equipment. This will enable sediment samples to be taken automatically at predetermined levels during flood events. Completion is scheduled for mid to late March.

Water Take Compliance Monitoring

Throughout December and January river flows were closely monitored as they receded towards their mean annual low flows. Monitoring officers were in regular contact with consent holders, assisting with water use management in areas where river flows were potentially reaching critical levels. In late January some major pasture irrigation water users were warned of possible cessations if river flows receded further.

Rainfall, Ground Water and River Flows

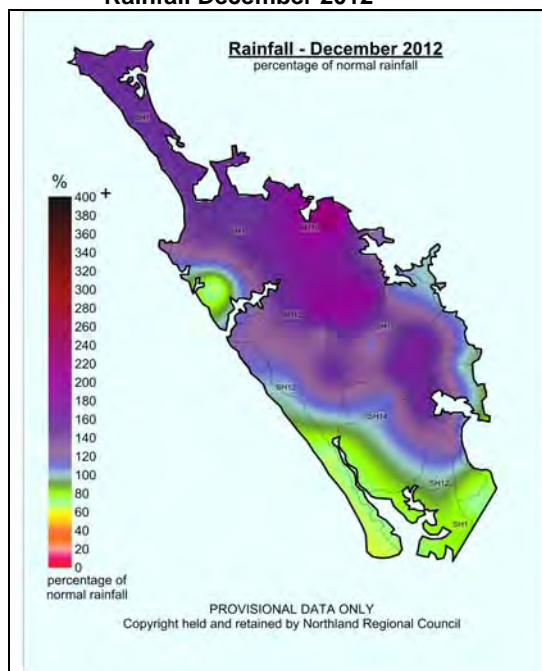
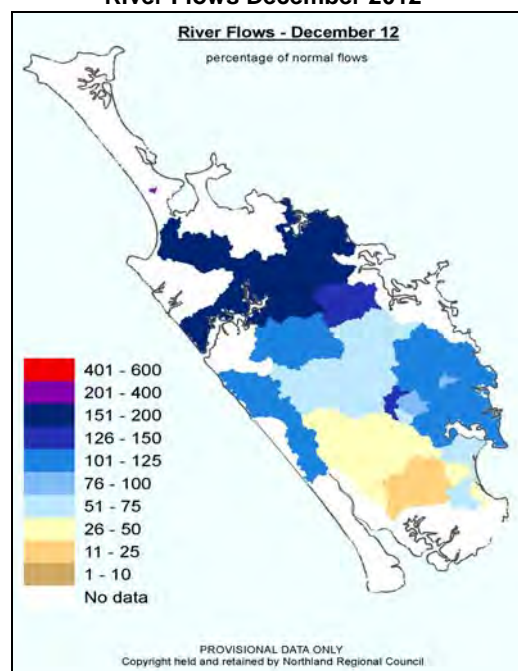
During early to mid December, Northland was relatively dry, particularly in the western and southern Kaipara areas.

On 23 December 2012, the remnants of ex tropical Cyclone Evan brought heavy rain to Northland, over three days and mainly to the far north and eastern areas. Rainfall amounts varied from 60mm to 150 mm along the eastern areas from Kaeo to Whāngārei. Central and southern areas received 30mm to 60mm while Dargaville, Ruāwai and the Poutō Peninsular received less than 20mm. Flood warnings were issued for this event.

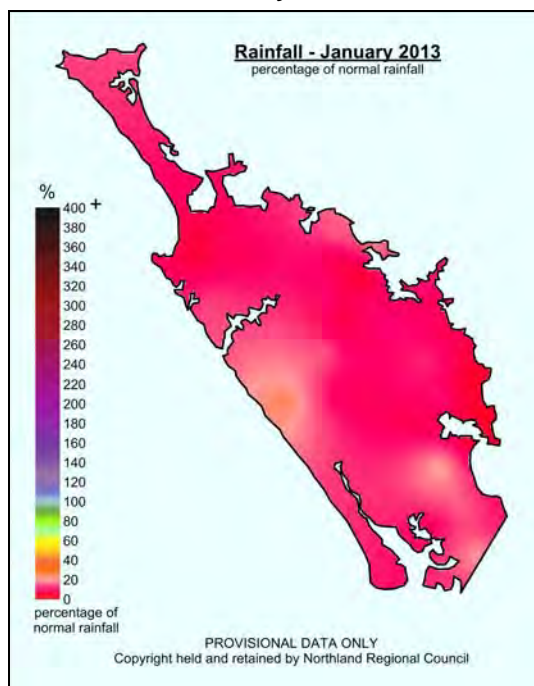
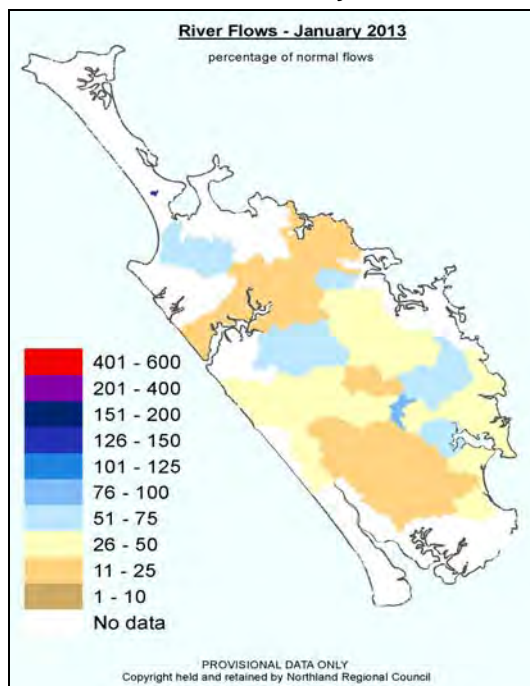
Consequently, rainfall was above average for December in the far north, eastern and central areas, but below average rainfall in western and southern areas of the Kaipara districts. The MetService climate station at Dargaville had recorded below average monthly rainfall since September 2012; as a result, soil moisture deficits and river flows were significantly lower than usual in areas south of Kaihū to the Pouto Peninsular and around Ruāwai.

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Rainfall December 2012**River Flows December 2012**

During January 2013, high pressure systems were predominant over the North Island resulting in extremely sunny, dry conditions and very little rainfall. January rainfall across Northland totalled less than 10 percent of the expected rainfall. By late January soil moisture deficits were extreme, particularly in the western areas of Kaipara district. Dargaville recorded 140 mm soil moisture deficit where the average for this time of year is 115 mm.

Rainfall January 2013**River Flows January 2013**

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In response to the probability of this dry period continuing, council issued a general media release indicating the region was at risk of potential water shortages and restrictions.

Also over 450 letters were sent to consent holders taking water from ground water bores and surface water sources requesting that efforts are made to conserve water, closely monitor water usage and water resources, make plans for possible water shortages and ensure compliance with resource consent requirements.

Monitoring officers continue to supply information on rainfall, soil moisture deficits and river flows to the territorial authorities and the Rural Support Trust – Northland. Rain during early February had given some relief to eastern and central areas but western areas missed out on the bulk of the rain and are likely to return to increased dry conditions throughout early February.

A comprehensive report will be submitted to the Environmental Management Committee at the February 2013 meeting.

NIWA Seasonal Climate Outlook for Northland February 2013 – April 2013

February to April temperatures are likely to be in the near average or above average range. Rainfall is likely to be in the near normal or above normal range. Soil moisture levels and river flows are likely to be in the near normal range for the season as a whole.

The full probability breakdown is:

	Temperature	Rainfall	Soil Moisture	River Flows
Above Average	40	35	25	20
Average	40	40	45	45
Below Average	20	25	30	35

5.5 – HAZARD MANAGEMENT

CIVIL DEFENCE EMERGENCY MANAGEMENT

MetService Warnings

During the Christmas period the remnants of ex Tropical Cyclone Evan passed close by Northland. The MetService issued various weather watches and warnings between 22 and 26 December 2012 for this event. The watches and warnings were monitored and where necessary forwarded to the relevant agencies. No significant issues arose and there have been no events in the past three months that have resulted in civil defence activations.

Emergency Management Information System (EMIS)

A workshop was held in early December with the Civil Defence Officers, MCDEM Officials and the National EMIS Coordinator to review the region's progress on implementation of EMIS and to plan for ongoing implementation. The workshop has helped to clarify the way forward for the region and also how ongoing implementation at a regional level can be aligned with the national programme. MCDEM have recently agreed to fund two specialist full time trainers based in Wellington and Christchurch to support the regions in the implementation of EMIS.

The National EMIS Governance Group also met in December. Two vacancies currently exist on the governance group and the Northland CDEM Group has

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nominated Ms Victoria Randall, Whāngārei District Council CDO, to fill one of the vacancies. To date the Northland CDEM Group has had limited opportunity to be directly involved at a national level in the EMIS programme and believe that as a group we can make a valuable and operationally sound contribution to the ongoing development of EMIS through appropriate representation on the governance group.

A representative from FNDC, funded by the Northland CDEM Group, attended the EMIS Super User Training held in Wellington in early December. Northland now has six EMIS Super Users.

Christchurch Review

As a follow-up to the independent report titled "Review of the Civil Defence Emergency Management Response to the 22 February Christchurch earthquake" MCDEM have now released its Corrective Action Plan. Ten distinct themes are identified in the Plan, and MCDEM are responsible for coordinating the overall plan together with support from other national agencies.

Welfare Advisory Group

MCDEM have released the "Review of Arrangements for Delivery of Welfare Services in Emergencies" for comment. The review was developed by representatives of MSD and MCDEM officials and contains a number of recommendations. The Welfare Advisory Group and CDEM Group will be making comment on several areas, particularly around the manner in which the operational delivery of welfare services in an emergency is recommended.

The Northland Welfare Advisory Group held its quarterly meeting on 15 February 2013 and has continued to focus its attention on ensuring that it has appropriate welfare preparedness and response arrangements in place. As part of its on-going work programme a working group has developed an application to the National Resilience fund to support a focused upon readiness and response capability are in place for identified groups considered as high risk.

Lifelines Group

The Northland Lifelines Group met on 15 February 2013 and is continuing to work towards the development of a Lifelines specific storm response plan. An initial draft of the plan will be available in the near future.

Resilience Fund

The 2012 resilience fund projects are progressing as planned. Visitor Action Plans are being completed as scheduled across the region and further plans will be completed shortly. A further series of Business Continuity workshops are plan over the coming months. The review of identified Community Response Plans has commenced and planning is underway for the Tsunami information board project. All current projects are on target for completion within the required timeframes.

Four new resilience fund applications are planned for the 2013 year.

Field Days

The Northland CDEM Group had a stand at the Northland Agricultural field days promoting Community Resilience, in particular focusing on Community Response Plans.

International Deployment

As advised in December the CDEM Senior Programme Manager, Graeme MacDonald was one of a seven member international United Nations Disaster Assessment and Coordination (UNDAC) team deployed to the Philippines, 2-19 December 2012. The UNDAC team provided direct support to the Philippines Government and Humanitarian Country Team in response to Typhoon Pablo which made landfall in north-eastern Mindanao on 4 December 2012. The UNDAC team were involved in rapid needs assessments in the affected areas immediately after the impact of the typhoon and assisting to coordinate the humanitarian response.

Professional Development

A Coordinated Incident Management Systems, level four course is scheduled in early March and there is continued support for these courses from a number of agencies.

The Ministry of CDEM have indicated that they will be hosting a series of one day seminars in late April for Public Information Management, Controllers and Recovery. A number of personnel from the region will attend each of these seminars.

5.6 – TRANSPORT**REGIONAL TRANSPORT MANAGEMENT****Regional Land Transport Programme 2012–2015**

Staff attended a Regional Transport Officers meeting in Tauranga in December.

Topics included:-

1. The potential negative impact the reduced national funding levels could have on public passenger transport initiatives; and
2. The effect that the Government's proposed Public Transport Operating Model could have on existing and future bus contracts; and
3. New Zealand Transport Agency's (NZTA) drive toward a national integrated ticketing system, and the impact this is having on smaller regions with on-board ticketing equipment and systems needing replacement.

While the CityLink service is not as yet affected by the above, potential changes may impact at the end of the current bus contract term (2013/2016).

Public Transport Operating Model

The Public Transport Operating Model is a joint central government and industry initiative aimed at reducing dependency on national subsidies by:

1. Incentivising the delivery of effective public transport services;
2. Growing patronage;
3. Maximising passenger fare revenue; and
4. Improving commerciality.

Staff have attended various NZTA-led briefing sessions on this issue and have met with NZTA officials in October 2012 to go through the proposals and ascertain how they would affect the CityLink operation.

Under the present contract and operating conditions, there would appear to be little amendments required. It is apparent that the Operating Model will have a far greater impact on the larger centres and on those with low passenger fare recovery ratios.

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Due to internal delays, NZTA have yet to finalise their implementation guidelines and dates. A series of workshops have been planned for February 2013 but have yet to be confirmed.

Public Transport Performance Monitoring

NZTA recently released a draft circular outlining their new reporting requirements effective from 1 July 2015 (2015/2018 NLTP). CityLink's current reporting systems meet an estimated 75% of the proposed requirements. Additional work to implement and monitor the remaining 25% will need to be scheduled.

There is a recommendation that the bus customer satisfaction surveys be undertaken every three years, as opposed to annually as is the current practice. With regard to Total Mobility customer satisfaction surveys, NZTA have advised that they will be conducting the surveys at a national level (requiring some yet to be defined assistance from regional councils).

Road Safety update

Stock Effluent Disposal Facility - Kauri
Saleyards: the NZTA Physical Works Contract is now largely completed.

The **National Stock Effluent Working Group** is updating and developing in conjunction with OPUS, 'A Practical Guide to Providing Facilities for Stock Effluent Disposal from Trucks'. This 'Guide' once completed will be a useful tool for Road Controlling Authorities to refer to when considering new stock truck effluent disposal facilities.

**Fatal crashes by region as at 21 January 2013**

	2009	2010	2011	2012	2013
Northland	1	4	0	1	1
Auckland	7	2	2	4	3
Waikato	6	6	6	3	2
Bay of Plenty	2	4	3	2	0
Gisborne/Hawkes Bay	0	5	2	2	0
Taranaki	0	1	2	1	0
Manawatu/Wanganui	4	1	1	2	1
Wellington	0	1	1	1	1
Nelson/Marlborough	0	2	1	0	1
Canterbury	0	0	0	3	3
Otago	0	2	1	3	0
Southland	0	2	0	1	1
Total	20	30	19	23	13

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NORTHLAND REGION	2012												2013		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Jan	Total
Far North	1	2	0	0	2	0	0	0	0	2	0	1	8	0	0
Whangarei	0	0	0	0	0	0	0	0	1	1	2	2	6	0	0
Kaipara	2	0	0	0	0	0	0	0	1	0	1	0	4	1	1
TOTAL	3	2	0	0	2	0	0	0	2	3	3	3	18	1	1

Road deaths by local/regional body – as at Monday 21 January 2013

In line with other regions in New Zealand, Northland saw an increase in fatalities on our roads for 2012 to 18 deaths for the year. The year before, there had been seven deaths on Northland roads, which was the lowest on record. The previous low had been 19 deaths in 2005 and the worst result was 44 deaths on the roads in the year 2000.

The 2012 result continued to be below the last five year road toll annual average of 21 deaths. The five year average prior to 2007 was 27 deaths per annum.

2012 details broken down – total of 18 deaths

- Far North had 8 deaths
- Whāngārei 6 deaths
- Kaipara 4 deaths
- 11 deaths occurred in the last four months of 2012 (as seen in the table above)
- 14 of the deaths were aged across the 25-39 (3), 40-59 (6), 60+ (5) age groups
- 6 of the deaths were drivers
- 7 were passengers
- 1 motor cycle rider
- 1 motor cycle pillion
- 1 pedestrian
- 2 pedal cyclists

The current road toll for Northland stands at one for the year to date, this occurred in the Kaipara District.

PASSENGER TRANSPORT ADMINISTRATION**Total Mobility (reporting one month in arrears)**

	Total clients	Monthly Actual Expend	Monthly Budget Expend	Variance	Year/Date Actual Expend	Year/Date Budgeted Expend	Variance
November 2012	1113	\$13,480	\$16,666	-\$3,186	\$70,771	\$83,330	-\$12,559
December 2012	1172	\$15,177	\$16,666	-\$1,489	\$85,948	\$99,996	-\$14,048

- Work continues fine-tuning the new Total Mobility client database following the transfer of data. The number of clients was able to be more accurately reported from December 2012 once these changes were made.
- An agency client database update is being undertaken during January.
- Feedback is expected from NZTA later in January 2013 regarding the proposal to allow private hire operators to convey Total Mobility clients – particularly those requiring wheelchair hoist vehicles. Total Mobility clients are presently served in

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Whāngārei by Approved Taxi Organisations who provide a 24 hour service, have a meter to measure the fare, provide 24 hour monitoring and have security cameras on board. Private hire operators are not legally obliged to meet any of these requirements.

- In light of the above, at a taxi driver workshops held in November 2012, the participants were urged to continue to provide the best possible wheelchair hoist service to the Total Mobility clients. If the service offered was not as required and NZTA did decide to open the scheme up to private hire operators, staff would have no option but to consult with the Total Mobility Working Group regarding allowing a private hire operator with dedicated hoist vehicles to join the scheme.
- A1 Cabs have given notice that it has sold its operation to Auckland Co-op Ltd, effective 10 February 2013.

City Link Whāngārei – (figures include Gold Card)

December	Month Actual	Budget	Variance	Dec 2011
Passenger numbers	21,492	24,911	-3,419	21,322
Farebox revenue (GST excl)	\$48,184	\$53,713	-\$5,529	\$45,691
January	Month Actual	Budget	Variance	Jan 2012
Passenger numbers	21,542	26,797	-5,255	\$18,338
Farebox revenue (GST excl)	\$48,890	\$57,781	-\$8,891	\$40,853

Super Gold Card Scheme – Passenger numbers

December 2012	Monthly Budget	Variance	December 2011
4,740	4,613	+127	3,581
January 2013	Monthly Budget	Variance	January 2012
4,756	4,613	+143	4,119

- The Fairway Drive service introduced 1 October 2012 has been made a permanent addition to the CityLink service after a successful trial period. Passenger numbers are still averaging 15 per trip, with approximately half being SuperGold card holders. Requests for a workers service and another midday trip in addition to the two currently scheduled have been received and viability investigations will be undertaken.
- It is thought that seasonal traffic congestion contributed to approximately half of the 33 (0.01% of total trips) reported late departures from Rose Street during December 2012. It is yet to be established if the remaining half is related to the introduction of new driver duties by NZ Bus, or the changing face of Whāngārei's roading network, road works and traffic volumes.
- A review of the time taken for every CityLink timetabled trip will be undertaken from 21 January to 16 February 2013 – two school holiday and two school term weeks. Running times and arrival times at each bus stop will be recorded by the on-board GPS system, and the data collated and evaluated during February/March. Any amendments required will be made during April/May 2013 after discussions with the operator.
- Negotiations for the extension of the CityLink contract for a further three years as provided for in the existing contract were completed in December 2012. The

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new annual contract price from 1 July 2013 will be \$1,366,886. This is within budget estimates.

- Changes to Ministry of Education school bus service are being introduced, however specific details have not as yet been provided. There could be an impact on CityLink (increased loadings on some routes). Meetings between Ministry representatives and affected parties are expected to be called shortly.

BusAbout Kaitiaia

	December 2012	January 2013
Passenger numbers	474	557
Kilometres travelled	4116	4916
Number of trips	198	258
Farebox revenue	\$1,635	\$1,981
Subsidy claimed	\$6,664.96 (ex GST)	\$7,777.58 (ex GST)
Average subsidy per passenger	\$14.06	\$13.96

Mangawhai Summer Bus Service – Shops to Sands

The summer service ran from 27 December 2012 to 13 January 2013 inclusive. This service was jointly funded by the NRC, Kaipara District Council and the Mangawhai business community.

Actual passengers numbers carried were unavailable at time of writing and will be reported when available. The operator has reported that whilst support was slow on the first day, with three passengers conveyed, numbers did increase to up to 40 on some days. The operator reported an obvious direct correlation between the weather and passenger numbers.

Passenger type was mixed. Along with the expected beach goers, many local residents took the opportunity to avoid the traffic congestion, and went to the shops and even doctor's appointments. There were two people travelling daily for work, and regular stops and pick-ups from the skate park were required.

KDC ensured all stops had the standard bus stop signs nearby for easy recognition.



The operator, Leabourn Passenger Service Ltd, put considerable effort into promoting and advertising the service. The vehicle used was branded Shops to Sands Bus Service. Timetables were printed on flyers, and these were delivered to all local mailboxes the week prior to the start of the service, timetable stocks were also left with local retailers. Adverts were placed in the Mangawhai Focus as well as an editorial feature

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profiling the service (19 December 2012 edition).

Some radio advertisement on Heads FM was undertaken, and the local I-site team were briefed. The service was also advertised on the home page of www.mangawhai.co.nz, and the operator's own website, www.leabourn.co.nz.

Feedback from passengers was positive with all passengers happy with the route and costs. Drivers fielded numerous enquiries relating to frequency, fares etc, and locals were dropped off closer to their homes if not too far off the advertised route and time allowed.

Staff have already discussed options for minor improvements with Lyndon Leabourn should the service operate next year, for example another mail drop after New Year would be useful, and a better parking option needs to be sourced (or the one provided enforced if possible) at Wood Street. The park and ride aspect could be developed (for day visitors to the area) and a door to door service for residents could be made available.

On receipt of relevant operational statistics, NRC staff will assess the financial viability for the continuation of this seasonal service

NAVIGATION, SAFETY AND MARITIME OPERATIONS**Oil Spill Preparedness and Response**

Eight oil spills/slicks were investigated during this period. One incident involved improper machinery repairs on a vessel in the Whāngārei town basin marina leading to a small intermittent oily water discharge that lasted several days. A staff member's investigation helped in identifying the vessel and stopping the discharge. Another vessel in the Bay of Islands spilled an estimated 10 litres of diesel, but reported it promptly and took measures for containment. All the spills/slicks were evaluated and left to disperse naturally with no clean-up required.

A desktop oil-spill planning exercise was held on 14 December 2012. The objectives were to establish an Incident Command Centre, establish roles and to test communications. A number of council staff participated and the exercise proved useful in identifying training and equipment needs in the wake of staff changes over the last few years.

Oil spill training plans for the year ahead are being prepared. A number of staff from council and other support organisations are scheduled to undergo training in various capacities this year. The annual oil spill budget planning exercise is also underway in coordination with Maritime New Zealand.

Forward planning for regional responders is also underway, with a review of all responders, and their training requirements.

A major oil spill exercise is being planned for April this year to test both equipment and human resources. This exercise will likely involve the National Response team and MNZ personnel.

Port and Harbour Safety

Five hot work permits were issued between 19 November 2012 and 31 January 2013.

Fifteen cruise ships were piloted safely into and out of the Bay of Islands. In general the weather has been an improvement on last summer, and all operations have gone smoothly.

Discussions are on-going with various stakeholders to progress the installation of an additional navigation beacon on the western side of the Hen and Chickens Islands to improve safe navigation in the inner passage in this area.

The annual harbour wardens meeting and training seminar was held in November 2012. A new harbour warden was appointed for Mangonui Harbour.

A hydrographical survey of the area around the cruise ship anchorage area in the Bay of Islands and main channel was commissioned. Results showed some changes in the main channel, and the new technology provided more up-to-date data suitable for digital charts now in use. Discussions are on-going with LINZ to carry out a wider hydrographical survey of the Bay of Islands. LINZ has put out tenders for the survey.

Due to the changes to the pilotage regulations, the harbourmaster has been working closely with companies holding pilot exemption certificates for Whāngārei and the Bay of Islands. Assistance has been provided to develop new training manuals, and a number of peer reviews have been completed towards renewal of the licenses. Maritime staff assisted monitoring officers with a nutrient study in the Parengarenga, Houhora, Rangaunu harbours, water quality run in the Hokianga and Bay of Islands and with oyster sample collection Bay of Islands.

Maritime Incidents, Enforcement and Safety

Aids to navigation: The Pouto Point sector light was converted to solar power. Lights were reported as extinguished on Paramena Reef Isolated Danger Mark Bay of Islands, J2 Junction Reach Rangaunu and the H1 and H5 Hatea River. New batteries and light units were installed and the lights are now operational. The Te Kauri Point starboard buoy reported as missing was located and reinstated back into position. A new starboard buoy was laid at Tinopai.

The harbourmaster has also been dealing with the power supply company with regard to substantial over-charging for supply to one of our lights. After extensive discussion, the power company have now admitted they have incorrectly charged, and are working to resolve the issue.

There were 73 maritime incidents between 19 November 2012 and 31 January 2013. The incidents included sunk/drifted/abandoned vessels, speeding boats/jet skis, diving without displaying dive flags, pirated moorings, moored vessels reported swinging close to other vessels and aids to navigation being out of position or requiring repairs. All the incidents were dealt with in accordance with Maritime incident procedures. Some verbal and written warnings were issued, with a few infringement notices likely during further follow up. A collision between two commercially operated jet skis that resulted in injuries in the Bay of Islands was investigated by staff. The operator has put remedial measures in place since this incident. Another collision between a jet boat and a jet ski in Mangawhai Harbour is under investigation and has been reported to Maritime New Zealand.

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Staff carried out a number of harbour safety patrols in Doubtless Bay, Whangaroa, Bay of Islands, Whangaruru, Tutukaka, Whāngārei and Mangawhai. Overall compliance was satisfactory, with staff providing friendly advice for the most part. Some verbal warnings and written notices were issued in a few cases involving more serious offenses. Most incidents were reported at Mangawhai, due to the high pressure for space there with the large number of visitors.

Several summer safety messages were publicised through the media and appear to have been well received. Noticeably the lack of use of dive flags has increased again after a number of good years.

A mobile manned rubbish barge service was successfully operated on a trial basis in the Bay of Islands this summer (see separate agenda item).

The Harbourmaster is working closely with a number of interested parties to facilitate the movement of a large super-yacht hull that is proposed to undergo steel works in the Bay of Islands later this year.

A number of council's boat ramp signs were upgraded in December as part of a staged programme to replace faded/worn out signs and also to include updated information on the signs. The bylaw updates have been incorporated in the new signs.

The maritime staff instigated a pro-active stance on rental of kayaks this year, following a number of incidents in previous years. Staff, along with a Maritime New Zealand adventure activities staff member, visited all kayak providers in the Bay of Islands. Educational material developed by staff was distributed, and advice provided. Safety systems were checked, and one provider was given a cease and desist order by the harbourmaster due to their lack of safety systems.

A number of abandoned vessels around the region are posing problems. Staff are attempting to contact owners and pursuing other remedial measures.

As previously directed by council, staff carried out further consultation with the Pataua community on proposed changes to the two ski lanes during the latter part of 2012. Based on feedback received and a further evaluation of the activities in the harbour, it has been decided that the existing ski lane arrangements will remain unchanged in Pataua.

Changes to ski lanes at Ngunguru have proved successful with improved safety there. Changes to Whananaki ski lane were reversed by the harbourmaster following further submissions by local residents. Other changes made in the bylaw review in 2012 have been successfully implemented.

Maritime staff also worked closely with locals and jet-ski rental operators in the Bay of Islands to resolve some longstanding issues at Tii Beach. Jet-ski hiring is now being operated from Paihia commercial wharf, under safe operating plans approved by the harbourmaster. This arrangement has worked well over summer, with improved safety at the beach, and a marked reduction in complaints and maritime incidents in the area.

Improving Moorings Management

Introduction

Over the last year the number of mooring problems has increased and further concern has been realised over unpaid mooring licenses and the number of un-serviced moorings. This can cause on-going navigational problems. The following is a report on the action being taken by maritime staff to improve the situation.

2012 progress

Over 2012 Maritime and Finance worked through the outstanding mooring debtors list focusing on approaching the long-term debtors whose moorings are also well overdue for a mooring inspection. There was some success in this approach and in November 2012 the number of outstanding unpaid license fees was reduced to 18. One mooring was removed at the harbourmaster's direction following persistent non-cooperation from the owner.

Looking ahead 2013 License fees

Letters have been sent out to the last 18 unpaid license holders this January. The letters advise that if the fees are not paid in the next month, the licenses are liable to be cancelled, and any mooring equipment will be removed.

The Bylaw 2012 provided much more specific control over moorings. Clause 5.4.2 states:

Should any annual mooring licence fee(s) or other charge(s) due to the council under the provision of this bylaw remain unpaid for a period of two months, then the Harbourmaster may remove, or cause to be removed, the mooring and detain the vessel using the mooring, until such fee(s) and charge(s), including the cost of removing the mooring and storing the vessel, have been fully paid and discharged. Should such debts have not been paid and discharged within a further two months, the council may dispose of the mooring and/or vessel or sell the mooring and/or vessel to recover the debt.

Moorings Contractors and servicing - 2012 progress

It is a requirement to have moorings checked by a regional council approved contractor at least every three years. Over the past three years this system has slipped, and servicing has fallen behind. The main problem is that one main contracting business has changed hands three times in the last two years, causing disruptions to their levels of service.

The latest owner took over the business around 12 months ago, and the maritime team have been working closely with the new operator to improve service. We have also changed the advance notice letters sent out to all mooring owners, from 3 months to 6 months in advance of when the service is due, to allow the contractor to plan his schedule. This is working well.

The above approach has had quite a positive effect, with the mooring servicing rate improving.

Three other moves to improve the servicing being pursued are:

- The publishing of a detailed servicing guideline by the harbourmaster which will be used to lift the level of servicing, reducing the risk of break offs. (Now available.)
- Working closer with existing and potential contractors to provide information and assistance to support their service.

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- Bringing pile moorings into the fold of servicing and compliance. Planning is on-going and will be attended to once the present high workload on swing moorings abates.

Unfortunately the November 2012 report that searched all records found that approximately 500 moorings were outside of their 3 yearly service schedule. This report cannot be relied on totally, as it throws up various system anomalies, and a large number are also booked in and awaiting the contractor, but is in any event way too high.

On the positive side the increased focus on quality of servicing has reduced the number of break-offs. An on-board audit of the mooring contractors work was carried out and, quality control was good, and further advice was provided on cost benefits for the customers as there has been some concern over the increased cost of servicing.

Looking ahead 2013 – improving servicing

To address the problem the maritime team focussed on the worst 130 moorings in November 2012, moorings un-serviced for over 5 years. By mid-January this was reduced to 103. Each of these 103 mooring license holders has been sent a letter detailing their obligations to service the mooring.

In particular the new Bylaw provides clear powers to cancel a mooring license due to un-serviced mooring, as they are failing to comply with the mooring license conditions. Bylaw 4.5.1 states:

The council may at any time after giving due written notice, cancel a mooring licence where the licensee fails to comply with the terms and conditions of the mooring licence or any other clause under this section of the bylaw. There will be no refund if a mooring licence is cancelled. Where a mooring licence has been cancelled, the Harbourmaster may request the mooring owner to remove the mooring to which that licence refers. The mooring owner shall remove the mooring within the timeframe specified by the Harbourmaster. Where the mooring owner fails to remove the mooring in the specified timeframe, the Harbourmaster may direct that the mooring and any vessel occupying the mooring be removed and the council may recover the costs from the licensee or from the sale of the mooring and/or vessel.

A strategy has been developed to deal with un-serviced moorings depending on a number of different scenarios. The strategy is planned on the basis of minimising cost to the council. It is hoped that once the pro-active removal and cancellation of licenses starts, compliance will increase.

The other benefit is an increase in available space for existing and for new moorings. This has the potential to be hugely beneficial. We have on-going issues in a number of areas caused by inappropriate moving of moorings, too much intensification, and a gradual increase in the size of vessels. Freeing up space will assist in being able to resolve a number of problems, as well as possible additional space for marina expansion, and possibly moving moorings outside of designated mooring areas into a consented area.

There are certainly logistical, financial and legal implications above, and careful management is required in this project to ensure the correct moorings are not removed, or undue financial pressure is not placed on either the council or individuals. However enforcement is required to increase compliance. Infringement fees will be used when applicable to encourage compliance.

System Improvements

At present mooring details are held over three departments, and answering a query or resolving a problem can take up the time of a number of different staff from the three departments trying to track the relevant data. Staff are working to improve mooring records to one location during the transition to the new IRIS database. At the same time all moorings need to be tagged to assist monitoring and servicing requirements. Initial surveys around the Bay of Islands show that this will also resolve illegal moorings.

New technologies and options for intensification will be looked at once the existing system is streamlined and up-to-date.

Targets for 2013

- All the moorings need to be checked for position accurately, and retagged with the correct number.
- All outstanding servicing needs to be up-to-date. As a minimum, all the moorings should have been serviced within the last five years, and all license fees paid. Catching up with all moorings to be serviced within three years is the aim.
- Outstanding issues/incidents due to intensification to be resolved.
- Re-education of mooring owners that non-compliance with mooring conditions will result in not owning a mooring.
- All pile moorings to be brought into the servicing and replacement system per the mooring guidelines.
- A tighter control taken with movement and upgrades of moorings.

5.7 – SUPPORT SERVICES

PUBLIC COMMUNICATIONS**Media and Publications**

Northland's media was monitored for items of interest to the council. Media releases were sent to appropriate media concerning the following:

- Whāngārei Heads School gains top enviro status
- NRC offices to close for Xmas, New Year
- No buses on Xmas, New Year public holiday days
- Monthly pest watch column in Whāngārei Leader: Wasps
- Monthly land management column in Rural Advocate and Northern Farming Lifestyles: Soil health and productivity
- Regional Policy Statement Commissioners appointed
- Northland Inc well-placed to deliver in 2013: Executive Chairman (*media release on behalf of Northland Inc*)
- \$176,000 Whāngārei river maintenance work to start soon
- Take care, keep proper watch, use dive flags boaties told
- Local Government reform – Northlanders' views to be sought
- Seldom-seen weevil emerges in Far North
- Heavy rain, strong winds Evan's likely Northland legacy (*media release on behalf of Northland CDEM Group*)
- Bus timetables to be reviewed to improve wait times
- General rates increase more than halved in Draft Annual Plan
- Jetskis must be registered, used sensibly, public reminded
- Smoked eel pate the latest field days treat

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- Water shortages, restrictions possible, NRC warns
- Consents granted for 94-hectare Far North marine farm
- Far North unitary authority bid (*media advisory from Chairman*)
- Monthly pest watch column in Whāngārei Leader: Blue periwinkle
- Monthly land management column in Rural Advocate and Northern Farming
- Lifestyles: Fencing stock out of the tide

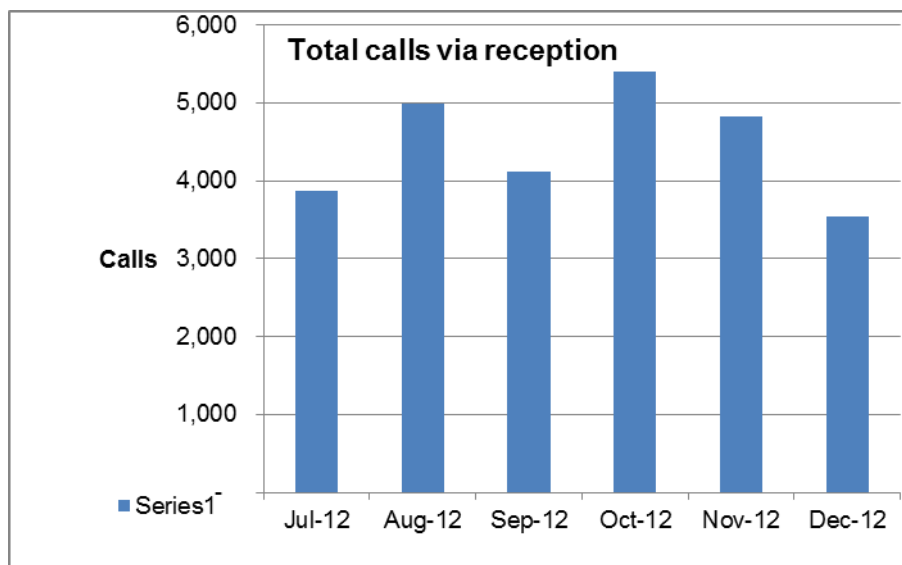
Publications completed during December and January:

- Draft Annual Plan 2013/14
- Summary Draft Annual Plan 2013/14
- Regional Report December 2012 – eight-page summer edition
- CoastCare News December 2012

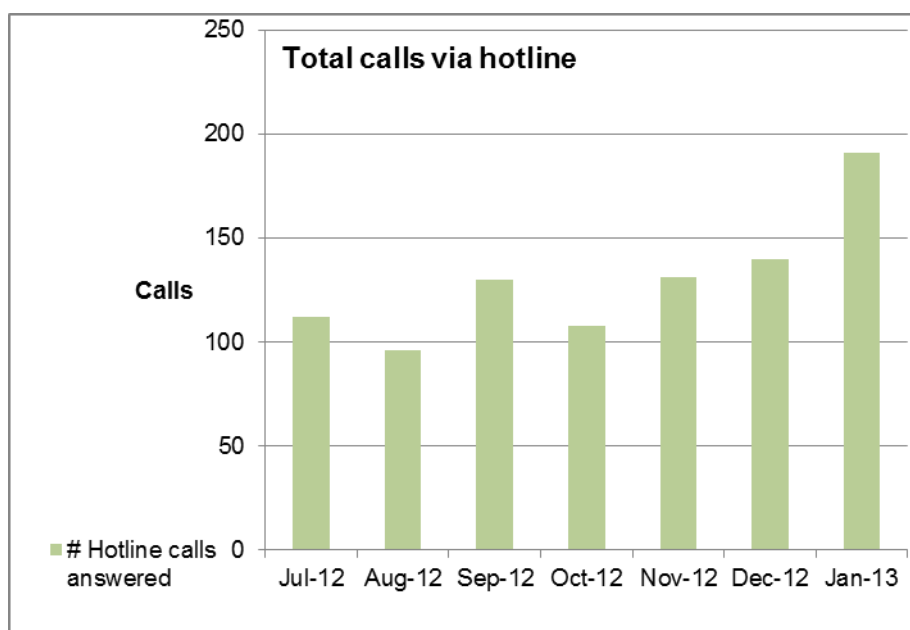
Online Channels**# Visits to the NRC website (compared to the same period last year):**

Key Performance Indicators	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13
WEB							
PDF documents downloaded (Transactions)*	2,387	2,779	2,458	4,302	2,857	2,065	2,290
\$ Print value of documents downloaded	\$3,798	\$3,667	\$3,016	\$5,275	\$4,473	\$3,464	\$4,042
E-payments made	16	24	15	20	10	2	5
GIS Service - Number of unique visitors	508	742	533	2,217	834	481	N/A *
GIS Service - Number of visits	1,100	1,351	1,316	3,959	2,158	1,457	N/A *
# subscription customers (cumulative)	690	665	661	673	681	679	697
SOCIAL MEDIA (cumulative)							
# Twitter followers	436	441	452	460	474	493	495
# NRC Facebook fans	219	229	235	242	251	263	269
# CDEM Facebook fans		83	99	116	121	144	147
# CoastCare Facebook fans						85	85

* N/A = figures not available in time for this month's report.

CUSTOMER SERVICES

Note: Total calls for January not available at the time of printing this report.



Note: Increase in hotline calls in January related primarily to:

- Waipū seaweed and algae smell
- Smoke nuisance related to fires
- Boats off moorings due to high winds/swell

EVENTS**NZ Dairy Awards Sponsors Dinner**

As Tier One sponsors of the New Zealand Dairy Industry Awards for Northland, we were invited to attend the entrants and sponsors dinner on Thursday 17 January 2013 at Barge Park. Forty-eight Northlanders were among the record number of entries in this year's awards, with a large number attending the sponsor's dinner. Councillors

Joe Carr and Tony Davies-Colley were in attendance, in addition to Land Management staff. Judging will be completed through February with the winners being announced at the awards dinner on 2 March 2013 in Waitangi.

ENVIROSCHOOLS

Enviroschools Green-Gold ceremony held

On 3 December 2012, Whāngārei Heads School celebrated becoming a Green-Gold Enviroschool at a community event. The Council's Chairman and Chief Executive Officer officiated at the ceremony, which included the presentation of a Green-Gold sign, waiata, raising of the prestigious Green-Gold flag, student performances, speeches and cupcakes made by Whāngārei Girls' High School.

Enviroschools *Wai*Restoration project presented to Council's Committee

On Wednesday 5 December 2012, the new Enviroschools project '*Wai*Restoration' was presented to the Environmental Management Committee. The project aims to support farmers and engage young people and local communities in the restoration of waterways and biodiversity. The project can be split into seven parts: *Wai*Fencing, *Wai*Nurseries, *Wai*Planting, *Wai*Maintenance, *Wai*Monitoring, *Wai*Enterprise and Save a Species.

Two Enviroschools digital signage shows created for reception

The Council's reception area is able to show two 2012 Enviroschools digital signage shows. The shows cover the Enviroschools Project Possum – Stage 2 (Controlled Substance Licence) course for community members and senior students and the 2012 Enviroschools Expos 'Going Bush...Mahi i te Waonui a Tāne.

Enviroschools letter of support for Kiwi North

On 29 January 2013, a letter of support was provided to Kiwi North to assist in their application for funding to the Air New Zealand Environment Trust. The funding application seeks to restore the circular walking track at Whangarei Heritage Park to take in Hihiaua Stream and waterfall. Any projects that help our students and the general public to appreciate, learn about and take action for New Zealand's unique biodiversity and water quality will benefit the community at large.

Facilitation of Enviroschools communities

Despite the school holidays, Enviroschools facilitators have worked with the following school communities during December and January: Bream Bay, Dargaville Intermediate, Hōreke, Kamō High, Kaitiāia College, Mangakāhia, Ōhaeawai, Ōkaihau, Opononi, Ōtamatea, Otangarei, Oturu, Pamapurua, Panguru, Ruāwai, St Francis Xavier, Taipā, Tautoro, Waimā, Whananaki and Whāngārei Heads.

IWI LIAISON

Joint Iwi Monitoring Fund

After a short illness, Whaea Winika Wimirangi (Koko) Heihei passed away on 01 February 2013. Whaea Koko had a long association with council as kaikaranga and kuia along with providing advice and support. The Iwi Liaison Officer attended her hui on behalf of council. A minutes silence will precede the council meeting in acknowledgement of Whaea Koko's relationship with the council.

Ngā Kaitiaki o ngā Wai Māori were successful in obtaining funding for two Stream Health Monitoring Assessment Kits (SHMAK). The group is a collective of hapū from Towai to Mangakahia who are working on various initiatives associated with the rivers within their rohe and catchment.

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Some of the projects they are working on that council has been involved in in the past year are, Tuna Workshop's, collection and transfer of eiders from below the Northpower powerstation to above the head gates, and working with farmers on better land management practices – including riparian management and fencing, specifically in the Hikurangi Swamp.

A training session on the new reporting methodology will be held during either February or March when NIWA are available to assist.

Last year the same group, who offer a youth holiday programme, worked with the Environmental Education officer and Iwi Liaison Officer (ILO) to teach youth (and attending adults from Whakapara and Akerama) about stream health and a training session was held on the use of the SHMAK kit.

During 2012 Ngāti Kahu were successful in obtaining funding to monitor sedimentation in Aurere Estuary for heavy metals and *e coli* in both shellfish and water. During December the Iwi Liaison Officer, Coastal Monitoring and the Estuary Advisor were working with representatives of the monitoring group to build on the programme.

Hui

The ILO attended a hui at Eparaima Marae in Kaikou during January with the Chairman and monitoring staff. The community have concerns about the dust created by the high volumes of logging trucks on their roads travelling from the Far North district into the Whāngārei district. Truck movement is currently intensified due to felling being undertaken by Hancock Forestry Managers (HFM). The two key concerns identified were; traffic safety issues and health issues.

Council is responding to attendees outlining the process required for dust suppressant trials being undertaken and whether this might be applicable to their particular area.

During January the ILO has met with 'Ngā Kaitiaki o ngā Wai Maori' as they will be assisting council during the Northland Field Days. Along with raising awareness about cultural values of water, there will be live eels on display thanks to the group. They will be attending Northland Field Days to talk about their relationship, upcoming water quality projects and community partnerships.

In December the ILO attended various training sessions on IRIS, specifically looking at the functionality of the consenting process.

HUMAN RESOURCES**Staff Matters****Left:**

Linda Stansfield, General Manager – CEO's Office and Projects, resigned and finished her employment with the council on 14 December 2012. Linda left for personal reasons.

Sophie Tweddle, Environmental Monitoring Officer – SOE (job share), resigned and will not be returning to work following parental leave. Sophie finished her employment with the council on 25 January 2013.

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Appointments:

Irene Middleton commenced fixed term employment as Biosecurity Officer – Aquatics on 3 December 2012. Irene will finish her fixed term on 27 June 2014.

Rebecca Redwood commenced employment as Community Relations Team Admin/PA on 10 December 2012.

Matthew Goodwin-Brown, scholarship student, commenced temporary employment on 11 December 2012 and finished on 18 January 2013.

Shireen Munday commenced employment as Corporate Planner with effect from 14 January 2013. Additionally Steve Goddard commenced employment as Management Accountant on 14 January 2013.

Jason Donaghy commenced employment as Hydrology Monitoring Officer on 21 January 2013.

Susie Osbaldiston, Groundwater Management Officer, returned to work on 23 January 2013 on a part time basis following parental leave.

Ross Watters commenced employment as Maritime Officer on 29 January 2013. Additionally, Casey Appelhof, student, was employed on a casual basis with effect from 29 January 2013. Casey will be based in the Rivers team.

Vacancies:

The position of Environmental Monitoring Officer – Farm Waste has been advertised internally and externally with applications closing on 21 February 2013.

Employment Relations:

The Collective Employment Agreement has been signed and returned. Individual Employment Agreements have also been distributed to the applicable staff for their signature.

The position of General Manager – CEO's Office and Projects was not replaced and this department has been disestablished. Staff within this department have been consulted with and advised of a change in department and reporting. Most staff now report through to Finance and IT, but the Council Secretary now reports through to Planning and Policy. A review of Maritime was also undertaken with the Whāngārei staff now reporting to the Deputy Harbourmaster. Additional capacity has been put into the Finance Team with the appointment of the Management Accountant, with a formal review of the Finance Team to commence once Planning and Policy has been completed. A review of Planning and Policy is currently underway.

Staff establishment

Status	Jan 2013	Jan 2012	Nov 2012
Full Time Permanent	132	121	128
Part Time (FTE)	11.8	13.1	12.2
Fixed Term (incl Part Time FTE)	6.4	9.6	5.4
Students/TFG	7.4	10	7.4
Vacancies	3	5	8
TOTAL FTE	160.6	158.7	161

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Training

Course	Dates	Venue	Attendees
Freshwater Conference	03-07/12/12	Dunedin	J Ballinger
4WD Training	03/12/12	Whāngārei	C Pullman, J Vallings, J Waters, I Mulder, S White, R Broadhurst
Defensive Driver Training	04/12/12	Whāngārei	C Pullman, J Vallings, J Waters, I Mulder, S White, R Broadhurst
First Aid – Refresher	05/12/12	Whāngārei	D Hansen, A Bee
Microsoft NZ Business Intelligence	10-11/12/12	Auckland	M Podesta, D Pram
First Aid - Comprehensive	12-13/12/12	Whāngārei	B Brotherhood
First Aid - Refresher	17/01/13	Whāngārei	S Brill
First Aid - Comprehensive	22-23/01/13	Whāngārei	R Broadhurst

Staff turnover

Staff turnover as at the end of January 2013 for the past 12 months was 11.7%.

Health and safety

There are no significant injuries to report.

FINANCE AND IT**Finance**

The year to date financial reporting for the period ending 31 January 2013 and the quarterly variance report and full year forecast included in the Audit and Finance meeting scheduled for 26 February 2013.

IRIS

Council took delivery of and installed the User Acceptance Testing (UAT) release of IRIS in December. Staff started UAT on 21 January with good progress being made. Testing including interfaces with other core systems will continue for several weeks in preparation for go-live later in 2013.

Objective (Electronic Document Management System) continues to make good progress with the build of the integration components for the links between IRIS and Objective. Delivery is on track and the development is scheduled for completion during February.

Excellent progress is being made with preparing data for migration from current systems to IRIS.

The IRIS Project Steering Committee is maintaining a watching brief over proposed changes to the Resource Management Act and what impact this may have on the way workflows are configured in IRIS. The Resource Management Act reform bill will not become law for some months and it is possible some aspects of the Bill will change. If the reform bill results in changes needing to be made to IRIS, Councils will collectively

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work together ensure IRIS meets any new requirements in the most efficient and effective manner.

Financial System

A scoping workshop was held in December with Technology One to understand the design of the proposed solution to be implemented at council. A further workshop was held in January to agree detailed design in preparation for the implementation.

New Zealand Post

As noted in the wider media, New Zealand Post (NZ Post) has released a proposal and discussion document for public submission regarding postal services. As a result of the significant decline in mail volumes, NZ Post are proposing to update the Deed of Understanding it has with the Government regarding standard letter delivery and postal outlet services. NZ Post are seeking flexibility around how often standard letter mail is delivered and are essentially seeking approval to move from the current six-day-a-week delivery to a guaranteed minimum three-day-a-week-delivery for the standard letter service. NZ Post has stated they are not proposing to make immediate changes, but rather are seeking the flexibility to be able to do so in the future. Reducing the frequency of mail delivery is expected to have significant impact for council's particularly around allowing extra time for public consultation, including consent relating consultation, time periods to allow for post to be mailed and returned. Local Government New Zealand (LGNZ) is preparing a submission on the proposed changes on behalf of all Local Authorities on this matter. Staff will ask LGNZ for a copy of the draft submission so it can be reviewed by the Chairman prior to it being finalised.

Compliance with decision making processes:

The activities detailed in this report are provided for in the council's 2012-2022 Long Term Plan, and as such are in accordance with the council's decision making process and sections 76 to 82 of the Local Government Act 2002.

Recommendation:

That the Chief Executive Officer's report dated 8 February 2013 be received.

APPENDICES

1. Local Electoral Amendment Bill No 2
2. CEO's Investigative Report: Reducing Costs and Improving Efficiency of the Resource Consent Process
3. Detailed information – Consents decisions and progress on notified applications in process, objections and appeals.

Local Electoral Amendment Bill (No 2)

Government Bill

Explanatory note

General policy statement

This Bill amends the Local Electoral Act 2001 and the Local Electoral Regulations 2001 to implement the Government's decisions on amendments to the legislation.

The purpose of the Bill is threefold. It will improve provisions for the conduct of local elections; increase transparency and accountability in the provision, receipt, disclosure, recording, and reporting by candidates of electoral donations; and strengthen the integrity and efficiency of the local electoral system. As a result, public confidence in local elections will increase.

The Local Electoral Act 2001 provides the framework for the conduct of triennial local authority elections and by-elections. Local authority elections comprise the election of members to regional councils, territorial authorities, local and community boards, district health boards, and licensing trusts.

There has been increasing public concern that the Local Electoral Act 2001 does not require candidates for local authority elections to provide the same degree of transparency and accountability in regard to donations as that expected of parliamentary candidates. The Bill

incorporates amendments to revise or introduce provisions for electoral donations. In summary, the proposals—

- limit the size of an anonymous donation that a recipient can retain:
- amend the definitions of anonymous and donation:
- increase disclosure, reporting, and recording obligations:
- introduce penalties for non-compliance with new obligations.

The Bill also incorporates amendments from a Local Electoral Amendment Bill that was introduced in 2011 but that did not receive its first reading. Those amendments were based on decisions made after the Government considered the recommendations for legislative amendments of the Justice and Electoral Committee's 2011 report on its inquiry into the conduct of the 2010 local authority elections and the Local Government Commission's 2008 statutory review of the Local Electoral Act 2001. Both those reports found that the legislative framework for local elections is generally sound and meets its purpose. However, both recommended technical and procedural amendments. The amendments in the Bill reflect those recommendations.

Regulatory impact statement

The Department of Internal Affairs produced a regulatory impact statement on 22 August 2012 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Regulatory-Impact-Statements-Index?OpenDocument#five
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Amendments to principal Act

Clause 3 provides that *Part 1* amends the Local Electoral Act 2001 (the **principal Act**).

Clause 4 amends section 5, which is the interpretation provision, to—

- repeal the definition of anonymous, because this term is now defined in *new section 103A* (see *clause 26*);
- insert a definition of allotment;
- insert a definition of candidate;
- amend the definition of nomination day so that it is 7 days earlier.

Clause 5 inserts *new sections 19JA and 19JB*. The new sections let a territorial authority make minor alterations to the boundaries of wards, communities, or subdivisions of communities and let a regional council make minor alterations to the boundaries of constituencies, in certain situations. The requirements for an alteration include that there have been changes to the boundaries of allotments and that the alterations are required to improve the effective representation of communities of interest affected by those changes. The proposed boundary alterations must be referred to the Local Government Commission (the **Commission**), which must determine whether to uphold them.

Clause 6 amends section 19K to require a resolution under section 19H, 19I, or 19J that affects the next triennial general election of a territorial authority, regional council, or community board to be passed no earlier than 1 March of the year before the year of the election.

Clause 7 amends section 19L to remove a redundant reference.

Clause 8 amends section 19N so that the public notice of the final proposals under that section must include 2 matters that are also required in the public notice of the initial proposals under section 19M. The notice must now specify the communities of interest considered by the territorial authority or regional council and specify the ratio of population to proposed members for each proposed ward, constituency, or subdivision, and the reasons for those proposals. The amendment also removes a redundant reference.

Clause 9 amends section 19S to remove a redundant reference.

Clause 10 amends section 19V(3) by adding 2 more situations in which wards and subdivisions of a community may be defined, and membership distributed between them, in a way that does not comply with the fair representation requirement of section 19V(2). The situations are that compliance would limit effective representation of communities of interest either by dividing a community of interest between wards or subdivisions or by uniting within a ward or subdivision 2 or more communities of interest with few commonalities of interest. A territorial authority must now, like a regional council, refer to the Commission a decision not to comply with section 19V(2).

Clause 11 amends section 19Y to remove a redundant reference.

Clause 12 amends section 19ZI so that the Commission must also issue guidelines for territorial authorities or regional councils to take into account in making determinations under *new sections 19JA and 19JB*.

Clause 13 amends section 55 so that a candidate's nomination must not be accepted unless the electoral officer receives the nomination paper, the consent and certification, and the deposit all together.

Clause 14 amends section 59 consequentially on the replacement of provision for retirement with provision for cancellation of nomination.

Clause 15 amends section 61(2) to require that, if a candidate profile statement is provided, it must be provided together with the nomination paper and the other things required for nomination. Also, the candidate profile statement must now specify the candidate's principal place of residence in terms of the position to which the candidate seeks election and, if the candidate is seeking election to more than 1 position, must specify each position and state that the candidate is seeking to be elected to the positions.

Clause 16 amends section 65(2) to remove the requirement for a notice to state whether a resolution has been made under section 79 because section 79 is being repealed.

Clause 17 amends the cross-heading above section 69 consequentially on the replacement of provision for retirement with provision for cancellation of nomination.

Clause 18 replaces section 69 with *new sections 69 and 69A* and so replaces provision for retirement after the close of nominations

with provision for cancellation of nomination after the close of nominations. Under *new section 69*, an application for cancellation of a nomination may be made to the electoral officer if the candidate becomes incapacitated after the close of nominations but before the close of voting. The application must be accompanied by a certificate signed by a medical practitioner. Incapacitated is defined to mean that a candidate, because he or she is suffering from a serious illness or has sustained a serious injury, would be unlikely to be capable of performing the functions and duties of office if elected to the office. *New section 69A* provides for the electoral officer to process an application and to determine whether to cancel the candidate's nomination.

Clauses 19 and 20 amend sections 71 and 72 (respectively) consequentially on the replacement of provision for retirement with provision for cancellation of nomination.

Clause 21 inserts *new section 73A* to add a power to adjourn electoral processes, by Order in Council, in certain situations. The order may specify a later date for certain dates (such as nomination day or polling day) in respect of a triennial general election of members of 1 or more local authorities and community boards. Each date may be deferred by up to 6 weeks. Before recommending the making of an Order in Council, the Minister of Local Government must be satisfied that the order is necessary to ensure that the adverse effects of a local or national emergency do not deny electors a reasonable opportunity to cast a valid vote, nominate a candidate, or accept nomination as a candidate in relation to the election. The Minister also must have consulted every local authority and electoral officer that will be affected.

Clauses 22 and 23 amend sections 75(2) and 76(2) (respectively) to require voting documents to contain a warning describing certain offences that a person may commit in relation to a voting document or a related document.

Clause 24 repeals section 79 to remove provision for local authorities to determine by resolution that voting documents are to be processed during the voting period of an election or poll.

Clause 25 amends section 80 to provide that the electoral officer may, at his or her discretion, process during the voting period any voting documents received before the close of voting for an election or poll.

Clause 26 replaces the heading to Part 5. The new heading includes express reference to electoral donations as well as electoral expenses. Part 5 is to contain 3 subparts—

- subpart 1, setting out the rules relating to electoral donations:
- subpart 2, setting out the rules relating to electoral expenses:
- subpart 3, setting out the rules relating to returns of electoral donations and expenses.

Clause 27 inserts *new subpart 1 of Part 5*, which comprises *new sections 103A to 103J* dealing with electoral donations.

New section 103A defines terms used in *new subparts 1 and 3*, including anonymous and electoral donation.

New section 103B provides that all references to an amount or value of a donation are inclusive of goods and services tax.

New section 103C provides that all electoral donations given or sent to any person must, within 10 working days of receipt, be transmitted to the candidate.

New section 103D requires a person who, on behalf of a donor, transmits a donation to a candidate to disclose that fact and the name and address of the donor. If that person does not, or is unable to, disclose this information, the donation must be treated as an anonymous donation.

New section 103E creates an offence relating to the contravention of *new section 103D*.

New section 103F provides that where a person who is involved in the administration of the affairs of a candidate knows the identity of the donor of an anonymous donation exceeding \$1,500, that person must disclose the donor's identity to the candidate.

New section 103G creates an offence relating to the contravention of *new section 103F*.

New section 103H requires a candidate who receives an anonymous donation exceeding \$1,500 for use in his or her campaign for election to pay the excess, within 20 working days, to the electoral officer responsible for the conduct of the election. In any case where a candidate receives an anonymous donation exceeding \$1,500 for use in any of his or her campaigns for 2 or more elections, the candidate must designate which 1 campaign for election the donation will be used for and pay the excess to the electoral officer responsible for the conduct of that election. On receiving a payment from a candidate,

the electoral officer must issue a receipt to the candidate and forward that payment to the local authority.

New section 103I creates an offence relating to the contravention of *new section 103H*.

New section 103J requires a candidate to keep proper records of all donations received. It is an offence to contravene this requirement without reasonable excuse.

Clause 27 also inserts the heading for subpart 2, which comprises existing sections 104 to 112 dealing with electoral expenses.

Clause 28 amends section 104, which is an interpretation provision. This provision is amended so that it refers to terms used in subpart 2 (existing sections 104 to 112) and *new subpart 3 of Part 5*. The definition of electoral donation is also repealed, as this term is now defined in *new section 103A* (see *clause 27*).

Clause 29 amends section 105 to incorporate existing section 132, which makes it an offence for a payment to be made by or on behalf of a candidate in respect of an electoral expense later than 60 days after the candidate is declared elected.

Clause 30 repeals sections 109 and 110. These provisions are moved to *new subpart 3 of Part 5* and now appear as *new sections 112A and 112F* (see *clause 31*).

Clause 31 inserts *new subpart 3 of Part 5*, which comprises *new sections 112A to 112F* dealing with returns of electoral donations and expenses.

New section 112A imposes an obligation on a candidate to file a return of electoral donations and expenses. This provision is substantially the same as existing section 109 but requires greater disclosure of donations. Also, the existing disclosure threshold of \$1,000 has been increased to \$1,500.

New section 112B requires a candidate to file a nil return under *new section 112A* if the candidate considers there is no relevant information to disclose under that section.

New section 112C carries forward the existing offence provision in section 133 (which is repealed—see *clause 35*) for failing to file a return of electoral donations and expenses.

New section 112D carries forward the existing offence provision in section 134 (which is repealed—see *clause 35*) for filing a false return of electoral donations and expenses.

New section 112E imposes a new requirement on candidates to retain proper records to enable verification of the details disclosed in returns about donations. It is an offence to contravene this requirement without reasonable excuse.

New section 112F carries forward existing section 110 that provides for returns to be open to public inspection.

Clause 32 inserts a new Part heading before section 113 so that it is clear that sections 113 and 114 relate to electoral advertising.

Clause 33 amends section 115 so that a candidate at a triennial general election who is declared to be elected comes into office on the day after the day on which the official result of the election is declared.

Clause 34 repeals section 132 and the cross-heading above that section. Section 132 is an offence provision for section 105 and is being incorporated in that section (*see clause 29*).

Clause 35 repeals sections 133 and 134, which have been replaced by *new sections 112C and 112D* (*see clause 31*).

Clause 36 replaces existing section 138 to take account of the offence provisions in Part 5.

Clause 37 amends clause 1 of Schedule 1A to correctly connect paragraphs in that clause.

Clause 38 replaces Schedule 2 to prescribe a new form for a return of electoral donations and expenses.

Clause 39 is a transitional provision that excludes the amendments to section 19V (which provide exceptions to the fair representation requirement) from applying to representation review processes that affect the 2013 triennial general election of members of a territorial authority, regional council, or community board.

Clause 40 is also a transitional provision, the effect of which is that—

- the new disclosure threshold of \$1,500 will apply to all anonymous donations, whether those donations are received before or after the commencement of the Bill;
- all other new provisions relating to anonymous donations (including the new definition of anonymous) will not apply to donations received before the commencement of the Bill;
- a person who declares his or her intention of becoming a candidate, but before the commencement of the Bill is not nom-

inated as a candidate, will not be subject to the disclosure requirements for donations and expenses, nor to the requirement relating to advertisements:

- a return of donations and expenses will not need to disclose, in the case of a donation received before the commencement of the Bill, the date of receipt of that donation:
- candidates will not need to retain records of donations received before the commencement of the Bill.

Part 2

Amendments to regulations

Clause 41 provides that *Part 2* amends the Local Electoral Regulations 2001 as set out in *Schedule 2*. The amendments change 2 dates by which certain qualifications entitle an elector to be included on the electoral roll so that the dates are 7 days earlier, aligning them with the change to the definition of nomination day in section 5(1) of the principal Act. The amendments also let a local authority publish or display candidate profile statements at any time after the close of nominations. The other amendments remove a redundant provision, make various minor corrections, or are consequential on amendments to the principal Act relating to processing votes during the voting period or replacing provision for retirement with provision for cancellation of nomination.

Hon David Carter

Local Electoral Amendment Bill (No 2)

Government Bill

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cl 1

Local Electoral Amendment Bill (No 2)

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Local Electoral Amendment Act (No 2) **2012**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1**Amendments to principal Act****3 Principal Act**

This Part amends the Local Electoral Act 2001 (the **principal Act**). 10

4 Section 5 amended (Interpretation)

(1) In section 5(1), repeal the definition of **anonymous**.

(2) In section 5(1), insert in their appropriate alphabetical order:

“**allotment** has the meaning given by section 218(2) of the Resource Management Act 1991 15

“**candidate**—

“(a) means a person who has been nominated as a candidate in any election; and

“(b) includes, in Parts 5 and **5A**, a person who has declared his or her intention of becoming a candidate” 20

(3) In section 5(1), definition of **nomination day**, replace “50th” with “57th”.

5 New sections 19JA and 19JB inserted

After section 19J, insert: 25

“19JA Minor alterations to boundaries by territorial authority

“(1) A territorial authority may, in accordance with this section, determine by resolution new proposed boundaries of wards, communities, or subdivisions of communities of the district of the territorial authority. 30

“(2) The territorial authority must be satisfied that,—

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Part 1 cl 5

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- “(a) since the existing boundaries of the wards, communities, or subdivisions of communities took effect as the basis for election at the last triennial general election, there have been changes at or near those boundaries to the boundaries of 1 or more allotments; and 5
- “(b) the proposed boundaries of the wards, communities, or subdivisions constitute only minor alterations to the existing boundaries; and
- “(c) the minor alterations will maintain the effective representation of communities of interest affected by the changes to the boundaries of the allotments; and 10
- “(d) so far as is practicable, the proposed boundaries of the wards, communities, or subdivisions coincide with the boundaries of allotments; and
- “(e) so far as is practicable, ward boundaries coincide with community boundaries (if applicable). 15
- “(3) Every meeting at which the territorial authority deliberates on the proposals contained in the resolution must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act 1987. 20
- “(4) The territorial authority must refer the resolution to the Commission, together with the information concerning the communities of interest and population of the district or community, and the proposed wards, communities, or subdivisions, that is held by the territorial authority and is necessary for the purposes of **subsection (6)**. 25
- “(5) However, the territorial authority must not refer the resolution and information to the Commission after 15 January in the year of a triennial general election.
- “(6) On receiving the reference, the Commission must— 30
- “(a) consider the resolution and information forwarded to it; and
- “(b) determine whether to uphold the proposed boundaries of the wards, communities, or subdivisions.
- “(7) For the purposes of making its determination, the Commission 35 may make any inquiries that it considers appropriate.

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- “(8) The Commission may determine to uphold the proposed boundaries only if it is satisfied of the matters specified in **subsection (2)**.
- “(9) The Commission must make its determination under **subsection (6)(b)** before 11 April in the year of the next triennial general election. 5
- “(10) Section 19S applies to the Commission’s determination as if it were made under section 19R(1)(b), and section 19Y(3) to (6) apply with any necessary modifications.
- “(11) A territorial authority must not use this section if the territorial authority— 10
- “(a) is required to make a resolution under section 19H before the next triennial general election; or
 - “(b) has, since the last triennial general election, made a resolution under section 19H; or 15
 - “(c) has, since the last triennial general election, already made a resolution under this section that was upheld by the Commission under **subsection (6)(b)**.
- “19JB Minor alterations to boundaries by regional council**
- “(1) A regional council may, in accordance with this section, determine by resolution new proposed boundaries of constituencies of the region of the regional council. 20
- “(2) The regional council must be satisfied that,—
- “(a) since the existing boundaries of the constituencies took effect as the basis for election at the last triennial general election, there have been changes at or near those boundaries to the boundaries of 1 or more allotments; and 25
 - “(b) the proposed boundaries of the constituencies constitute only minor alterations to the existing boundaries; and 30
 - “(c) the minor alterations will maintain the effective representation of communities of interest affected by the changes to the boundaries of the allotments; and
 - “(d) so far as is practicable, the proposed boundaries of the constituencies coincide with the boundaries of allotments; and 35

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Part 1 cl 5

- “(e) so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.
- “(3) Every meeting at which the regional council deliberates on the proposals contained in the resolution must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act 1987. 5
- “(4) The regional council must refer the resolution to the Commission, together with the information concerning the communities of interest and population of the region, and the proposed constituencies, that is held by the regional council and is necessary for the purposes of **subsection (6)**. 10
- “(5) However, the regional council must not refer the resolution and information to the Commission after 15 January in the year of a triennial general election. 15
- “(6) On receiving the reference, the Commission must—
- “(a) consider the resolution and information forwarded to it; and
- “(b) determine whether to uphold the proposed boundaries of the constituencies. 20
- “(7) For the purposes of making its determination, the Commission may make any inquiries that it considers appropriate.
- “(8) The Commission may determine to uphold the proposed boundaries only if it is satisfied of the matters specified in **subsection (2)**. 25
- “(9) The Commission must make its determination under **subsection (6)(b)** before 11 April in the year of the next triennial general election.
- “(10) Section 19S applies to the Commission’s determination as if it were made under section 19R(1)(b), and section 19Y(3) to (6) apply with any necessary modifications. 30
- “(11) A regional council must not use this section if the regional council—
- “(a) is required to make a resolution under section 19I before the next triennial general election; or 35
- “(b) has, since the last triennial general election, made a resolution under section 19I; or

“(c) has, since the last triennial general election, already made a resolution under this section that was upheld by the Commission under **subsection (6)(b)**.”

6 Section 19K amended (Requirements for resolution)

Before section 19K(1), insert:

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“(1AA) A resolution under section 19H, 19I, or 19J that affects the next triennial general election of members of a territorial authority, regional council, or community board must be passed no earlier than 1 March of the year before the year of the election.”

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7 Section 19L amended (Distribution of copies of resolution)

Replace section 19L(a)(iv) with:

“(iv) the Remuneration Authority; and”.

8 Section 19N amended (Response to submissions)

(1) After section 19N(2)(b), insert:

15

“(ba) specify the communities of interest considered by the territorial authority (as required by sections 19T and 19V) or regional council (as required by sections 19U and 19V); and

“(bb) specify the ratio of population to proposed members for each proposed ward, constituency, or subdivision, and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and”.

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(2) Replace section 19N(3)(a)(iv) with:

“(iv) the Remuneration Authority; and”.

25

9 Section 19S amended (Determination of Commission)

In section 19S(2)(c), delete “the Higher Salaries Commission or”.

10 Section 19V amended (Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions)

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(1) Replace section 19V(3)(a) with:

Local Electoral Amendment Bill (No 2)

Part 1 cl 13

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- “(a) if the territorial authority or the Commission considers that 1 or more of the following apply, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2): 5
- “(i) non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority; or 10
- “(ii) compliance with subsection (2) would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions; or
- “(iii) compliance with subsection (2) would limit effective representation of communities of interest by uniting within a ward or subdivision 2 or more communities of interest with few commonalities of interest.”. 15
- (2) In section 19V(4), replace “(3)(b)” with “(3)”. 20
- (3) In section 19V(4), (5), and (6)(a), before “regional council”, insert “territorial authority or”.
- 11 Section 19Y amended (When determinations take effect)**
In section 19Y(2)(a)(iv), delete “the Higher Salaries Commission or”. 25
- 12 Section 19ZI amended (Guidelines in relation to reviews of representation)**
- (1) In the heading to section 19ZI, after “**representation**”, insert “**or minor alterations to boundaries**”.
- (2) In section 19ZI(1), replace “19J” with “**19JB**”. 30
- 13 Section 55 amended (Nomination of candidates)**
- (1) Replace section 55(2)(e) with:
- “(e) the electoral officer receives the deposit prescribed for the applicable class of elections; and
- “(f) the electoral officer receives the following together: 35

-
- “(i) the nomination paper required by subsection (1):
 “(ii) the consent and certification required by paragraph (a):
 “(iii) the deposit required by **paragraph (e)**.”
- (2) Replace section 55(3) with: 5
- “(3) The consent and certification required by subsection (2)(a) may be given in a manner other than in writing that is approved by the electoral officer, if the person nominated is outside New Zealand.”
- 14 Section 59 amended (Forfeiture of deposit and refund of deposit)** 10
- Replace section 59(2)(a)(i) with:
- “(i) withdraws or has his or her nomination cancelled under **section 69A**; or”.
- 15 Section 61 amended (Candidate profile statements)** 15
- (1) Replace section 61(2)(b) with:
- “(b) must be provided to the electoral officer, together with the nomination paper and other things referred to in **section 55(2)(f)**; and”.
- (2) After section 61(2)(c), insert: 20
- “(ca) must specify whether the candidate’s principal place of residence is in the local government area or subdivision for which the candidate seeks election (in that the candidate is qualified as a residential elector for that local government area or subdivision); and 25
- “(cb) if the candidate is seeking election to more than 1 position, must specify each position and state that the candidate is seeking to be elected to the positions; and”.
- (3) After section 61(2), insert:
- “(2A) The information required by **subsection (2)(ca) and (cb)** does not count for the purposes of the word limit under subsection (2)(a).” 30
- 16 Section 65 amended (Further notice to electors of election or poll)**
- Repeal section 65(2)(da). 35

Local Electoral Amendment Bill (No 2)

Part 1 cl 18

17 Cross-heading above section 69 replaced

Replace the cross-heading above section 69 with:

*“Death, incapacity, or invalid or cancelled nominations of candidates”.***18 Section 69 replaced (Candidate may retire after close of nominations) 5**

Replace section 69 with:

“69 Application for cancellation of nomination if candidate incapacitated after close of nominations**“(1) An application may be made for the cancellation of the nomination of a candidate if the candidate becomes incapacitated after the close of nominations but before the close of voting. 10****“(2) The application must be made to the electoral officer by—****“(a) the 2 electors who nominated the candidate; or****“(b) the candidate’s agent, if 1 or both electors are unavailable or unable to act for any reason. 15****“(3) The application must be made on a form provided by the electoral officer, and must be witnessed by a Justice of the Peace or a solicitor.****“(4) The application must be accompanied by a certificate signed by a medical practitioner that certifies— 20****“(a) as to the candidate’s condition; and****“(b) that, in the practitioner’s opinion, the candidate is incapacitated.****“(5) The application must be submitted to the electoral officer— 25****“(a) as soon as practicable after the candidate becomes incapacitated; and****“(b) before the close of voting.****“(6) The application may be submitted by hand, post, fax, or electronic transmission. 30****“(7) In this section,—****“incapacitated means that a candidate, because he or she is suffering from a serious illness or has sustained a serious injury, would be unlikely to be capable of performing the functions and duties of office if elected to the office 35****“medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New**

Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

“69A How application for cancellation of nomination dealt with

- “(1) On receiving an application under **section 69**, the electoral officer must promptly determine whether the candidate became incapacitated (as defined by **section 69(7)**) after the close of nominations but before the close of voting. 5
- “(2) For the purposes of making the determination, the electoral officer may make any inquiries, and seek any assistance (including expert medical assistance), that the electoral officer considers necessary. 10
- “(3) If, before the close of voting, the electoral officer determines that the candidate became incapacitated as described in **subsection (1)**, the electoral officer must cancel the candidate’s nomination. 15
- “(4) If the electoral officer has not made a determination before the close of voting, the application is to be treated as having been declined.
- “(5) As soon as practicable after making a determination, the electoral officer must inform the applicant of the determination.” 20

19 Section 71 amended (Retirement, death, incapacity, or invalid nomination of candidate)

- (1) Replace the heading to section 71 with “**Death, incapacity, or invalid or cancelled nomination of candidate**”. 25
- (2) Replace section 71(1)(a) with:
 “(a) the electoral officer has cancelled under **section 69A** a candidate’s nomination in any election; or”.
- (3) In section 71(2), replace “retirement, death, incapacity, or the invalid nomination” with “death, incapacity, or invalid or cancelled nomination”. 30
- (4) In section 71(3) and (4), replace “retirement, death, incapacity, or invalid nomination” with “death, incapacity, or invalid or cancelled nomination”.
- (5) In section 71(5) and (6), replace “retired, deceased, or incapacitated candidate, or for a candidate whose nomination is in- 35

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valid” with “deceased or incapacitated candidate, or for a candidate whose nomination is invalid or cancelled”.

20 Section 72 amended (If election becomes unnecessary)

In section 72(1), replace “retirement, death, incapacity, or invalid nomination” with “death, incapacity, or invalid or cancelled nomination”.

21 New section 73A inserted (Adjournment of electoral processes)

After section 73, insert:

“73A Adjournment of electoral processes

“(1) The Governor-General may, by Order in Council made in accordance with this section, specify a later date for 1 or more of the following in respect of a triennial general election of members of 1 or more local authorities and community boards:

“(a) the date by which, or dates during which, a certain qualification entitles an elector to be included on the electoral roll:

“(b) the nomination day:

“(c) the polling day:

“(d) the date by which anything else may or must be done under this Act or regulations made under this Act.

“(2) The Order in Council must be made in the year in which the triennial general election is to be held.

“(3) A date specified by the Order in Council must be no more than 6 weeks after the date that would otherwise have applied.

“(4) A date may be specified by the Order in Council only if the order commences on or before the date that would otherwise have applied.

“(5) The Order in Council must be made on the recommendation of the Minister.

“(6) Before recommending the making of the Order in Council, the Minister—

“(a) must be satisfied, on reasonable grounds, that the order is necessary to ensure that the adverse effects of an emergency (whether local or national) or of anything referred to in section 73(1)(a) to (d) do not deny electors

- a reasonable opportunity to cast a valid vote, nominate a candidate, or accept nomination as a candidate in relation to the election; and
- “(b) must have consulted every local authority and electoral officer that will be affected. 5
- “(7) Upon the commencement of an Order in Council made under this section,—
- “(a) a date specified in the order has effect in relation to the triennial general election of members of the 1 or more local authorities and community boards to which the order applies; and 10
- “(b) this Act and any regulations made under this Act apply to the election with any necessary modifications.
- “(8) The electoral officer must, as soon as practicable, give public notice of every change of date made by the Order in Council, and may give any other notice that the electoral officer considers desirable.” 15
- 22 Section 75 amended (What voting documents for election must contain)**
- (1) In section 75(2)(f), after “may be”, insert “; and”. 20
- (2) After section 75(2)(f), insert:
- “(g) a warning describing the offences that a person may commit under sections 123(1)(c) and 124(b).”
- 23 Section 76 amended (What voting documents for polls must contain)** 25
- (1) In section 76(2)(d), after “may be”, insert “; and”.
- (2) After section 76(2)(d), insert:
- “(e) a warning describing the offences that a person may commit under sections 123(1)(c) and 124(b).”
- 24 Section 79 repealed (Early processing of votes)** 30
- Repeal section 79.
- 25 Section 80 amended (Processing before close of voting)**
- Replace section 80(1) with:

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“(1) The electoral officer may, at his or her discretion, process during the voting period and in the prescribed manner any voting documents received before the close of voting for any election or poll.”

26 Part 5 heading replaced 5
Replace the Part 5 heading with:

**“Part 5
“Electoral donations and expenses”.**

27 New subpart 1 of Part 5 and subpart 2 of Part 5 heading inserted 10
After the Part 5 heading, insert:

“Subpart 1—Electoral donations

“103A Interpretation

In this subpart and **subpart 3**, unless the context otherwise requires,—

“**anonymous**, in relation to an electoral donation, means a donation that is made in such a way that the candidate who receives the donation—

“(a) does not know the identity of the donor; and

“(b) could not, in the circumstances, reasonably be expected to know the identity of the donor

“**donor** means a person who makes an electoral donation

“**electoral donation or donation**—

“(a) means a donation (whether of money or the equivalent of money, or of goods or services, or of a combination of those things) made to a candidate, or to any person on the candidate’s behalf, for use in the candidate’s campaign for election; and

“(b) includes, if goods or services are provided to a candidate, or to any person on the candidate’s behalf, under a contract at 90% or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but

“(c) excludes the labour of any person that is provided to a candidate free of charge by that person

“**receive**, in relation to a donation, means to get a donation that has been given or sent by—

“(a) the donor directly; or

“(b) the donor indirectly, via a transmitter

“**transmitter** means a person to whom a donor gives or sends a donation for transmittal to a candidate. 5

“Compare: 1993 No 87 s 207

“**103B Donations include GST**

All references to the amount or value of a donation are inclusive of any goods and services tax incurred by the donor in respect of the goods or service donated. 10

“Compare: 1993 No 87 s 207A

“**103C Donations to be transmitted to candidate**

Every person, other than a candidate, to whom an electoral donation is given or sent must, within 10 working days after receiving the donation, transmit the donation to the candidate. 15

“Compare: 1993 No 87 s 207B(1)

“**103D Identity of donor to be disclosed by transmitter, if known**

“(1) When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate— 20

“(a) the fact that the donation is transmitted on behalf of the donor; and

“(b) the name and address of the donor.

“(2) Where a transmitter does not disclose, or is unable to disclose, the information required by **subsection (1)(b)**, then the donation must be treated as an anonymous donation. 25

“Compare: 1993 No 87 s 207E

“**103E Offence relating to contravention of section 103D**

A transmitter who fails to comply with **section 103D(1)** with the intention of concealing the identity of the donor commits an offence and is liable on conviction to a fine not exceeding \$5,000. 30

“Compare: 1993 No 87 s 207F

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“103F Disclosure of identity of donor

If any person involved in the administration of the affairs of a candidate in relation to his or her election campaign knows the identity of the donor of an anonymous donation exceeding \$1,500, the person must disclose the identity of the donor to the candidate. 5

“Compare: 1993 No 87 s 207G(1)

“103G Offence relating to contravention of section 103F

A person who fails to comply with **section 103F** with the intention of concealing the identity of the donor commits an offence and is liable on conviction to a fine not exceeding \$5,000. 10

“Compare: 1993 No 87 s 207H

“103H Anonymous donation may not exceed \$1,500

“(1) If an anonymous donation exceeding \$1,500 is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500. 15 20

“(2) If an anonymous donation exceeding \$1,500 is received by a candidate who is seeking election to more than 1 office, the candidate must—

“(a) designate 1 election campaign for election to 1 office for which the donation will be used; and 25

“(b) within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.

“(3) An electoral officer who receives an amount under **subsection (1) or (2)** must, within 20 working days of receiving that amount,— 30

“(a) issue a receipt to the candidate; and

“(b) pay the amount into the general fund of the local authority that appointed the electoral officer. 35

“Compare: 1993 No 87 s 207I(1)

“103I Offence relating to contravention of section 103H

- “(1) A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing **section 103H(1) or (2)** commits an offence and is liable on conviction to a fine not exceeding \$5,000. 5
- “(2) A candidate who contravenes **section 103H(1) or (2)** commits an offence and is liable on conviction to a fine not exceeding \$5,000.
- “Compare: 1993 No 87 s 207J

“103J Records of electoral donations

10

- “(1) A candidate must keep proper records of all donations received by him or her.
- “(2) A candidate who fails, without reasonable excuse, to comply with **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$5,000. 15
- “Compare: 1993 No 87 s 207M

“Subpart 2—Electoral expenses”.

28 Section 104 amended (Interpretation)

- (1) In section 104, replace “In this Part” with “In this subpart and **subpart 3.**” 20
- (2) In section 104, repeal the definition of **electoral donation.**

29 Section 105 amended (Periods for claiming and paying expenses)

After section 105(2), insert:

- “(3) A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding \$5,000.” 25

30 Sections 109 and 110 repealed

Repeal sections 109 and 110.

31 New subpart 3 of Part 5 inserted

30

After section 112, insert:

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“Subpart 3—Return of electoral donations
and expenses

“**112A Return of electoral donations and expenses**

- “(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must send to the electoral officer responsible for the conduct of the election a return of electoral donations and expenses. 5
- “(2) The return of electoral donations and expenses must set out—
- “(a) the details specified in **subsection (3)** in respect of every electoral donation (other than a donation of the kind referred to in **paragraph (b)**) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and 10 15
 - “(b) the details specified in **subsection (4)** in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
 - “(c) details of the candidate’s electoral expenses. 20
- “(3) The details referred to in **subsection (2)(a)** are—
- “(a) the name of the donor; and
 - “(b) the address of the donor; and
 - “(c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and 25
 - “(d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- “(4) The details referred to in **subsection (2)(b)** are—
- “(a) the date the donation was received; and 30
 - “(b) the amount of the donation; and
 - “(c) the amount paid to the electoral officer under **section 103H(1) or (2)** and the date that payment was made.
- “(5) Every return filed under this section must be in the form prescribed in **Schedule 2**. 35
- “(6) If a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected, the return

must be sent by the candidate to the electoral officer within 21 days after the date of the candidate's return to New Zealand.

“(7) It is the duty of every electoral officer to ensure that this section is complied with.

“Compare: 1993 No 87 s 209

5

“**112B Nil return**

If a candidate considers that there is no relevant information to disclose under **section 112A**, the candidate must file a nil return under that section.

“Compare: 1993 No 87 s 209A

10

“**112C Failure to file return of electoral donations and expenses**

A candidate who fails, without reasonable excuse, to comply with **section 112A** is liable on conviction to—

“(a) a fine not exceeding \$1,000; and

“(b) if he or she has been elected to office, a further fine not exceeding \$400 for every day that he or she continues to hold office.

15

“**112D Filing a false return of electoral donations and expenses**

A candidate who files a return under **section 112A** that is false in any material particular is liable on conviction—

20

“(a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she filed the return knowing it to be false in any material particular; or

“(b) to a fine not exceeding \$5,000 in any other case, unless the candidate proves that—

25

“(i) he or she had no intention to misstate or conceal the facts; and

“(ii) he or she took all reasonable steps in the circumstances to ensure the information in the return was accurate.

30

“**112E Obligation to retain records necessary to verify return in relation to donations**

“(1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return

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under **section 112A** to be verified in so far as it relates to donations.

“(2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates. 5

“(3) A candidate who fails, without reasonable excuse, to comply with **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$5,000.

“Compare: 1993 No 87 s 209C

10

“**112F Return of electoral donations to be open for public inspection**

The electoral officer must keep every return filed under **section 112A** in the electoral officer’s office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates, and,— 15

“(a) during that period, the return must be open to inspection by any person; and

“(b) at the expiry of that period, the electoral officer must ensure that the return is destroyed.” 20

32 New Part 5A heading inserted

Before section 113, insert:

**“Part 5A
Electoral advertising”.**

25

33 Section 115 amended (When members come into office)

Replace section 115(1) and (2) with:

“(1) Candidates at a triennial general election who are declared to be elected come into office on the day after the day on which the official result of the election is declared by public notice under section 86.” 30

34 Section 132 and cross-heading repealed

Repeal section 132 and the cross-heading above section 132.

35 Sections 133 and 134 repealed

Repeal sections 133 and 134.

36 Section 138 replaced (Duty to take action in respect of offences)

Replace section 138 with:

5

“138 Duty to take action in respect of offences

“(1) Subsection (2) applies if an electoral officer—

“(a) receives a written complaint that an offence has been committed under—

“(i) Part 5; or

10

“(ii) this Part; or

“(b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).

“(2) If this subsection applies, the electoral officer must—

15

“(a) report the complaint or belief to the Police; and

“(b) provide the Police with the details of any inquiries that he or she considers may be relevant.

“(3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.

20

“(4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.”

37 Schedule 1A amended

25

In Schedule 1A, clause 1(2)(b)(ii), after “are to be elected separately”, insert “; and”.

38 Schedule 2 replaced

Replace Schedule 2 with the **Schedule 2** set out in **Schedule 1** of this Act.

30

39 Transitional provision for representation review processes

(1) This section applies if a resolution under section 19H, 19I, 19J, or 19N of the principal Act, or a determination under section 19R of the principal Act, would affect the 2013 triennial

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general election of members of a territorial authority, regional council, or community board.

- (2) The principal Act applies in relation to the resolution or determination as if section 19V had not been amended by this Part.

40 Transitional provision for donations received before commencement of Act 5

For the purposes of the next triennial general election held after the commencement of this Act,—

- (a) the following provisions of the principal Act do not apply to anonymous donations received before the commencement of this Act: 10
- (i) **paragraph (b) of the definition of anonymous in section 103A**; and
 - (ii) **sections 103C to 103I**; and
 - (iii) **section 112A(4)(a) and (c)**; and 15
- (b) the following sections of the principal Act do not apply to donations received by a candidate before the commencement of this Act:
- (i) **section 103J**; and
 - (ii) **section 112A(3)(d)**; and 20
 - (iii) **section 112E**; and
- (c) the **definition of candidate in section 5(1)** of the principal Act does not include any person who has, before the commencement of this Act, declared his or her intention of becoming a candidate. 25

Part 2

Amendments to regulations

41 Amendments to Local Electoral Regulations 2001

- (1) This Part amends the Local Electoral Regulations 2001.
- (2) Amend the Local Electoral Regulations 2001 as set out in **Schedule 2**. 30

Schedule 1

Local Electoral Amendment Bill (No 2)

Schedule 1 **s 38**
Schedule 2 of principal Act replaced

Schedule 2 **s 112A**
Return of electoral donations and
expenses **5**

Section 112A, Local Electoral Act 2001

Part A
Return of electoral donations

I, *[name]*, a candidate at the election held on *[date]*, make the following return of all electoral donations received by me that exceed \$1,500: 10

[Set out the following details in respect of every electoral donation received (other than an anonymous electoral donation) that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value: 15

- *the name of the donor:*
- *the address of the donor:*
- *the amount of the donation or, in the case of aggregated donations, the total amount of the donations:* 20
- *the date the donation was received or, in the case of aggregated donations, the date that each donation was received.*

Set out the following details in respect of every anonymous electoral donation received that exceeds \$1,500:

- *the date the donation was received:* 25
- *the amount of the donation:*
- *the amount paid to the electoral officer and the date the payment was made.]*

Part B
Return of electoral expenses **30**

I, *[name]*, a candidate at the election held on *[date]*, make the following return of all electoral expenses incurred by me:

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[Set out the following details in respect of every electoral expense incurred by or on behalf of the candidate at the election in respect of any electoral activity:

- *the name and description of every person or body of persons to whom any sum was paid:* 5
- *the reason that sum was paid.*

Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets, etc, must be set out separately and under separate headings.]

Signed: 10

Date:

Place:

Schedule 2

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Schedule 2**s 41(2)****Amendments to Local Electoral
Regulations 2001****Regulation 3**

Revoke regulation 3.

5

Regulation 10

In regulation 10(3), after “included”, replace “in” with “on”.

In regulation 10(3) and (4), replace “50th” with “57th”.

Regulation 16

In regulation 16(2), replace “rateable” with “rating” in each place.

10

Regulation 21

In regulation 21, replace “50th” with “57th”.

Regulation 29

In regulation 29(2), replace “during the voting period” with “at any time after the close of nominations”.

15

Regulation 56

Replace regulation 56(1) with:

“(1) An electoral officer may process voting documents during the voting period in accordance with section 80 of the Act.”

Regulation 57

20

Replace regulation 57 with:

“57 Processing voting documents after voting period

The electoral officer must process voting documents as soon as practicable after the close of voting if the voting documents have not already been processed during the voting period.”

25

Regulation 60

In regulation 60(1), before “least”, replace “as” with “at”.

Regulation 65

In regulation 65(1)(b)(iv), delete “; and”.

Local Electoral Amendment Bill (No 2)**Schedule 2****Regulation 79B**

In regulation 79B(1), before “least”, replace “as” with “at”.

Regulation 91

In regulation 91(1), definition of **valid**, replace second paragraph (b) with:

5

- “(c) precluded from being a valid voting document under regulation 105(2) or 125(2)”.

Regulation 101

Replace regulation 101(1) with:

- “(1) An electoral officer may process voting documents during the voting period in accordance with section 80 of the Act.”

10

Regulation 102

Replace regulation 102 with:

“102 Processing voting documents after voting period

The electoral officer must process voting documents as soon as practicable after the close of voting if the voting documents have not already been processed during the voting period.”

15

Regulation 104A

In regulation 104A(1), before “least”, replace “as” with “at”.

Regulation 105A

20

In regulation 105A(2), replace “subsection” with “subclause”.

Regulation 124A

In regulation 124A(1), before “least”, replace “as” with “at”.

Regulation 125A

In regulation 125A(2), replace “subsection” with “subclause”.

25

Schedule 1A

In Schedule 1A, clause 22, replace “retirement, death, incapacity, or invalid nomination” with “death, incapacity, or invalid or cancelled nomination”.

Schedule 2 **Local Electoral Amendment Bill (No 2)**

CEO's Investigative Report: Reducing Costs and Improving Efficiency of the Resource Consent Process

Report

This report follows an investigation instigated by the Chief Executive into options for reducing the costs and improving the efficiency of the council's consent processing service.

Background

Meeting regulatory requirements, including obtaining resource consents under the Resource Management Act 1991, is often cited as having a significant impact on the cost of doing business.

As part of the government's "Better Local Government" programme to improve the legislative framework for New Zealand's councils, the New Zealand Productivity Commission was requested to undertake an inquiry into opportunities to improve regulatory performance in local government.

The Commission released its draft report "Towards better local regulation" in December 2012, which is currently open to submissions until 6 March 2013. Its inquiry showed that almost 75% of the 1500 businesses surveyed had at least some contact with local government through the regulatory process, with the key findings in relation to the cost impact of local government regulation on those businesses being:

- *39% report that local government regulation places a significant financial burden on their business.*
- *Nearly half of respondents thought the time and effort involved in complying with local authority regulations is too large (and nearly half were neutral or disagreed), and 70% of respondents were dissatisfied with the fees charged.*
- *"Planning, Land Use or Water Consents" and "Building and Construction Consents" have the greatest cost impact on businesses. Both of these local government regulatory areas are typically associated with new projects such as expanding or building something from scratch.*
- *Around 40% of surveyed businesses had contact with the local council over four or more separate regulatory areas.*

Our internal investigation into reducing costs and improving efficiency of our resource consent processing service is therefore timely. It is also timely given the proposed new six month consent processing timeframe in the Resource Management Reform Bill for limited and publicly notified consent applications.

Accreditation and track record

The council's existing consent processing procedures are robust and are accredited under the ISO/NZS 9001:2000 International Standard for quality management systems.

The council has a consistently good record of processing consent applications with the Resource Management Act 1991 (RMA) timeframes. The results of the last three surveys of local authorities undertaken by Ministry for the Environment show that the council processed some 98 to 99% of applications within the RMA timeframes. However, these results take into account (exclude) the periods when consent

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applications are put “on hold” which “stops the clock” on the processing time for those applications.

Opportunities for reducing processing times and costs

Consent application processing timeframes can be placed on hold under sections 37/37A, 91, 92, 95E, 95F, and 99A of the RMA, of which sections 37/37A, 92 and 95E are the most frequently used sections by the council to place applications on hold.

Section 37A(4) allows the council to extend a time period specified in the Act by up to twice the maximum length of the time period subject to the applicant’s agreement or if “special circumstances” apply. Section 37A(5) allows the council to extend a time period by more than twice the maximum length of the time period subject to the applicant’s agreement and provided that it has taken into account the matters specified in section 37A(1).

Section 92(1) allows the council to request further information relating to an application while section 92(2) allows the council to commission any person to prepare a report on any matter relating to an application if the council considers that the activity for which consent is sought may have a significant adverse effect and the applicant is notified beforehand and does not refuse to agree to the commissioning of the report.

Section 95E allows an application to be put on hold while the applicant tries to obtain written approvals for the application from persons who may be adversely affected by the application.

Consents staff use both sections 37/37A and 92 frequently when processing consent applications. However, that is not to say that they have been using them inappropriately.

In the case of section 37/37A, there are many reasons why an extension to a RMA timeframe is sought and it is often done so to address practical constraints that occur during the processing of an application. It is important to note that such extensions generally require the agreement of the applicant. It is also important to note that an applicant itself can request an extension of a timeframe. In such cases, the delay in processing an application rests with (is caused by) the applicant and not the council.

Likewise, the delay in processing an application under a section 95E hold rests with (is caused by) the applicant and not the council.

In the case of section 92, it needs to be recognised that it is also not uncommon for applicants to take a minimalistic approach in the preparation of their applications to try to reduce cost and/or not follow advice on the level of information that should be in their application. Although Consents staff currently encourages applicants to include a comprehensive assessment of environmental effects in their applications, applicants do not necessarily follow this advice.

This situation is not uncommon throughout New Zealand and is one of the contributing factors for the often cited nationwide criticism by applicants that consent authorities request too much information or, more precisely, more information than is necessary to process their applications. However, in order to make an informed decision on a consent application, it is paramount that the application contains adequate information. Nevertheless, ensuring that staff do not go “overboard” in requesting additional information under section 92 by focusing on requesting “must know”

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information and not requesting “nice to know” information is another way consent processing times can be speeded up. This is also likely to result in reduced costs to applicants.

In saying this, it also needs to be recognised that the council does not take an overly “hard line” in accepting consent applications, rejecting relatively few under section 88(3), which allows a consent authority to deem an application as “incomplete” and return it to the applicant on the grounds that it does not include an adequate assessment of environmental effects or the information required by regulations. The trade-off here is that Consents staff rely on requesting information on an application after it is received rather than rejecting (not receiving/accepting) the application when it is lodged.

In summary, reduced use of sections 37 and 92 is one way council staff can speed up consent processing timeframes, but with respect to reducing the use of section 92 it is important that there is still adequate information to make an informed decision on an application.

One of the common reasons for delays in processing consent applications, particularly those that do not need to be publicly notified, is the period of time that an applicant takes to obtain, or try to obtain, written approvals from persons affected by their application. The RMA does not impose a set time period for this and it is often left in the applicant’s hands as to how long this takes. One way to potentially speed up processing times for an application that does not require public notification is to limited-notify the application to affected persons who have not given their written approval to the application. However, this may lead to submissions in opposition to the application from those affected persons and the need to hold a formal hearing. This may increase the cost of an application to the applicant, but at least means that the application is dealt with sooner rather than remaining on hold for a prolonged period of time while an applicant tries to obtain all the necessary written approvals.

With respect to consent applications that require hearings, costs to the applicant can be reduced by minimising the number of commissioners that are used to determine the application. The key question here is – how many commissioners are required to adequately determine the application? This is generally dependent on the complexity of the application. However, if a single person has the necessary skills to determine the application, then there should be no need to employ additional commissioners.

Other ways to reduce costs to the applicant is to reduce council staff charge out rates. However, this means that the general ratepayer subsidises the cost of processing the application, which has budget implications (reduced revenue and increased rates).

Conclusion

The investigation into the council's current resource consent processing services has not revealed that there is anything fundamentally wrong with council procedures and staff practice. Nevertheless, there are potential opportunities to reduce consent processing times and costs to applicants. Management staff will work with Consents staff to reduce the use of sections 37/37A and 92, eliminate requests for unnecessary additional information and to keep the number of commissioners determining a consent application to the minimum number necessary to make an informed decision on the application.

ATTACHMENT 3

CONSENTS DECISIONS AND PROGRESS ON NOTIFIED APPLICATIONS IN PROCESS, OBJECTIONS AND APPEALS

The Consents/Monitoring Senior Programme Manager's report on resource consent decisions issued under delegated authority since 1 December 2012 is circulated to councillors under separate cover.

Progress on notified applications, objections, and appeals is as set out in the following tables:

NOTIFIED APPLICATIONS

Progress on Applications Previously Notified

Applicant	Proposal	Progress
J K Upperton CON20040886701	Earthworks in the Riparian Management Zone relating to a construction of a proposed dwelling and access	Notified jointly with the Far North District Council (FNDC being the lead agency). Ten submissions received, nine in opposition, and one neutral. Nine submitters wish to be heard at a hearing. The applicant has requested a time extension to the period within which a hearing is to be held to enable him to undertake further consultation with submitters and the FNDC has requested further information relating to landscape. A hearing initially set by the FNDC for 10 December 2012 will now take place in 2013 at a date to be advised.
Far North Holdings Limited CON20100838530	Various consents associated with a proposed pile berth extension of the Ōpua Marina	Forty submissions received, 23 in opposition, 13 in support, three neutral and one partial support/oppose submission. Fifteen submitters wish to be heard at a hearing with six submitters not indicating whether they wish to be heard or not. Processing timeframes have been extended at the applicant's request.
Kaipara District Council CON20020988801 (<i>"Boar Hill"</i>) CON20020988901 (<i>"Cattlemount"</i> and <i>"Cattlemount Spring"</i>) CON20010381501 (<i>Brynderwyn Stream</i>) CON20010758201 (<i>Piroa Stream</i>)	To authorise existing water takes for the public water supply of Maungaturoto. In addition, new consents are also being sought for a proposed stream flow monitoring weir	Boar Hill/Cattlemount: Four submissions received on each set of applications, one in opposition, one in support and two neutral. Two submitters wish to be heard. Brynderwyn/Piroa: Five submissions received, one in opposition wishing to be heard, and four has been in support not wishing to be heard. Agreement reached with the applicant on draft conditions. Submitters are being contacted to discuss the consent process with the aim of avoiding a formal hearing.

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Applicant	Proposal	Progress
Far North District Council CON20080400701	East Coast Bays Wastewater Treatment Plant (Taipā) replacement discharge consents	Fifty-four submissions received, 24 wishing to be heard and 30 not wishing to be heard. Most of those oppose the current operation of WWTP. The applicant has investigated an alternative land disposal option and has confirmed that this option is to be pursued by way of applying for the necessary consents. The applicant has requested an extension of time and this has been agreed to by the commissioners already appointed to hear and decide the application (Lorraine Hill and Hamish Lowe). The applicant is currently seeking approval from Ngati Kahu for the land disposal option, as it owns the proposed disposal site.
Li Liangren Family Trust CON20092425301	Earthworks and stormwater consents for 118 lot subdivision at Tinopai	Six submissions received (one late) with five being in opposition and one neutral. Four submitters wish to be heard. Joint applications for subdivision with the Kaipara District Council (KDC) as lead authority. Hearing delayed pending receipt of further information sought by the KDC. Awaiting hearing date from KDC.
Far North District Council CON20100377501	Discharges associated with the Ahipara Wastewater Treatment Plant	Ten submissions received, all in opposition, with nine submitters wishing to be heard. The applicant has attempted to hold two informal pre-hearing meetings with the submitters to discuss issues, but not all parties have attended. Iwi submitters have subsequently reached an agreement with the applicant on an appropriate condition of consent that will allow further investigation into land disposal options. The applicant has requested a further extension to the processing time for this consent to allow it to provide details on proposed upgrades to wetland and possible consent conditions to satisfy other submitters. It is now likely that a formal hearing will not be required for this application.
B C Taylor CON20101536601	Use of a coastal structure (building) for accommodation and community hall at Whakapirau	Nine submissions received, two in support and seven in opposition. Six submitters wish to be heard. Application on hold under section 91 RMA pending applications to the KDC. The applicant has requested a time extension to enable arrangements between him and the KDC in respect of the land, including whether any change to the current designation is required. No further action on the application to the NRC is now expected until 2013.
Whāngārei District Council CON20112902101	Discharge treated sewage effluent to the Hātea River from the Hātea Sewage Pump Station	Publicly notified with nine submissions received, four in support, four in opposition, and one in support of parts and opposing rest. Eight submitters wish to be heard and one not indicating. All submitters have now withdrawn their wish to be heard at a formal hearing. Consent decision now to be made under delegated authority.

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Applicant	Proposal	Progress
Northland Regional Council CON20112968301	To maintain a navigation channel in the Waitangi River at Haruru Falls	Four submissions received, two in support, one neutral and one in opposition with the submitters wishing to be heard. Further processing of the application has been suspended while the applicant attempts to resolve the opposing submitter's concern.
Millpara Avocados Limited CON201214520 (01 & 02)	Increase in existing groundwater take for avocado irrigation purposes. Paparore, Far North	Twelve submissions received within time, with one submitter wishing to be heard. Nine are in opposition, one in support and two neutral. One further (late) submission in opposition received. With the approval of the applicant, the council has placed the application on hold to determine possible additional information requirements required to assess actual effects of take on other groundwater users that were raised in submissions.
Whāngārei District Council, Parks Division CON20123069201	Proposed boatramp and reclamation at Pataua North estuary	Thirty-eight submissions received (one late), with two in support (one conditional), 34 in opposition and one not stating whether in support, opposing or neutral. A total of 20 submitters, including the late submitter, wish to be heard. Independent commissioners sought by some submitters under section 100A. Further information has been sought from the applicant relating to effects on coastal processes and cultural impacts.
Whaingaroa Fisheries Company Limited CON19960812001	Marine farm (fish and shellfish) at Owhanga Bay, Whangaroa Harbour	A total of 310 submissions received (two late) all in opposition, with 107 submitters wishing to be heard. Some have requested independent commissioners under section 100A to hear the proposal. Further information has been sought from the applicant under section 92.
Westpac Mussels Distributors Limited CON20123015001	Marine Farm (mussels) at Houhora Bay.	A total of four submissions received plus one late submission, with one in support and four in opposition, and four submitters wishing to be heard. Independent commissioners have been requested by two submitters under section 100A.
Whāngārei District Council CON20123080001	Mangrove removal and maintenance in the Upper Hatea River, Whāngārei Harbour	Twenty-six submissions received, 17 in support or partial support, seven in opposition or partial opposition and two not specified. Nine submitters wish to be heard. Hearing expected to be held early in March 2013.

Hearings and Decisions

Applicant	Proposal	Date of Hearing	Decision Issued/Comment
Northland Regional Council CON20112961101	Proposed Kaeo Flood Scheme protection works	19 November 2012	Decision issued 10 December 2012. No appeals received by the end of the appeal period.

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Applicant	Proposal	Date of Hearing	Decision Issued/Comment
Westpac Mussels Distributors Limited CON20112937101	Proposed 125 ha marine farm (mussels, mussel spat catching, and oyster depuration and growing) west of Stephenson Island, near Whangaroa Harbour	17 to 19 December 2012	Decision issued 30 January 2013.

APPEALS/OBJECTIONS

Applicant	Proposal	Progress
Poutō Farms Limited CON20082125801	Flood protection works at Kaihū River	Objection to decision to return application documents as incomplete, but the applicant is still seeking stay of hearing, pending receipt of flood model data to enable completion of application detail.
Far North District Council CON200404369 (01-02)	Existing water take from Waitemarama Stream for supply of Ōmāpere/ Opononi	Agreement in principle reached by all parties that will allow appeal to be settled. One party will not sign the draft memorandum and consent order until an alternative water supply has been provided as per a side agreement. The applicant provided a progress update to the Court on 27 August 2012 in which it advised that, due to technical issues, direct treatment of water is now being considered rather than a supply from the applicant's take point. A technical assessment of this option should be completed by the end of September 2012. Parties are awaiting Court direction on this recent update. Once alternative supply to this party has been provided, a draft memorandum and consent order will be circulated to all parties for signing and sent to the Environment Court for its consideration.
Far North District Council CON20080257701	Replacement consents for Rāwene Wastewater Treatment Plant	Appeal lodged by Te Mauri o Te Wai Incorporated, an entity which was not a submitter to the original application. Environment Court assisted mediation was held on 30 May 2011, with further Court assisted mediation on 29 November 2012. The outcome of this mediation is an exchange timetable for draft conditions that is hoped will resolve the appeal. Third court assisted mediation held on 30 January 2013. Outcome of mediation is that a draft consent order and memorandum are to be sent to the Court by 28 March 2013.

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Applicant	Proposal	Progress
Mangawhai Harbour Restoration Society CON20102684401	Removal of 87 hectares of mangroves from Mangawhai Harbour and channel dredging	Appeal lodged by the applicant. Thirteen section 274 parties. Environment Court assisted mediation was held on 14 September 2011. There was no resolution and the appeal hearing commenced 30 April 2012. An interim decision has been issued by the Court indicating that consent might be forthcoming for three, possibly four, mangrove removal sites subject to satisfactory responses from the parties on conditions, mapping in one area and a jurisdictional question posed by the Court. The provision of these responses is in process. The Court has declined the consent sought for dredging.
Maungatapere Water Company Limited CON20100460701	Take water from Porotī Springs for Maungatapere water scheme	Appeal lodged by Zodiac Holdings Ltd relating to the allowed daily take volume and the efficient use of this resource.
		Appeal lodged by Maungatapere Water Company Limited. New Zealand Spring Water Limited and Whāngārei District Council are section 274 parties to this appeal.
		Appeal lodged by Whatitiri Maori Reserves Trust – only on term of consent.
		Appeal lodged by Lorraine Norris – only on term of consent.
		Court assisted mediation was held on 11 December 2012 at Forum North. The outcome of this mediation was that the parties were to discuss changes to conditions on matters that had been resolved and continue discussions on outstanding issues. Further mediation has tentatively been set for 15 February 2013 if required.
		<u>Whatitiri Maori Reserves Trust/Lorraine Norris Appeals</u> The council has held two informal mediation meetings with the Whatitiri Maori Reserves Trust, Lorraine Norris, Maungatapere Water Company Limited and the Whāngārei District Council. No progress has been made with resolving the appeals. The Environment Court has declined an application by iwi to adjourn the appeals pending the resolution of a claim before the Waitangi Tribunal. The Court has approved a timetable for the exchange of evidence. In accordance with this timetable, the council provided four copies of the evidence circulated between the parties to the Court by 31 January 2013. Now awaiting Court direction on Hearing date.
Whāngārei District Council CON20100296001	Take water from Porotī Springs for municipal water supply	Appeal lodged by Whatitiri Maori Reserves Trust – mainly regarding term of consent.
		Appeal lodged by Lorraine Norris – mainly regarding term of consent.

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Applicant	Proposal	Progress
		<p>The council has held two informal mediation meetings with the Whatitiri Maori Reserves Trust, Lorraine Norris, Maungatapere Water Company Limited (MWC) and the Whāngārei District Council. No progress has been made with resolving these appeals.</p> <p>The Environment Court has declined an application by iwi to adjourn the appeals pending the resolution of a claim before the Waitangi Tribunal.</p> <p>The Court has approved a timetable for the exchange of evidence. In accordance with this timetable, the council provided four copies of the evidence circulated between the parties to the Court by 31 January 2013. Now awaiting Court direction on Hearing date.</p>
Zodiac Holdings Limited CON20120461102	Change to existing water take consent from Porotī Springs to increase maximum daily take volume	<p>Decision appealed by the applicant, with WDC and MWC joining as section 274 parties.</p> <p>Court assisted mediation was held on 11 December 2012 at Forum North. The outcome of this mediation was that the parties were to discuss changes to conditions on matters that had been resolved and continue discussions on outstanding issues. Further mediation has tentatively been set for 15 February 2013 if required.</p>

ISSUE: Confirmation of Minutes – 18 December 2012**ID:** A279129**To:** Council Meeting, 19 February 2013**From:** Chris Taylor, Council Secretary**Date:** 8 February 2013

Summary The purpose of this report is to present the unconfirmed minutes of the council meeting held on 18 December 2012. It concludes with the recommendation that council confirms the minutes as a true and correct record.

**Normal
Operations**



Report:

The minutes are **attached**.

Compliance with decision making processes:

Councils are required to keep minutes of proceedings in accordance with the Local Government Act 2002.

Recommendation:

That the minutes of the council meeting held on 18 December 2012 be confirmed as a true and correct record.

NORTHLAND REGIONAL COUNCIL

Minutes of the ordinary meeting of the council held in the Council Chamber,
36 Water Street, Whāngārei, on Tuesday 18 December 2012,
commencing at 1 pm

Present:

Chairman, Craig Brown
Deputy Chairman, John Bain
Councillors:
Joe Carr
Tony Davies-Colley
Bronwyn Hunt
Graeme Ramsey (from 1.44pm)
Bill Rossiter
Ian Walker

In Attendance:**Full Meeting**

Operations Director/Deputy CEO
GM – Finance and IT
GM – Planning and Policy
Consents/Monitoring SPM
Online and Customer Service SPM
Council Secretary

Part Meeting

GM – Community Relations
Finance Manager
Growth and Infrastructure Manager
Land/Rivers SPM
Communications SPM
Economist
Policy Analyst
Operations Director's PA
Chairman Northland Inc
GM – Economic Development Northland Inc

The Chairman declared the meeting open at 1.02 pm.

Apologies (Item 1.0)**Moved (Bain/Hunt)**

That the apologies from Councillor Ramsey for delayed arrival be received.

Carried

Declarations of Interest (Item 2.0)

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

Presentations (Item 3.0)

There were no presentations. However, it was noted that the Chairman of Northland Inc, Colin Mitten, would be speaking to Items 8.1, 8.2 and 8.3.

Chairman's Report to Council (Item 4.0)

ID: A269117

Report from Chairman Craig Brown.

Moved (Brown/Rossiter)

That the Chairman's Report dated 7 December 2012 be received.

Carried

Chief Executive's Report to Council (Item 5.0)

ID: A269101

Report from Chief Executive Officer Malcolm Nicolson.

Moved (Walker/Bain)

That the Chief Executive Officer's report dated 6 December 2012 be received.

Carried

Confirmation of Minutes – 20 November 2012 (Item 6.1)

ID: A271251

Report from Council Secretary Chris Taylor.

Moved (Rossiter/Hunt)

That the minutes of the council meeting held on 20 November 2012 be confirmed as a true and correct record.

Carried

Confirmation of Audit and Finance Committee Minutes – 27 November 2012 (Item 6.2)

ID: A271813

Report from Council Secretary Chris Taylor.

Moved (Hunt/Rossiter)

That the minutes of the Audit and Finance Committee meeting held on 27 November 2012 be confirmed as a true and correct record.

Carried

Northland Civil Defence Emergency Management Group Minutes – 4 December 2012 (Item 6.3)

ID: A270561

Report from Operations Director; Northland CDEM Coordinating Executive
Group Chair Tony Phipps.

Moved (Carr/Bain)

That the minutes of the Northland Civil Defence Emergency Management
Group meeting held on 4 December 2012 be received.

Carried

Receipt of Hearings Committee Minutes – 5 December 2012 (Item 6.4)

ID: A271431

Report from Committee Secretary Evania Laybourn.

Moved (Hunt/Brown)

That the minutes of the Hearings Committee meeting held on 5 December
2012 be received.

Carried

Confirmation of Environmental Management Committee Minutes – 5 December 2012 (Item 6.5)

ID: A270554

Report from Committee Secretary Peternel McLean.

Moved (Carr/Rossiter)

That the minutes of the Environmental Management Committee meeting held
on 5 December 2012 be received.

Carried

Confirmation of Minutes – 6 December 2012 (Item 6.6)

ID: A272025

Report from Council Secretary Chris Taylor.

Moved (Hunt/Rossiter)

That the minutes of the extraordinary council meeting held on 6 December
2012 be confirmed as a true and correct record.

Carried

Financial Report – 30 November 2012 (Item 7.1)

ID: A271530

Report from Financial Accountant Kim Harvey.

Moved (Rossiter/Bain)

That the report Financial Report – 30 November 2012 by Financial Accountant, Kim Harvey, dated 6 December 2012, be received.

Carried**Northland Inc. Constitution Change/Amendment:
Shareholder Resolution (Item 8.1)**

ID: A271462

Report from General Manager Planning and Policy Kathryn Ross.

Moved (Walker/Davies-Colley)

1. That the report "Northland Inc. Constitution Change / Amendment: Shareholder Resolution" by Kathryn Ross, General Manager Planning and Policy, dated 5 December 2012, be received.
2. That the Northland Regional Council, as the holder of all the shares of **NORTHLAND INC LIMITED** (the **Company**) acknowledges that the Company does not have charitable status under the laws of New Zealand and hereby resolves, by special resolution in accordance with section 32(2) of the Companies Act 1993 and clause 7.2 of the Constitution of the Company to alter the Constitution as follows:
 1. By omitting from clause 1.1 the definition "*Northland Regional Council Community Trust*".
 2. By omitting clauses 4, 5, 6 and 7 and substituting the following:

"4 Effect of Council-Controlled Organisation status

"4.1 *As a Council-Controlled Organisation the Company has the principal objective set out in section 59 of the Local Government Act 2002 and the objectives contained in its Statement of Intent that is required under section 64 of that Act.*

"4.2 *The Company will carry out its activities, whether within or outside Northland or New Zealand, to promote the Northland region in order to benefit the community of that region and enhance the economic and social development of that region.*

"4.3 *The Board must comply, and ensure that the Company complies, with the obligations imposed by Part 5 of the Local Government Act 2002.*

"5 Statement of Intent

In preparing the Statement of Intent the Board must comply with its obligations under the Local Government Act 2002 and any further requirements, not inconsistent with the statutory obligations that are notified to the Board by local authority shareholders.

"6 Distributions

The Board may authorise a distribution by the Company in accordance with the Act.

"7 Alteration or Revocation of Constitution

The Shareholders may alter or revoke this constitution by special resolution".

3. By omitting from clause 37 the words "may be distributed to any charitable organisation within New Zealand nominated by the Northland Regional Council Community Trust" and substituting "must be distributed to the Shareholders in cash or in kind (if in kind then at values determined by the Shareholders, or if they cannot agree then by the liquidator) but not so that any Shareholder has any obligation to accept any asset on which there is any liability".
3. That council delegates to the GM Planning and Policy to carry out all administrative matters to give effect to the special resolution to alter the constitution.

Carried**Matters arising from Item 8.1:**

Confirmation was provided that any liabilities relating to Destination Northland and Enterprise Northland had been dealt with in an appropriate manner and continuity had been guaranteed to staff.

Northland Inc. Draft Statement of Intent 2012-13 (2012-15)

(Item 8.2)

ID: A271978

Report from General Manager Planning and Policy Kathryn Ross.

Moved (Davies-Colley/Bain)

1. That the report "Northland Inc. Draft Statement of Intent 2012-13 (2012-15)" by Kathryn Ross, General Manager Planning and Policy, dated 10 December 2012, be received.
2. That council supports in principle the draft Statement of Intent contained in **Attachment A** of this report.

3. That council delegates to the Chief Executive Officer responsibility for liaising with and commenting on any specific amendments to the draft Statement of Intent that are required to ensure that it fully complies with Schedule 8 of the Local Government Act 2002 and the decisions made by council for the Long Term Plan 2012-2022.
4. That a workshop with Northland Inc. directors and council is held in early 2013 to allow the council as shareholder to understand and influence the direction of Northland Inc. for the 2013-14 and 2014-15 years.

Matters arising from Item 8.2:

The Chairman of Northland Inc., Colin Mitten, was in attendance and provided an overview of the organisation's Draft Statement of Intent 2012-15, explaining that it was crucial that the document aligned with both the needs of Northland and the council's objectives, as detailed in the Long Term Plan. The Statement of Intent had been "socialized" with a range of key stakeholders to ensure they supported it in principle. It was emphasized that it was an over-arching document from which the action points for Northland Inc. would "sit beneath".

Councillors raised a number of points and the original motion was replaced by the amendment as the substituted motion:

Moved (Davies-Colley/Bain)

1. That the report "Northland Inc. Draft Statement of Intent 2012-13 (2012-15)" by Kathryn Ross, General Manager Planning and Policy, dated 10 December 2012, be received.
2. That council delegates to the Chief Executive Officer responsibility for liaising with and commenting on any specific amendments to the draft Statement of Intent that are required to ensure that it fully complies with Schedule 8 of the Local Government Act 2002 and the decisions made by council for the Long Term Plan 2012-2022.
3. That a workshop with Northland Inc. directors and council is held in early 2013 to allow the council as shareholder to understand and influence the direction of Northland Inc. for the 2013-14 and 2014-15 years.

Lost

The original motion was put:

1. That the report "Northland Inc. Draft Statement of Intent 2012-13 (2012-15)" by Kathryn Ross, General Manager Planning and Policy, dated 10 December 2012, be received.
2. That council supports in principle the draft Statement of Intent contained in Attachment A of this report.
3. That council delegates to the Chief Executive Officer responsibility for liaising with and commenting on any specific amendments to the draft

Statement of Intent that are required to ensure that it fully complies with Schedule 8 of the Local Government Act 2002 and the decisions made by council for the Long Term Plan 2012-2022.

4. That a workshop with Northland Inc. directors and council is held in early 2013 to allow the council as shareholder to understand and influence the direction of Northland Inc. for the 2013-14 and 2014-15 years.

Carried

(Councillors Walker and Carr voted against the motion)

Northland Inc. Quarter 2 Report and Quarter 3 Funding Request (Item 8.3)

ID: A273657

Report from General Manager Planning and Policy Kathryn Ross.

Moved (Brown/Rossiter)

1. That the report "Northland Inc. Quarter 2 Report and Quarter 3 Funding Request" by Kathryn Ross, General Manager Planning and Policy, dated 12 December 2012, be received.
2. That council pay \$250,000 to Northland Inc. from the Northland Regional Council Investment and Growth Reserve for Quarter 3 operations in two equal payments, payable in December 2012 and January 2013, upon receipt of invoices from Northland Inc.

Carried

Matters arising from Item 8.3:

Some councillors questioned Northland Inc's use of business from outside of Northland, expressing the view that Northland business should be given preference.

Environmental Management Committee – Confirmation of Appointment (Item 8.4)

ID: A270569

Report from Committee Secretary Peternel McLean.

Moved (Hunt/Carr)

1. That the report Environmental Management Committee – Confirmation of Appointment by Peternel McLean, Committee Secretary, dated 5 December 2012, be received.
2. That the appointment of Mr Alan Clarkson to the Environmental Management Committee to represent the farming community be confirmed.

Carried

(Councillor Ramsey joined the meeting)

Environmental Management Committee – Formal Adoption of Whāngārei Harbour Water Quality Action Plan (Item 8.5)

ID: A270582

Report from Committee Secretary Peternel McLean.

Moved (Rossiter/Bain)

1. That the report Environmental Management Committee – Formal Adoption of Whāngārei Harbour Water Quality Action Plan by Peternel McLean, Committee Secretary, dated 5 December 2012, be received.
2. That the council formally adopts the Whāngārei Harbour Water Quality Action Plan.

Carried

Matters arising from Item 8.5:

It was confirmed that Whāngārei District Council had formally adopted the Whāngārei Harbour Water Quality Action Plan.

Appreciation was extended to Whāngārei District Council for their contribution to address the long-standing issue of water quality in the Whāngārei Harbour and its catchment.

Local Government Reform and Reorganisation – Options for Council (Item 8.6)

ID: A271924

Report from General Manager Planning and Policy Kathryn Ross.

Moved (Brown/Bain)

1. That the report 'Local government reform and reorganisation – options for council' by Kathryn Ross, General Manager Planning and Policy, dated 10 December 2012, be received.
2. That council agrees to use a participative process of information exchange and engagement with Northland communities to identify their preferred model of local governance for Northland based on the high level engagement model described in this report.
3. That council agrees not to affect levels of service as contained in year one of the Long Term Plan 2012-22 to implement this process.
4. That council agrees to the Chief Executive using savings that exist as at the end of the second quarter of 2012/13 to fund the engagement preparation and implementation for the period December 2012 to 28 February 2013 and if this funding is insufficient to cover the

expenditure for that period that the council agrees to use the Forestry Equalisation Reserve to cover the expenditure.

5. That the Chief Executive Officer bring a fully worked up and costed engagement plan to council at its February 2013 meeting for council approval.
6. That council agrees to use the information derived from its engagement with Northland communities to shape its own advocacy position on local government reorganisation in Northland on behalf of Northland residents and ratepayers.

After discussion the original motion was replaced by the amendment as the substituted motion:

Moved (Davies-Colley/Brown)

1. That the report 'Local Government Reform and Reorganisation – Options for Council' by Kathryn Ross, General Manager Planning and Policy, dated 10 December 2012, be received.
2. That council agrees to use a participative process of information exchange and engagement with Northland communities to identify their preferred model of local governance for Northland based on the high level engagement model described in this report.
3. That council agrees not to affect levels of service as contained in year one of the Long Term Plan 2012-22 to implement this process.
4. That the Chief Executive Officer bring a fully worked up and costed engagement plan to council at its February 2013 meeting for council approval.
5. That council agrees to use the information derived from its engagement with Northland communities to shape its own advocacy position on local government reorganisation in Northland on behalf of Northland residents and ratepayers.

Carried

(Councillors Walker and Ramsey voted against the motion)

Northland Regional Council Navigation, Water Transport and Maritime Bylaw Charges 2013 (Item 8.7)

ID: A272345

Report from General Manager Finance and IT Lisa Aubrey, and Regional Harbourmaster Jim Lyle.

Moved (Rossiter/Brown)

1. That the report Northland Regional Council Navigation, Water Transport and Maritime Bylaw Charges 2013, dated 7 December 2012, by Lisa Aubrey, General Manager Finance and IT and Jim Lyle, Regional Harbourmaster, be received.
2. That the Northland Regional Council's Navigation, Water Transport and Maritime Safety Bylaw Charges 2012 made pursuant to section 684B of the Local Government Act 1974 and the Local Government Act 2002 be amended as detailed in this report and shall be known as the Northland Regional Council Navigation, Water Transport and Maritime Safety Bylaw Charges 2013.
3. That the Northland Regional Council Navigation, Water Transport and Maritime Safety Bylaw Charges 2013 be included in the Draft 2013-2014 Annual Plan for public consultation and subsequent adoption, subject to the submission process.

Carried

Draft Annual Plan 2013-2014 Approval to Consult (Item 8.8)

ID: A271709

Report from General Manager Planning and Policy Kathryn Ross, and General Manager Finance and IT Lisa Aubrey.

Moved (Hunt/Davies-Colley)

1. That the report "Draft Annual Plan 2013-2014 Approval to Consult" by Kathryn Ross, General Manager Planning and Policy and Lisa Aubrey, General Manager Finance and IT, dated 6 December 2012, be received.
2. That the Northland Regional Council approves the release of Northland's Draft Annual Plan 2013-2014 for formal public consultation for the period 19 January 2013 to 21 February 2013.
3. That the council delegates to the Chief Executive Officer the authority to make any necessary minor formatting, typographical and administrative changes to Northland's Draft Annual Plan 2013-2014 prior to formal public consultation.

Carried

Variation 2 to Plan Change 1 (Moorings and Marinas) – Hearings Commissioner Recommendations to Council (Item 8.9)

ID: A270155

Report from General Manager Planning and Policy Kathryn Ross, and Policy Analyst Michael Day.

Councillor Walker declared a conflict of interest.

Moved (Hunt/Brown)

1. That the report “Variation 2 to Plan Change 1 (Moorings and Marinas) – Hearings Commissioner Recommendations to Council” by Kathryn Ross, General Manager Planning and Policy and Michael Day, Policy Analyst, dated 4 December 2012, be received.
2. That council accepts the Hearings Commissioner’s recommendations on whether to accept or reject the submissions and further submissions as contained in **Attachment 1** (including the amendments proposed in **Appendix 1 of Attachment 1**) and adopts those recommendations as the council decision on submissions to Variation 2 to Plan Change 1 to the Regional Coastal Plan for Northland.
3. That council publically notifies (pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991) that the council has made this decision on 22 December 2012.
4. That council serves (pursuant to Clause 11 of Schedule 1 of the Resource Management Act 1991) notice of the decision and a statement of the time within which an appeal may be lodged, on every person who made a submission on Variation 2 to Plan Change 1 to the Regional Coastal Plan for Northland.

Carried

Meetings Calendar 2013 (Item 8.10)

ID: A271586

Report from Council Secretary Chris Taylor.

Moved (Rossiter/Brown)

1. That the report Meetings Calendar 2013 by Chris Taylor, Council Secretary, dated 6 December 2012 be received.
2. That the programme of meetings for 2013, as recommended, be adopted.

Carried

Appointment of Back-up Regional On-Scene Commander for Northland (Item 8.11)

ID: A269296

Report from Operations Director Tony Phipps, and Maritime Senior Programme Manager Jim Lyle.

Moved (Carr/Davies-Colley)

1. That the report, Appointment of back-up Regional On-Scene Commander for Northland, from Tony Phipps, Operations Director and Jim Lyle, Maritime Senior Programme Manager, dated 30 November 2012, be received.
2. That pursuant to section 318(1)(b) of the Maritime Transport Act 1994, Mick Courtneil be appointed Regional On-Scene Commander for Northland.
3. That the appointment be conveyed in writing to the Director of Maritime New Zealand, with a copy to be sent to the Marine Pollution Response Service.
4. That a relevant Warrant of Appointment be executed under seal of the council.

Carried

Appointment of Honorary Enforcement Officer for Mangonui Harbour/Doubtless Bay (Item 8.12)

ID: A267993

Report from Maritime Senior Programme Manager Jim Lyle.

Moved (Hunt/Bain)

1. That the report Appointment of Honorary Enforcement Officer for Mangonui Harbour/Doubtless Bay by Jim Lyle, Maritime Senior Programme Manager, dated 27 November 2012, be received.
2. That the council approves the appointment of Mr Steve Smith as Honorary Enforcement Officer, under sections 650B(1) and 650B(2) of the Local Government Act 1974 for a period until 31 October 2013.

Carried

Northland Sailor of the Year 2012 (Item 8.13)**ID: A268011****Report from Maritime Senior Programme Manager Jim Lyle.****Moved (Rossiter/Davies-Colley)**

1. That the report Northland Sailor of the Year 2012 by Jim Lyle, Maritime Senior Programme Manager, dated 27 November 2012, be received.
2. That Councillor Hunt is appointed as the Northland Regional Council's representative on the selection panel to choose the recipient of Northland Sailor of the Year trophy and award for 2012.

Carried**Awanui River Scheme Urgent Repair Works (Item 8.14)****ID: A271382****Report from Land and Rivers Senior Programme Manager Bruce Howse.****Moved (Hunt/Ramsey)**

1. That the report Awanui River Scheme Urgent Repair Works from the Land/Rivers Senior Programme Manager, Bruce Howse, dated 5 December 2012, be received.
2. That funding advanced from the council's Emergency Fund to cover the urgent repair works is repaid from the Targeted Awanui River Flood Scheme Rate.

Carried**New Zealand Oyster Industry Association Oyster Farm
Proposed Alternative to Consent Bonds (Item 8.15)****ID: A263059****Report from Consents/Monitoring Senior Programme Manager Colin Dall.****Moved (Bain/Davies-Colley)**

1. That the report "New Zealand Oyster Industry Association Oyster Farm Proposed Alternative to Consent Bonds" by the Consents/Monitoring Senior Programme Manager, Colin Dall, dated 7 December 2012, be received.
2. That the council not accept the NZOIA's proposed alternative to consent bonds for remediating abandoned oyster farms in its present form.
3. That the NZOIA be granted an extension until 1 March 2013 to provide an alternate proposal, to be discussed at the 20 March 2013 council meeting, and enforcement action to be deferred accordingly.

Carried

Waste Hazardous Chemical Collection and Disposal Service – Options to Completely Ending the Service (Item 8.16)

ID: A242945

Report from Consents/Monitoring Senior Programme Manager Colin Dall.

Moved (Carr/Brown)

1. That the report “Chemical Collection and Disposal Service – Options to Completely Ending the Service” by Colin Dall, Consents/Monitoring Senior Programme Manager, dated 10 December 2012, be received.
2. That the council revokes its decision to completely cease its former chemical collection and disposal service and approves Option 4 with respect to operating a waste chemical collection and disposal service in the Whāngārei and Far North districts, provided that the Whāngārei and Far North District Councils confirm that they would contribute 50% of the costs of the service.
3. That:
 - (i) The service is reviewed annually.
 - (ii) Council staff are available to collect and dispose of waste chemicals on the same cost recovery basis if requested to do so by the Kaipara District Council.

Carried

Business with the Public Excluded (Item 9.0)

ID: A273713

Report from Council Secretary Chris Taylor.

Moved (Rossiter/Hunt)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reason\Grounds
9.1	Chief Executive's Confidential Report to Council	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the council to carry on, without prejudice or disadvantage, negotiations, including commercial and industrial negotiations (section 7(2)(i)).

9.2.1	Confirmation of Confidential Minutes of the council meeting - 20 November 2012	The reasons for excluding the public are as stated in the minutes of the open section of that meeting.
9.2.2	Confirmation of Confidential Audit and Finance Committee Minutes – 27 November 2012	The reasons for excluding the public are as stated in the minutes of the open section of that meeting.
9.3	Approval to Incur Unbudgeted Expenditure	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the council to carry on, without prejudice or disadvantage, negotiations, including commercial and industrial negotiations (section 7(2)(i)).
9.4	Potential Commercial Property Investment	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the council to carry on, without prejudice or disadvantage, negotiations, including commercial and industrial negotiations (section 7(2)(i)).

Carried

CONCLUSION

The meeting concluded at 3.10 pm.

ISSUE: Draft Conservation Management Strategies**ID:** A288771**To:** Council Meeting, 19 February 2013**From:** Justin Murfitt, Policy Programme Manager**Date:** 31 January 2013

Summary The purpose of this report is to advise council on content of Draft Conservation Management Strategies for both Northland and Auckland recently released by the Department of Conservation. It concludes with the recommendation that strategies be assessed and if needed, submissions be lodged under delegated authority to the Chief Executive Officer and Chairman

Report:

Council has received an invitation to comment on Draft Conservation Management Strategies (CMS) for both Northland and Auckland conservancies. CMS are developed by the Department of Conservation under the Conservation Act 1987. They are 10 year strategic documents setting out the management focus and priorities for land/resources under Department of Conservation administration. Submissions on both draft CMS are due by 15 March 2013.

Discussion

The CMS for both Auckland and Northland are necessarily high-level strategic blueprints for managing natural and heritage resources under DOC administration. There is therefore a parallel between CMS and regional policy statements and regional policy statements must have regard to CMS.

The CMS for Auckland and Northland have yet to be fully assessed by staff, but a first reading suggests they align well with council objectives in the Long Term Plan, particularly those relating to encouraging sustainable access and use of the environment and promoting awareness and appreciation of heritage, landforms, freshwater and marine environments.

While the CMS is unlikely to have significant implications for council functions, it is suggested staff assess the CMS on the basis of the following:

- Potential for better alignment/consistency between the Draft CMS and the Proposed RPS, particularly around priority areas identified; and
- Potential for better alignment/consistency between pest management priorities in the Draft CMS and council's Regional Pest Management Strategies.

Recommendation:

It is recommended that the CMS for Northland and Auckland be assessed and if needed a submission lodged on the basis of the above. It is recommended that if a submission is warranted, then it be lodged under authority delegated to the Chief Executive Officer and Chairman given the deadline of 15 March 2013 occurs before the next council meeting.

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Legal compliance and significance assessment:

In relation to section 79 of the Local Government Act 2002, the issue is considered to be of low significance under council policy given the matter relates to comments on a strategic document generated by another agency and no direct council actions or costs result. It is also provided for in the council's Long Term Plan.

Recommendations:

-
1. That the report Draft Conservation Management Strategies by Justin Murfitt, Policy Programme Manager, dated 31 January 2013, be received.
 2. That the Chief Executive Officer and Chairman are delegated authority, on behalf of council, to assess the Draft Conservation Management Strategies for Northland and Auckland and lodge submissions as and if needed.
-

ISSUE: Draft Resource Management Reform Bill**ID:** A295504**To:** Council Meeting, 19 February 2013**From:** Justin Murfitt, Policy Programme Manager**Date:** 4 February 2013

Summary The purpose of this report is to advise council on the content of a draft bill to amend parts of the Resource Management Act 1991. It concludes with the recommendation that council lodge a submission supporting that of Local Government NZ and presenting any evidence of Northland specific concerns. Submissions are due by 28 February 2013 so it is recommended the draft submission be approved under delegated authority to the Chairman and CEO.

Report:

Council has an opportunity to comment on a draft bill to amend parts of the Resource Management Act 1991 (the Resource Management Reform Bill). This is an omnibus bill that amends the Resource Management Act 1991, the Local Government (Auckland Transitional Provisions) Act 2010, and the Local Government Official Information and Meetings Act 1987.

Amendments include:

- The introduction of the regulation making power regarding a duty to gather information, monitor and keep records.
- Changes to section 32 evaluations for plan and policy making.
- Amendments to timeframes and the way timeframes are calculated.
- Special provisions for the hearings process for Auckland's Unitary Plan.

Local Government NZ (LGNZ) has developed a draft submission on the bill that highlights generic issues from a local government perspective (**Attachment 1**). It is recommended that council support the LGNZ position by way of a separate submission that could also provide detail on Northland specific issues. Given submissions on the bill are due by 28 February 2013; it is recommended that the draft be approved by the CEO under delegated authority.

Discussion

The bill proposes amendments to section 32 RMA (cost/benefit analysis), changes to consenting timeframes and referrals to the Environment Court. It also proposes changes to allow regulations to be made specifying what councils should monitor and how. These are outlined briefly as follows:

Section 32 analysis:

The bill seeks greater rigour in the evaluation of plan change proposals under s32 RMA (the cost/benefit evaluation). It would require councils to provide a full evaluation report of the options assessed and the effectiveness and efficiency of these (currently councils are only required to release a summary report). Under the bill, councils would have to specifically consider the costs and benefits of environmental, social and cultural impacts and any reduction/increase in economic growth or

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employment opportunity and that these be quantified where practical. The bill would also require that councils have regard to evaluation reports when preparing plans.

In essence, the content and intent of the existing section 32 requirements remain largely unchanged but greater detail is required to support a plan change, with more emphasis placed on the findings in decision making. The pros and cons of these changes are thoroughly discussed in the LGNZ submission with recommended amendments to improve the bill proposed. LGNZ consider the changes an attempt to regulate good practice when in fact there is no universal method of analysis when plans cover such diverse issues and range of impacts.

Staff recommend the LGNZ position and recommendations be supported, but consider council could add further comment on these issues using recent experience with the section 32 analysis undertaken to support the Proposed Regional Policy Statement.

Referrals to the Environment Court

The changes proposed reduce the discretion/ability for councils to support or oppose referral of resource consent applications to the Environment Court. The key change being a mandatory requirement that councils refer applications to the court where an investment threshold is met and referral is sought by the applicant. The investment threshold would be set in regulations. This in effect limits the discretion council has in referral decisions and could reduce local influence in decision making. The need for this change is unclear and staff support the LGNZ position that no changes are needed.

Consenting processing timeframes

The bill proposes changes to Schedule 4 RMA (those matters to be considered in assessing effects). These changes would increase the information required for all consents to include assessment of relevant objectives and policies, rules or national standards. The majority of consent applications are for activities of a minor scale where such matters are not relevant. The changes proposed are likely to add complexity and costs for the simpler applications which form the majority received by councils. These changes to Schedule 4 are therefore not warranted or supported in the current form.

There are a number of other key changes in the bill that relate to consent processing that are potentially very significant. These are the introduction of a new methodology for timeframes on notified resource consents and new concept of "deadlines". These changes aim to achieve a six month processing timeframe for notified consents. The provisions in the bill are very complex but are assessed very well in the LGNZ submission.

LGNZ submit that the provisions of the bill are too complex and will add uncertainty rather than simplify consent processing for notified applications. LGNZ also advise that in 2010-2011 only six percent or so of applications were notified and 95% of all applications were processed on time. This indicates that concerns with consent processing are less than stated and unlikely to warrant the legislative changes proposed. Staff recommend the position and recommended changes to the bill outlined in the draft LGNZ submission be supported.

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Monitoring

The bill enables regulations to be made directing the indicators a local authority is required to monitor to determine the state of the environment of its region or district. It will also determine the standards, methods or other requirements that are to apply to each indicator and will prescribe the manner and content and time limits for reporting.

These changes are to improve consistency and assist central government state of the environment reporting (a MFE role) and address the fact that councils currently monitor and report to reflect regional/district priorities rather than national ones. However, regulations to standardise reporting to enable national reporting will likely mean changes to existing programmes and added costs for councils, the scale of which cannot be determined until the regulation is developed.

The position of LGNZ (widely supported by other councils) is that additional monitoring and reporting will:

- Not necessarily reflect local community/council priorities; and
- Add to rates for what is essentially a central government function (most council programmes are funded by rates).

Staff recommend the LGNZ position and recommendations on these proposed changes be supported.

Other changes in the bill are specific to Auckland and unlikely to affect council.

Recommendation:

That council lodges a submission on the Draft Resource Management Reform Bill supporting the analysis and recommendations made by LGNZ and include any Northland specific evidence, commentary or recommendations as required. It is recommended that a draft submission be approved under authority delegated to the Chairman and CEO given the submission period closes on 28 February 2013.

Legal compliance and significance assessment:

In relation to section 79 of the Local Government Act 2002, the issue is considered to be of low significance under council policy given it relates to council submission on draft legislation and does not commit council resource or expenditure. It is also provided for in council's Long Term Plan.

Recommendations:

-
1. That the report Draft Resource Management Reform Bill by Justin Murfitt, Policy Programme Manager, dated 4 February 2013, be received.
 2. That staff are authorised to draft a submission to be lodged on the Draft Resource Management Reform Bill and that the Chairman and Chief Executive Officer are delegated authority, on behalf of council, to approve.
-

ISSUE: Community Engagement on Local Government Reform**ID:** A296389**To:** Council Meeting, 19 February 2013**From:** Malcolm Nicolson, Chief Executive Officer**Date:** 7 February 2013

Summary The purpose of this report is to present information to the council about a community engagement programme on local government reorganisation. It outlines the staging of the programme and potential costs, and discusses the context of the programme in light of the Far North District Council's application to become a unitary authority to the Local Government Commission. It concludes with the recommendation that the council approve expenditure for the programme and delegate authority to the Chief Executive to decide which provider will be contracted to provide the programme.

Normal Operations



Report:

At its meeting of 18 December 2012, the council resolved to conduct a participative process of information exchange and engagement with Northland communities to identify their preferred model of local governance. The council's resolution also sought a fully worked up and costed engagement plan.

Staff have sought two external proposals for the programme from professionals in this field who have not been previously involved in Northland's re-organisation discussion. Both proposals suggest a two-phased approach. Both proposals have an upper limit of \$22,000 for Phase 1, and the range of costs for Phase 2 (with some minor differences between the two programmes) was \$38,000 to \$50,000. The primary difference between the two proposals was the recommendation by one provider to conduct a survey at Phase 1, but staff question the value this would offer at such an early stage of engagement. Staff consider that either provider is capable of delivering the council's desired outcome for a thorough, independent engagement programme. The programme will be supported by an independent specialist facilitator and by council staff.

Since the council's December 2012 meeting, the Local Government Commission has notified its intention to assess the level of community support for reorganisation in Northland, prompted by the Far North District Council's (FNDC's) application under the amended Local Government Act 2002 to become a unitary authority. The next steps in the process depend on the Commission's decision-making about the FNDC proposal. If it is satisfied there is community support for re-reorganisation, the Commission will notify the proposal and seek alternative proposals from other parties. If it is not satisfied with the level of community support, it may:

- decline the application;
- require FNDC to provide further evidence of community support; or
- undertake any other investigations it considers appropriate to determine community support for the application.

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In the event the Commission declines the FNDC proposal, another application could be made by an interested party.

The council is therefore in a position where it wishes to conduct an engagement programme to inform its own position, but will also want to participate in the Local Government Commission process as it proceeds. At the time of preparing this report, it is not yet known what timeframes the Commission has in mind for its process in respect of the FNDC proposal, although earlier indications were that it would determine in March whether there is demonstrable community support. Therefore the recommended engagement programme is specific for the initial phase of the engagement programme, but subsequent phases have yet to be fully finalised. This flexibility is considered prudent in order that the engagement plan can be adapted to respond to the decisions and timeframes that may occur in the future.

The council will recall its collective view was to carry out an independent and genuine engagement programme before articulating a position on the issue. Therefore the initial, critical phase in the engagement plan is to develop education materials to help community participants understand the purpose, activities, frameworks, etc., of local government. This information will prepare our stakeholders to contribute to a more detailed discussion during "Citizens Panels" about what the key issues are, to evaluate options, and to consider options for Māori representation. The final step of the first phase will be to establish a reference group made up of Citizens Panel participants, which will continue to work with council staff and the independent facilitator to ensure consistent community input is fed into the council's thinking.

Councillors should note that while regular reporting back will occur, it is important to the integrity of the programme that political involvement in engagement events is minimised, to allow participants to speak freely and without any suggestions of political involvement or direction. This is in keeping with the council's expressed desire to ensure genuine engagement occurs, i.e. that community faith in the process is upheld. This approach was also strongly endorsed by the professionals the staff have liaised with in developing the engagement programme proposals.

It is desirable that at least Phase 1 of the programme is completed as soon as possible in preparation for the Commission meeting in March and any outcome of that meeting. At that point, or soon thereafter, the council may be invited to present an alternative application and the outcomes of the engagement programme are likely to usefully inform this work.

Phase 2 includes further engagement tools that will allow for broader and more varied engagement across Northland communities to confirm and increase our understanding of community views and preferences, as articulated in Phase 1. The results of Phase 2 are also anticipated to be of further assistance for any of the Local Government Commission processes that may occur as a result of the FNDC application. For example, should the Commission determine a preferred option the council will be invited to submit on that option and the results of Phase 2 would be able to support such a submission.

Given the current uncertainty around likely decisions and timeframes, it is suggested this phase be fully scoped once the outcomes of Phase 1 are known, and the Commission's preliminary decisions on the FNDC's reorganisation proposal have been made. It is envisaged however that Phase 2 would encompass:

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- a detailed plan for the broader community engagement; and
- broader engagement with communities, including seeking feedback online, open days, stakeholder forums, etc.

At this stage Phase 2 has been quoted at approximately \$38,000 to \$50,000 but this will be revised and confirmed again once the extent of necessary engagement is known.

Collaboration with Whāngārei District Council

Council staff have held a series of meetings with the Whāngārei District Council (WDC) CEO and a number of his staff to discuss the possibility of a collaborative approach to public engagement to ascertain our communities' views on local government reorganisation. Staff have shared the two offers of service with WDC staff for review and feedback. Subsequently WDC staff have indicated that they are interested in the possibility of working collaboratively on this programme, however at the date of writing of this report they have been unable to confirm their support. Staff understand that they are working with their elected members to come to a determination on this issue in the near future.

Legal compliance and significance assessment:

The Local Government Act 2002, Schedule 3, is the relevant legislation to this matter. This report complies in all respects with the legislation. In relation to section 79 of the Local Government Act 2002, this issue is considered to be of low significance under council policy because the recommended expenditure will not affect levels of service as contained in year one of the Long Term Plan 2012-22.

Recommendations:

-
1. That the report "Community Engagement on Local Government Reform" by Chief Executive Officer, Malcolm Nicolson, dated 7 February 2013, be received.
 2. That the council approves the engagement plan and expenditure described herein for the purposes of community engagement on local government reform, subject to regular progress reports being made on the programme and a further detailed costing for Phase 2 being brought back for council approval once the outcomes of Phase 1 are known and the Commission's preliminary decisions on the Far North District Council's reorganisation proposal have been made.
 3. That the decision as to which of the two providers will be contracted to council for these services will be made by the CEO.
-

ISSUE: 2013 Elections – Preliminary Issues**ID:** A295945**To:** Council Meeting, 19 February 2013**From:** Shireen Munday, Corporate Planner**Date:** 7 February 2013

Summary The purpose of this report is to table the Electoral Officer's report to council on the preliminary matters relating to the October 2013 council elections. It concludes with the recommendation that the report be received and that the council resolves to adopt a preferred option for the order of candidate names to appear on the voting documents as well as to hold council candidate seminars for potential candidates.

Normal Operations



Report:

The 2013 triennial elections will be held on Saturday 12 October 2013. Dale Ofoske of Independent Election Services Ltd has been appointed Electoral Officer for the Northland Regional Council.

Attached is a report from the Electoral Officer that provides an update on preliminary matters including an election timetable and a draft fact sheet. The report also provides the background on two decisions of council that are required to progress necessary actions in relation to the elections, which are the order of candidate names appearing on the voting documents and whether to hold candidate seminars for potential candidates.

Candidate names

Legislation permits the council to choose between three options for the order of candidate names to appear on the voting document. The options are:

1. alphabetical order
2. pseudo-random order
3. random order.

The attached report outlines the issues in relation to each of the three options. For the 2007 and 2010 elections the council resolved to adopt the alphabetical names option.

Candidate seminars

The council may choose to hold seminars for potential candidates to inform them of the electoral process as well as relevant administrative/political information. These seminars are held prior to nominations opening. Council could choose one of three options regarding seminars:

1. No candidate seminars are held, information is supplied to enquirers through council's normal channels, including a candidate information booklet.
2. Seminars for potential regional council candidates are held.

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3. Seminars for potential regional and district council candidates are held in conjunction with any constituent territorial authority seminars.

For the 2010 election council chose not to hold any candidate seminars. The estimated cost of holding a seminar is \$1000 + GST.

Legal compliance and significance assessment:

Triennial elections are required to be undertaken according to the Local Electoral Act 2001, the Local Electoral Regulations 2001, the New Zealand Public Health and Disability Act 2000 and also the Local Government Act 2002.

Recommendations:

-
1. That the report 2013 Elections – Preliminary Issues by Shireen Munday, Corporate Planner, dated 7 February 2013, be received.
 2. That for the 2013 triennial elections the names of candidates will be listed in alphabetical order as permitted under regulation 31 of the Local Electoral Regulations 2001.
 3. That three regional council candidate seminars will be held in Whāngārei, Dargaville and Kerikeri, separate to any territorial authority candidate seminars.
-

ISSUE: Warrants of Appointment: Resource Management Act 1991, Local Government Act 2002, Local Government Act 1974, Biosecurity Act 1993

ID: A295154

To: Council Meeting, 19 February 2013

From: Tony Phipps, Operations Director

Date: 4 February 2013

Summary The purpose of this report is to recommend the delegation of authority and to authorise the issue of warrants of appointment pursuant to section 38 of the Resource Management Act, section 177 of the Local Government Act 2002, section 650B of the Local Government Act 1974 and section 103 of the Biosecurity Act 1993.

Normal Operations



Report:

This report recommends that council delegates powers and functions and issues appropriate warrants. All recommendations are in accordance with council policy and the delegations manual.

Newly appointed officers within the operational area of the council who require delegated authority to enable them to perform the duties and responsibilities of their positions are:

- | | |
|---------------------------|---------------------------------------|
| 1. Jason Donaghy | Hydrology Monitoring Officer |
| 2. Irene Middleton | Biosecurity Officer - Aquatics |
| 3. Ross Watters | Maritime Officer |

Powers to be delegated and warrants to be issued under sections of the **Resource Management Act 1991** to **Jason Donaghy**, **Irene Middleton** and **Ross Watters** are as follows:

- 22 Power to seek information, including the names and addresses of persons believed to have breached the Act.
- 332 Power of entry onto private property (except dwelling house) for inspection and to take samples for example of water, air, soil or organic matter, contaminants, etc.
- 333 Power to enter property to carry out surveys in certain circumstances including investigations, tests or measurements.

Powers to be delegated and warrant issued under the following sections of the **Biosecurity Act 1993** to **Irene Middleton** as follows:

- 106 Power to require assistance.
- 109 Power of inspection.
- 113 Power to record information.
- 114 General powers.
- 121 Power to examine organisms.
- 122 Power to give directions.

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Powers to be delegated and warrant issued under the following sections of the **Local Government Act 2002** to **Ross Watters** as follows:

- 171** Power to enter any land or building other than a dwelling house.
- 172** Power to enter any land for the purpose of detecting a breach in the bylaw.
- 173** Power to enter occupied land or buildings without giving prior notice in the event of sudden emergency or if there is danger to any works or adjoining property.

Powers to be delegated and warrant issued under the following sections of the **Local Government Act 1974** to **Ross Watters** as follows:

- 650C** Power to enter ships and maritime facilities and to give directions as to entry and departure, mooring and securing ships.
- 650E** Power to request names and addresses to be provided and take action in the interests of navigation safety.

Additional powers – Resource Management Act 1991

Ricky Eyre has been employed since 2007 by Northland Regional Council as Coastal Monitoring Officer and has been Acting Monitoring Coastal Programme Manager since October 2011. Because of this position of responsibility it is recommended that he is provided with additional delegated authority under the Resource Management Act 1991 as follows:

- 343C** Power to issue infringement notices.

Legal compliance and significance assessment:

The activities detailed in this report are provided for in the council's 2012-2022 Long Term Plan and as such are in accordance with the council's decision making process and sections 76 to 82 of the Local Government Act 2002.

In relation to section 79 of the Act and the council's significance policy, the delegation of authority and the authorising of warranted functions and powers are not considered to require any additional process prior to the council making a decision.

Recommendations:

1. That the report Warrants of Appointment: Resource Management Act 1991, Local Government Act 2002, Local Government Act 1974, Biosecurity Act 1993, from Tony Phipps, Operations Director, dated 4 February 2013, be received.
2. That pursuant to section 38 of the Resource Management Act 1991, **Jason Donaghy, Irene Middleton and Ross Watters** are authorised to exercise and carry out the functions and powers as set out in sections 22, 332, and 333 of that Act, and warrants of authority issued.
3. That pursuant to section 177 of the Local Government Act 2002, **Ross Watters** is authorised to exercise and carry out the functions and powers as set out in sections 171, 172 and 173 of that Act, and a warrant of authority issued.

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4. That pursuant to section 650B of the Local Government Act 1974, **Ross Watters** is authorised to exercise and carry out the functions and powers as set out in sections 650C and 650E of that Act, and a warrant of authority issued.
 5. That pursuant to section 103 of the Biosecurity Act 1993, **Irene Middleton** is authorised to exercise and carry out the functions and powers as set out in sections 106, 109, 113, 114, 121 and 122 of that Act, and a warrant of authority issued.
 6. That pursuant to section 38 of the Resource Management Act 1991, **Ricky Eyre** is authorised to exercise and carry out the functions and powers as set out in section 343C of that Act, and a warrant of authority issued.
-

ISSUE: Delegation to Government on Potential Impacts of the New Zealand Coastal Policy Statement**ID:** A285530**To:** Council Meeting, 19 February 2013**From:** Malcolm Nicolson, CEO**Date:** 1 February 2013

Summary The purpose of this report is to advise of a request for council to lead a delegation to central government expressing concern at the impact of the New Zealand Coastal Policy Statement on Northland. It discusses the merits of sending such a delegation and concludes with the recommendation that council do not lead a delegation.

Normal Operations



Report:

Council has received a request in writing from the property rights advocate, Landowners' Coalition, to lead a delegation to central government to express concern at the implications of the New Zealand Coastal Policy Statement (NZCPS) for Northland. It is recommended that council does not lead such a delegation for the reasons set out below.

Background

As council will be aware, the mapping project undertaken as part of the new Regional Policy Statement attracted significant attention during consultation prior to notification (the draft maps). The mapping is largely in response to the requirements of the NZCPS, which directs that certain natural resources in the coastal environment are identified and protected. The NZCPS applies to all councils and outlines the government's aspirations and priorities for coastal management. The NZCPS has been in force since 3 December 2010 and applies to all decision making under the Resource Management Act 1991 (including plan changes, designations and resource consents in the coastal environment).

In developing the maps, staff efforts were focussed on consultation with individual landowners affected and did not hold public meetings on the matter. However, in response to the draft maps, a series of public meetings were organised and hosted by a group known as the Landowners' Coalition. The Landowners' Coalition is a group established to promote and advocate for private property rights and are opposed in principle to the mapping project.

The Landowners' Coalition held four meetings in Whāngārei, Kerikeri, Kaitiāia and Maungaturoto. Three out of four of these meetings were attended by council representatives in the form of the Chairman, CEO and staff. These meetings were well attended and very ably chaired by Mr Frank Newman on behalf of the Landowners' Coalition.

At three of these meetings, there was general agreement and support by attendees for the council's Chairman to lead a delegation to: *"...meet with the minsters of Local Government, Conservation, and the Environment to represent and express the*

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public's concern about the serious adverse economic and social impact the New Zealand Coastal Policy Statement 2010 will have on our communities, if adopted in its current form."

In response, the Chairman indicated he was willing to contemplate this if substantive evidence was provided by the Landowners' Coalition that an approach to central government was warranted. To date council has received a letter on 9 November 2012 from Mr Bob Syron and a further letter from Mr Frank Newman dated 22 November 2012 (**Attachments 1 and 2**).

Discussion

The Landowners' Coalition alleges the application of the NZCPS will have serious adverse socio-economic effects in Northland and should be reconsidered. A recent Environment Court decision declining a plan change at Ngunguru (Longview Estate) on the grounds of adverse effects on natural character is cited as evidence of these potential impacts.

However, for the reasons set out in my response to Mr Newman dated 15 January 2013 (**Attachment 3**) I consider that a council led approach to central government as sought by the Landowners' Coalition is not appropriate at this time given:

- The NZCPS has been through a thorough process of review, consultation and scrutiny by a Board of Inquiry and is not likely to be revisited lightly without robust evidence that it will not achieve government objectives and/or will frustrate the aims of the Resource Management Act 1991;
- The NZCPS has yet to be fully implemented. Until implemented, it is premature to suggest it is a flawed document, nor is there sufficient material evidence to support the allegation of "serious adverse economic and social impact" – a single Environment Court decision is not grounds to challenge the merits or judge the impact of the NZCPS.
- Central government is unlikely to respond without support from other councils to concerns expressed by a single council (or region).
- The Proposed Regional Policy Statement (and associated policy and maps) presents an opportunity to give effect to the NZCPS in a manner fit for purpose in Northland. By way of example, if the Proposed Maps were to have been operative, the Longview Estate site would not have been subject to the NZCPS as it is outside the coastal environment on Proposed Map 34.
- Council is currently in the midst of the Schedule 1 RMA process of hearing submissions and evidence on the Proposed Regional Policy Statement (and associated implementation of the NZCPS). It would be inappropriate to undertake such a delegation at this time.
- The Landowners' Coalition has focussed on specific "protective" policies in the NZCPS rather than assessing the strategic aim of the document as a whole. Many of the NZCPS policies can be interpreted as promoting development in appropriate circumstances.

Recommendation:

For the reasons outlined above it is considered that there are no material grounds to suggest a review of the NZCPS is required and to do so at this early stage in implementation through the Proposed Regional Policy Statement would be premature and inappropriate. Staff will, however, monitor effects of implementation of the NZCPS in Northland and report to council as information comes to hand.

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Legal compliance and significance assessment:

In relation to section 79 of the Local Government Act 2002, the issue is considered to be of low significance under council policy given the matter does not require council actions or expenditure and is also provided for in council's Long Term Plan.

Recommendations:

1. That the report Delegation to Government on Potential Impacts of the New Zealand Coastal Policy Statement by Malcolm Nicolson, CEO, dated 1 February 2013, be received.
 2. That council declines the request by the Landowners' Coalition to lead a delegation to government as sought.
 3. That staff monitor the implementation of the NZCPS and report to council as relevant information comes to hand.
-

Mr Malcolm Nicholson
Chief Executive Officer
Northland Regional Council



Property Owners Coalition
278 Kauri Mountain Rd
Parua Bay
R D 1
ONERAHI

Dear Malcolm,

Council Control

I would like to respond to your letter written to Frank Newman on the 2.10.12 requesting information on how individuals have been affected by the proposed zoning change.

While I have a number of examples I could refer to, even before the plan is adopted(I could fill many pages on that subject.) Although I am more than willing to do that I feel becoming involved in individual cases will diminish our opposition to council adopting the plan in its entirety.

Following on from governments Coastal Policy Statement, that if adopted by the Northland Regional Council it will mean:

1. The undermining of freehold property title.
2. The loss of individual freedoms of what you can do on your own land.
3. You will be controlled by the growing army of young, green, indoctrinated enforcers – all at property owners expense.
4. The loss of many hundreds of thousands of hectares of potentially productive coastal land around our indebted New Zealand.
5. It will lead to the demise of service contractors, transport companies and many more of the productive taxpayers.
6. It will be permanent and expanded in ongoing reviews.

There are many more, such as those productive working people considering a better life in Australia and elsewhere.

It will control farm buildings, location and size and in future reviews will wind up in total control of farming activities.

Out of many examples I will briefly outline two.

Around 2006, our neighbour Zae Smith received an offer for his almost 1000 acre coastal farm. The offer was for 40 million dollars – or so said the banner headline in the Northern Advocate newspaper. Of course in the world of real estate and subdivision things are not all that they might seem. I understand that the offer was based on the Whangarei District Council granting permission for an unrealistic number of sections. Not being able to achieve that, the developer would then submit a lesser offer. Regardless of that, the property would have had a net value in excess of 12 million.

Now under the new mapping regime and with the examples of other coastal subdivisions being declined, the value of Mr Smith's farm has reduced to a small fraction of its 2006 value.

The question must be, should an individual be subjected to such a huge loss in expectation resulting from a plan change proposal?

Our own case has relevance. I am a long term forester, being involved in our own smaller and other larger forestry developments in Northland.

We purchased our land in 1981-82 for the sole purpose of planting radiata pine. After planting around one third of our land, the price of timber fell through the floor, so I rested.

When I prepared to continue planting in 2004 I was prohibited from doing so. I had never heard of the Whangarei Districts "Outstanding Landscape" proposal which had not been adopted at that time "but because it was a proposal, the new rules would apply."

We fought the Whangarei District Council vigorously in 2006 and again in 2011 on both occasions they eventually withdrew, when common sense eventually prevailed.

During the 2011 hearings I offered to exchange the areas of land they covet for land elsewhere to plant my forest. They declined, saying there is no provision for compensation.

Forest is a national export commodity. Exports are where our standard of living comes from. It is used in both export and domestic housing. Along with farming, it should be recognised as an essential commodity.

Our present enterprise and the previous forests I have been involved with, have carried every species of native bird life, especially in the undergrowth, including Kiwi (until the Department of Conservation destroyed them with a 1080 poison drop).

We have maintained vigilance in trapping stoats, cats and rats in a far better way than council or D.O.C. could – would provide, and at no cost to the ratepayer or taxpayer.

Like 95% of foresters and farmers, we are all conservationists. Our university is in the field of nature. I sure don't need young council "enforcer" to tell me what I am permitted to do. Where I can put my implement shed – how big it will be, or where I can fence etc..etc...

I feel proud of my history and contribution to the wellbeing of New Zealand – a once productive nation. I make no apologies that I will not succumb to resource consents and fascist type controls, and would prefer to withdraw my abilities from our increasingly indebted nation.

I had uncles who fought for freedoms, one carrying the burdens of wounds received for his lifetime. They give me strength to fight for the sanctity of property title and individual choice and freedoms.

I take note that our property has been removed from the mapping process. Is this because I am able to articulate the widespread concerns of others in this cancerous intention of council enforced control?

Whatever the reason, I am quite unmoved by the gesture for I am only one of thousands of property owners, especially the farmers and foresters who will have the sanctity of property titles and freedom of choice withdrawn. Moreover in future reviews, it will only be a matter of moving the line back to entrap myself and so many others.

In some way, Malcolm, I regret writing to you in this manner as I realise you are a messenger, but I feel I must underline my seriously held views that if we as a nation are concerned about our financial wellbeing and increasing debt, then farming and forestry should be given every encouragement. They certainly should be exempt from this unnecessary control and dictatorship.

Of course this would also include undeveloped potentially productive land around the Northland coastline.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Bob Syron', with a stylized flourish at the end.

BOB SYRON.

22 November 2012

Northland Regional Council

Fax 09 4380012



Dear Malcolm

REGIONAL MAPPING PROJECT

Many thanks for your letter of 2 October 2012 and subsequent phone call. As mentioned on the phone, the effects of the updated the National Coastal Policy Statement have largely yet to be felt. However, I believe those effects can be extrapolated from the Longview Estuary Estate case which involved the rezoning of Coastal Countryside to Living 1 and 3 in Ngunguru. The decision came out in August.

The key points of that decision are:

1. The property falls within the Coastal Countryside Environment and therefore the National Coastal Policy Statement was applicable and accepted as a statutory document against which the application would be considered.
2. The decision defined the level of protection to be applied:
 - a. "Adverse effects are to be AVOIDED in areas of outstanding natural character", and
 - b. "In all other areas significant adverse effects on natural character are to be avoided and adverse effects avoided, remedied or mitigated"

Therefore we know with certainty that activity will be **prohibited** in areas of outstanding natural character, and in all other areas coastal farming will become a **controlled activity** as will human habitation on the coast.

The decision took no account whatsoever of the social and economic benefits that would have accrued had the project gained consent. We know the developers had conditional sales (subject to title) for all of the 24 lots to be created. In other words, there was a demand for the sections – people wanted to live there.

We also know that 24 houses would have been built that are now not going to be built. That represents a direct loss of income to the area of \$12 million. We also know 24 families will not become part of the local community, with an annual loss of income that those people would have brought with them.

The reality is the Longview site is a scruffy piece of land. It is the most marginal of all landscapes in that area. It is alarming that a piece of land so lacking in merit could be protected by the National Coastal Policy Statement. If such a piece is protected (to the degree of having to be preserved), then so too will EVERY piece of land with a coastal aspect. Ironically in the Longview case, the applicants had proposed putting in a wetland area (which I am sure the Brown Teal in the area would have appreciated) and putting 40% of the land into reserve. The community instead has 6 hectares of pampas grass.

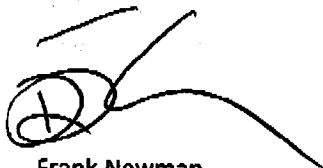
That application of the National Coastal Policy Statement has very serious implications for our coastal communities. Had legislation provided for a balanced assessment of community well-beings (social, economic and environmental) the Environment Court would probably have come to the conclusion that any loss of environmental amenity (and it is debatable that there would have been a loss) would be more than offset by the other community benefits.

The problem we have is that the Minister of Conservation (like her department staff) appears to be viewing matters within the context of her Conservation portfolio. She also appears to be of the view that the National Coastal Policy Statement reflects the views of the community. As you would know from our meetings the National Coastal Policy Statement reflects the views of a section of the community but does not represent the views of the wider community.

You will also be aware that our region is more affected by the restrictions imposed by the National Coastal Policy Statement than most. That too appears to have escaped the Ministers attention.

For these reasons we, on behalf of the many hundreds of people who attended our public meetings, have asked the Regional Council to lead a delegation to Wellington to make express these concerns.

Regards



Frank Newman

On behalf of the Landowners Coalition

PO Box 984

Whangarei



Te Kaunihera a rohe o Te Tai Tokerau

Please Quote File: A277767

MAN:DEP

15 January 2013

Frank Newman
C/o Landowners Coalition
PO Box 984
Whangarei

Private Bag 9021
36 Water Street
WHĀNGĀREI 0148
New Zealand

Phone: 09 470 1200
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Environmental Hotline:
0800 504 639
Fax: 09 470 1202
Email: mailroom@nrc.govt.nz

www.nrc.govt.nz

Dear Frank

REGIONAL MAPPING PROJECT

Your letter dated 22nd November refers.

Your concern about the negative economic impacts as a result of application of the New Zealand Coastal Policy Statement (NZCPS) across a relatively undefined area of the region is exactly the issue the Proposed Regional Policy Statement seeks to address. The Proposed Regional Policy Statement maps are an opportunity to interpret the NZCPS for Northland and provide certainty for Northland landowners as to where the NZCPS applies (and if it does which policies apply). In as much as the Proposed Regional Policy Statement cannot contain rules, I acknowledge that the full effects of the implementation of the NZCPS have not yet been felt nor can we with certainty determine what they are likely to be at this time, however, it can define the extent/scope of the NZCPS through maps.

The NZSPS currently applies to all relevant resource consents and plan changes (amongst other things) and as you point out, was applied to the Longview Estuary Estate decision. I note Map 34 of the Proposed Regional Policy Statement shows the Longview site outside the coastal environment (in contrast to the Whangarei District Plan Coastal Countryside Zoning and Notable Landscape overlay). Therefore under the Regional Policy Statement the site would not be subject to the NZCPS policies and may well have resulted in a more favourable outcome for the applicant.

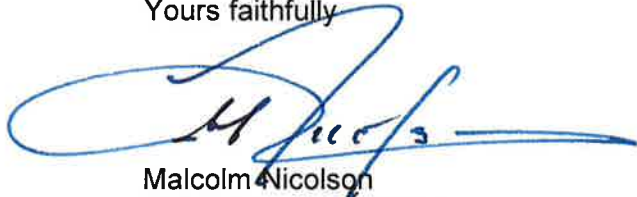
An analysis of the draft maps will show that the areas classified as having outstanding natural character, all being areas within the coastal environment, have been restricted to a small part of the region that is truly deserving of a high degree of protection. A fair percentage of this would already be identified as having notable or outstanding landscape values in district plans as there is a high degree of correlation between these two map layers.

I would also point out that activity in outstanding areas will not necessarily be subject to prohibited activity status – neither the NZCPS, the RMA nor the Longview decision state this as a requirement or natural consequence (nor does the Proposed Regional Policy Statement). The test is whether there is an adverse effect, the threshold for which and degree of control applied is to be established (if not already) in district and regional plans after consultation with communities. I can also assure you that restrictive controls on benign activities and generic prohibited activity rules is not an approach promoted in the Proposed Regional Policy Statement and would be contrary to Council's intent to better balance community well-beings in decision making.

We continue to monitor and seek to qualify the impact on Northland of the NZCPA implementation, but at this stage, we have insufficient evidence to suggest NZCPS implementation (as envisaged in the Proposed Regional Policy Statement) will have the scale of negative economic impact you envisage, nor do we see merit in progressing a formal delegation to Wellington without sound evidence of such. However, we remain open to the idea should this situation change.

Thank you for your input thus far, I have found it insightful and of considerable assistance to my own understanding of the issues. I look forward to your continued participation in the RPS submission process.

Yours faithfully



Malcolm Nicolson
Chief Executive Officer

ISSUE: Productivity Commission Inquiry into Local Government Regulatory Performance - Update and Potential Submission**ID:** A296780**To:** Council Meeting, 19 February 2013**From:** Kathryn Ross, General Manager - Planning and Policy**Date:** 10 February 2013

Summary The purpose of this report is to update the council on the Productivity Commission's inquiry into local government regulatory performance. It concludes with the recommendation that the council support the sector position and delegate authority to the Chairman and Chief Executive Officer to submit on specific points of interest to Northland residents and ratepayers and the council.

Normal Operations



Report:

Council will be aware from the Chief Executive Officer's reports that staff have been involved in the Productivity Commission's inquiry into local government regulatory performance. The key inquiry questions are:

- How could the allocation of regulatory functions between central and local government be improved?
- How can central and local government improve regulatory performance in the local government sector?
- How can the regulatory performance of the local government sector be measured in a manner that leads to continuous improvement in the way it regulates?

Staff responded to the Commission's survey of Chief Executives and participated in the LGNZ reference group, which developed and submitted feedback on the Commission's Issues Paper.

In December 2012 the Commission released its draft inquiry report, stating:

"The draft is designed to elicit further submissions to guide the Commission's thinking as it prepares final recommendations. Findings are still tentative at this stage, and the draft raises questions and is testing ideas." (page 1)

The report demonstrates significant progress in the Commission's understanding of local government regulation, particularly in the difference between regional and territorial local authority functions, in the role of local government vis a vis central government and the "constitutional place of local government", and between devolved regulation and delegated powers. The four paged overview of its findings "Cut to the chase" is **attached**.

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The Commission poses 39 questions and has called for submissions on them by 6 March 2013. The Chief Executive Officer, Deputy CEO and Operations Director, General Manager - Planning and Policy and Economist have identified some questions that have particular relevance to Northland, and which we propose should be answered directly, i.e. highlighting the council's role in economic development and the good practice work being done in monitoring. LGNZ is currently preparing a sector response to them. Many of the questions have well established sector positions that will be reflected in the LGNZ response and therefore staff recommend that the further contribution of LGNZ be supported, subject to any Northland specific departures or qualifiers that need to be made. (In the past during this inquiry staff have championed priority issues for Northland, such as the importance of the Harbourmaster and the council's good practices in navigation and safety, despite the lack of unanimity in the sector on these issues.)

The questions and areas of specific Northland interest are identified below.

Productivity Commission Questions

Question Number	Question	Particularly relevant to Northland
Diversity across local authorities		
Q3.1	To what extent should local government play an active role in pursuing regional economic development?	√
Allocating regulatory responsibilities		
Q4.1	Have the right elements for making decisions about the allocation of regulatory roles been included in the guidelines? <ul style="list-style-type: none"> • <i>Where is the source of the regulatory problem?</i> • <i>Where do the benefits and costs fall?</i> • <i>What are the options for taking costs and benefits into account?</i> • <i>Who has the information and the capability?</i> • <i>Who is able to manage the risk effectively?</i> • <i>Are there efficiencies from reducing duplication?</i> • <i>Does the jurisdiction have effective governance and accountability in place?</i> • <i>Where regulatory roles are split, what is the relationship between levels of government?</i> Are important considerations missing?	
Q4.2	Are the guidelines practical enough to be used in designing or evaluating regulatory regimes?	
Q4.3	Are the case studies helpful as an indicative guide to the analysis that could be undertaken?	
Q4.4	Should such analysis be a requirement in Regulatory Impact Statements or be a required component of advice to Ministers when regulation is being contemplated?	
Q4.5	Should the guidelines be used in evaluations of regulatory regimes?	
The funding of regulation		
Q5.1	Do any regulatory functions lend themselves to specific grants? If so, what is it about those functions that make them suitable for specific grants?	
Q5.2	If general grants were to be considered, on what basis could 'needs assessments' be undertaken? What indicators could be used to assess need?	

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Q5.3	What would appropriate accountability mechanisms for funding local regulation through central taxation look like? How acceptable would these be to local authorities?	
Regulation making by central government		
Q7.1	What measures, or combination of measures, would be most effective in strengthening the quality of analysis underpinning changes to the regulatory functions of local government?	
Q7.2	What measures, or combination of measures, would be most effective in lifting the capability of central government agencies to analyse regulations impacting on local government?	
Local government cooperation		
Q8.1	What are the benefits and costs of cooperation? Are there any studies that quantify these benefits and costs?	√
Local authorities as regulators		
Q9.1	Are there potential pooled funding or insurance style schemes that might create a better separation between councillors and decisions to proceed with major prosecutions?	
Q9.2	Are bylaws that regulate access to council services being used to avoid incurring costs, such as the cost of new infrastructure? Is regulation therefore being used when the relationship between supplier and customer is more appropriately a contractual one?	
Q9.3	What factors (other than the type of regulation most commonly experienced by different industry groupings and the size of businesses in these sectors) explain differences in satisfaction reported by industry sectors with local authority administration of regulations?	
Local monitoring and enforcement		
Q10.1	Are risk-based approaches to compliance monitoring widely used by LAs? If so, in which regulatory regimes is this approach most commonly applied? What barriers to the use of risk-based monitoring exist within LAs or the regulations they administer?	√
Q10.2	The Commission wishes to gather more evidence of the level of monitoring that LAs are undertaking. Which areas of regulation do stakeholders believe suffer from inadequate monitoring of compliance? What are the underlying causes of insufficient monitoring? What evidence is there to support these as the underlying causes?	√
Q10.3	Which specific regulatory regimes could be more efficiently enforced if infringement notices were made more widely available? What evidence and data are there to substantiate the benefits and costs of doing this?	√
Q10.4	Is there sufficient enforcement activity occurring for breaches of the RMA, other than noise complaints? If not, what factors are limiting the level of enforcement that is occurring?	√
Q10.5	Should the size of fines imposed by infringement notices be reviewed with a view to making moderate penalties more readily available? What evidence is there to suggest that this would deliver better regulatory outcomes?	
Q10.6	Is sufficient monitoring of liquor licences occurring? What evidence and data exists that would provide insights into the adequacy of current monitoring effort?	
Q10.7	How high is the burden of proof for each kind of enforcement action? Is it proportional to the severity of the action?	
Q10.8	Is the different 'gradient' in the use of compliance options because there are missing intermediate options?	
Q10.9	Are the more severe penalties not being used because there is insufficient monitoring activity by local authorities to build sufficient proof for their use?	

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Q10.10	Why are relatively few licences varied?	
Making resource management decisions, and the role of appeals		
Q12.1	Is the very low number of consents declined best explained by risky applications not being put forward, the consent process improving the applications, or too many low-risk activities needing consent?	
Q12.2	Would different planning approaches lead to less revisiting of regulation? What alternative approaches might there be?	
Q12.3	What factors have the strongest influence on whether a District Plan or Regional Policy Statement is appealed?	
Q12.4	Overall, would it be feasible to narrow the legal scope of appeals?	
Q12.5	Would it be feasible to narrow legal standing?	
Q12.6	What features of the bylaw-making process are distinct from the district plan-making process, and how might you use practice under the one to improve the process under the other?	
Local regulation and Māori		
Q13.1	Are there any other ways that local authorities include Māori in decision making that should be considered?	Potential comment
Q13.2	What are some examples of cost-effective inclusion of Māori in decision making you are aware of?	
Q13.3	What more intermediate options could there be for including Māori in RMA decision making?	
Q13.4	What are some examples of decision-making systems well-tailored to Māori involvement?	
Assessing the regulatory performance of local government		
Q14.1	How have local authorities used the Society of Local Government Managers guide on performance management frameworks – or other guidance material – to assess local government regulatory performance?	
Q14.2	Is there a sufficient focus on regulatory capabilities in local government planning and reporting under the Local Government Act?	
Q14.3	Have local authorities encountered difficulties in dealing with different performance assessment frameworks across different forms of regulation? Which forms of regulation do a good job of establishing performance assessment frameworks, in legislation or by other means?	
Q14.4	Which of the Commission's performance assessment options have the best potential to improve the efficiency and effectiveness of assessment of local government regulatory performance and improve regulatory outcomes? What are the costs and benefits of these options? Are there other options in addition to those that the Commission has identified?	

Conclusion

The input the council and local government sector (though *LGNZ*) has had into the Commission's inquiry has been important and can be seen in the significant evolution of the Commission's understanding of local government regulatory roles, challenges and performance in the draft report. Staff therefore recommend that council continue to support the sector position and provide Northland specific information and comment to the Commission to assist it to refine its final recommendations. Staff propose that the council delegates authority to the Chairman and Chief Executive Officer to provide supplementary Northland specific comments and information to the Commission by 6 March 2013.

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Legal compliance and significance assessment:

The matters outlined in this report are not significant under council policy and are provided for in the Long Term Plan 2012-22 and are consistent with previously stated positions and policy of council.

Recommendations:

1. That the report 'Productivity Commission Inquiry into Local Government Regulatory Performance - Update and Potential Submission' by Kathryn Ross, General Manager - Planning and Policy, dated 10 February 2013, be received.
 2. That the council continues to support the position and submissions of *Local Government New Zealand* to the Productivity Commission Inquiry into Local Government Regulatory Performance.
 3. That council delegates authority to the Chairman and Chief Executive Officer to provide supplementary Northland specific comments and information to the Commission by 6 March 2013 and support the position of *Local Government New Zealand* (subject to any necessary amendments to provide for the Northland context).
-

ISSUE: Proposed Amendment to Treasury Management Policy (Investment Policy)**ID:** A274602**To:** Council Meeting, 19 February 2013**From:** Lisa Aubrey, General Manager – Finance and IT**Date:** 8 February 2013

Summary The purpose of this report is to seek council approval to amend the counterparty credit risk profile in council's Investment Policy. It concludes with the recommendation that council approve the proposed changes and these are effective immediately.

Normal Operations

**Report:**

At council staff request, council's Treasury Advisor, PricewaterhouseCoopers (PwC) completed a review of council's counterparty credit risk limits set out in council's Treasury Management Policy. The review has been undertaken in light of the global credit rating recalibration by the rating agencies since the global financial crisis and due to the more limited market of senior fixed interest investments from investment grade issuers. The review considered the counterparty default risks and returns, and considered the benefits arising from a wider range of issuer names and concluded the counterparty credit risk limits should be adjusted. The proposed amendment to the Treasury Management Policy (section 5.3 of Treasury Management Policy, 2012-2022 LTP, page 215) is as follows:

5.2 Counterparty credit risk

Counterparty credit risk is the risk of losses (realised or unrealised) arising from a counterparty defaulting on a financial instrument where the council is a party. The credit risk to the council in a default event will be weighted differently depending on the type of instrument entered into.

Credit risk will be regularly reviewed by the council. Treasury related transactions would only be entered into with organisations specifically approved by the council.

Counterparties and limits can only be approved on the basis of long-term credit ratings (Standard & Poor's or Moody's) being [A-BBB](#) and above or short term rating of A2 or above; with the exception of New Zealand Local Authorities, who may be unrated.

Limits should be spread amongst a number of counterparties to avoid concentrations of credit exposure.

The following matrix guide will determine limits:-

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<i>Counterparty/issuer</i>	<i>Minimum long term / short term credit rating – stated and possible</i>	<i>Investments maximum per counterparty (\$m)</i>	<i>Interest rate risk management instrument maximum per counterparty (\$m)</i>	<i>Total maximum per counterparty (\$m)</i>
NZ Government	N/A	Unlimited	None	Unlimited
Local Government Funding Agency (LGFA)	N/A	unlimited 20.0	None	Unlimited 20.0
NZD registered Supranationals	AAA	20.0	None	20.0
State Owned Enterprises [name]	A-BBB / A2	5.0	None	5.0
NZ registered bank [name]	A-/ A2	20.0	10.0	30.0
Corporate bonds/CP [names]*	A-/ A2 BBB/A2	2.0 1.0	None None	2.0 1.0
Local Government stock/ bonds/ FRN/ CP [name]**	A-/A2 (if rated) Unrated	20.0 5.0	None None	20.0 5.0
<ul style="list-style-type: none"> *Subject to a maximum exposure no greater than 2040% of the NFIP being invested in corporate debt securities at any one point in time. <u>A maximum of 20% of the NFIP can be rated less than A- and no lower than BBB.</u> ** Subject to a maximum exposure no greater than 60% of the NFIP being invested in Local Government debt at any one point in time. The maximum portfolio exposure limit does not apply to the LGFA. <p><i>This summary list will be expanded on a counterparty named basis which will be authorised by the CEO</i></p>				

Only senior/unsubordinated or secured investments are permissible i.e. subordinated issues are excluded.

In determining the usage of the above gross limits, the following product weightings will be used:

- Investments (e.g. bank deposits) – transaction notional × weighting 100% (unless a legal right of set-off over corresponding borrowings exist whereupon a 0% weighting may apply)
- Interest rate risk management (e.g. swaps, FRAs) – transaction notional × maturity (years) × 3%
- Foreign exchange – transactional principal amount x the square root of the maturity (years) x 15%

There is a low default rate of investment grade (issues rated BBB or higher) as opposed to lower quality/speculative grade issues. Of the BBB rated issues, a cumulative 2.4% defaulted over a 10 year period. Council should allow limited exposure to BBB rated issues and adjust the counterparty credit risk limits accordingly.

Legal compliance and significance assessment:

The activities detailed in this report are provided for in the council's 2012-2022 Long Term Plan and amendments may be made by council resolution. In relation to section 79 of the Local Government Act 2002, this issue is considered to be of low significance under council policy because the proposed amendments to the Treasury Management Policy are minor in nature.

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Recommendations:

1. That the report Proposed Amendment to Treasury Management Policy by Lisa Aubrey, General Manager – Finance and IT, dated 8 February 2013, be received.
 2. That the proposed changes to section 5.2: Counterparty credit risk of the Treasury Management Policy be approved.
-

ISSUE: Proposed Amendment to Community Investment Fund – Statement of Investment Policy and Objectives**ID:** A296778**To:** Council Meeting, 19 February 2013**From:** General Manager – Finance and IT**Date:** 8 February 2013

Summary The purpose of this report is to seek council approval to establish a hedge to cover the approved international equity investment with Schroder Investment Management Australian Limited. It concludes with the recommendation that the SIPO be adjusted to allow council to establish a foreign currency hedge for its investment placed in Australian based Schroders Real Return Fund and for the CEO to be authorised to enter into ISDA agreements with New Zealand banks as required to establish the foreign currency hedge and to fulfil investment objectives from time to time.

Normal Operations



Report:

Council approved the Statement of Investment Policy and Objectives (SIPO) for the Community Investment Fund at the October 2012 council meeting. At the same meeting, council also approved the appointment of Milford Active Growth Fund and Schroders Real Return Fund to be the fund managers of the growth component of the Community Investment Fund.

The Schroders investment is managed in Australia in Australian dollars. At the time the recommendation was made for council to invest in the Schroder's Real Return Fund, Eriksen and Associates Limited recommended not hedging the Australian dollar exposure at that time. It was noted that at that time the Australian CPI forecasts were identical to New Zealand's over the medium term.

With the slowdown in the Australian economy and the reductions made by the Reserve Bank Australia to the cash rate there is now some concern about the short term volatility of the Australian and New Zealand currency and the impact on council's investment in Schroders Real Return Fund and as such it is recommended that the council fully hedge this investment back into New Zealand dollars. This will remove any risk of council losing any investment gains as a result of foreign currency movements

Section 5.2 of the SIPO currently allows hedging to be carried out at the offshore investment manager's discretion. Council's investment with Schroders is by way of investment in a managed fund and the agreement we have with them does not currently cover hedging. It would be more prudent and cost effective for council to act on the advice of its Independent Investment Advisor – Jonathan Eriksen of Eriksen and Associates Ltd and for council to establish the hedge directly. As the SIPO does

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not currently allow council to establish a foreign currency hedge, it is recommended the following is added as clause 5.3 to the SIPO:

- 5.3 *Where council invests in funds managed offshore in a foreign currency, on the recommendation of council's Independent Investment Advisor, council may hedge its foreign investments back into New Zealand dollars.*

To establish a foreign currency hedge, a bank will require council to enter into an ISDA (International Swaps and Derivative Association) agreement with them. Council does not have a Debenture Trust Deed (establishes a charge over rates) in place, which is usually required for an ISDA agreement, so we are seeking to enter into an ISDA agreement on either unsecured basis or with security over specified investments linked to specific financial transactions.

Finally it should be noted for councillor information, entering into foreign currency hedging agreements is deemed to be a protected transaction in terms of S117 of the Local Government Act 2002 and as such the transaction entered into by council shall always be valid and enforceable.

Legal compliance and significance assessment:

In relation to section 79 of the Local Government Act 2002, this issue is considered to be of low significance under council policy because the activity has been provided for in the Treasury Management Policy included in council's Long Term Plan.

Recommendations:

1. That the report Proposed Amendment to Community Investment Fund – Statement of Investment Policy and Objectives by Lisa Aubrey, General Manager – Finance and IT, dated 8 February 2013, be received.
 2. That the following is added as clause 5.3 to the SIPO:

Where council invests in funds managed offshore in a foreign currency, on the recommendation of council's Independent Investment Advisor, council may hedge its foreign investments back into New Zealand dollars.
 3. That the Chief Executive officer is authorised to enter into an ISDA agreement with some New Zealand banks as required from time to time to fulfil investment objectives.
-

ISSUE: Business with the Public Excluded**ID:** A297034**TO:** Council Meeting, 19 February 2013**FROM:** Chris Taylor, Council Secretary**SUMMARY:** The purpose of this report is to recommend that the public be excluded from the proceedings of this meeting to consider the confidential matters detailed below for the reasons given.

Recommendations:

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reason\Grounds
8.1	Confidential Chief Executives Officer's Report to Council	Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment (section 7(2)(f)(ii)).
8.2.1	Confirmation of Confidential Minutes of the council meeting 18 December 2012	The reasons for excluding the public are as stated in the minutes of the open section of that meeting.
8.3	Advance of Capital Funding for Whāngārei Detention Dam Land Purchases	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the council to carry on, without prejudice or disadvantage, negotiations, including commercial and industrial negotiations (section 7(2)(i)).
