

NORTHLAND REGIONAL COUNCIL

Agenda

For the extraordinary meeting to be held in the Council Chamber,
36 Water Street, Whangārei, on Tuesday 27 June 2017,
commencing at 9.30 am

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

OPEN MEETING

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<p>ACC - Accident Compensation Corporation AHB - Animal Health Board ALGIM - Association of Local Government Information Management AMA - Aquaculture Management Area AMP – Asset Management Plan/Activity Management Plan BOI - Bay of Islands BOPRC - Bay of Plenty Regional Council CAPEX - Capital Expenditure (budget to purchase assets) CBEC - Community, Business and Environment Centre CDEM - Civil Defence Emergency Management CEG - Co-ordinating Executive Group – Northland Civil Defence management team CEO - Chief Executive Officer CIMS - Co-ordinated Incident Management System (emergency management structure) CMA - Coastal Marine Area CPCA - Community Pest Control Areas CRI - Crown Research Institute DHB - District Health Board DOC - Department of Conservation DOL - Department of Labour DPMC - Department of Prime Minister and Cabinet ECA - Environmental Curriculum Award ECAN - Environment Canterbury EE - Environmental Education EECA - Energy Efficiency Conservation Authority EEZ - Exclusive Economic Zone EF - Environment Fund EMA - Employers and Manufacturers Association EMC - Environmental Management Committee EOC - Emergency Operations Centre EPA - Environmental Protection Authority FDE - Farm Dairy Effluent FNDC - Far North District Council FNHL - Far North Holdings Limited FPP - First Past the Post – voting system for NRC elections GE - Genetic Engineering GIS - Geographic Information System GMO - Genetically Modified Organism HSNO - Hazardous Substances & New Organisms Act HBRC - Hawke's Bay Regional Council HEMP - Hapū Environmental Management Plan Horizons - Brand name of Manawatu-Wanganui Regional Council HR - Human Resources HSWA - Health and Safety at Work Act 2015 IEMP - Iwi Environmental Management Plan IPPC - Invited Private Plan Change: a process to allow Aquaculture Management Areas to be established IRIS - Integrated Regional Information System: new computer system being developed collaboratively with other Regional Councils KDC - Kaipara District Council KPI - Key Performance Indicator LATE - Local Authority Trading Enterprise LGA - Local Government Act 2002 LGNZ - Local Government New Zealand LGOIMA - Local Government Official Information and Meetings Act 1987 LGOL - Local Government Online LTP - Long Term Plan LTFS - Long Term Financial Strategy MCDEM - Ministry of Civil Defence & Emergency Mgmt MFE - Ministry for the Environment MHWS - Mean High Water Springs MNZ - Maritime New Zealand MOH - Ministry of Health</p>	<p>MOT - Ministry of Transport MPI – Ministry for Primary Industries MSD - Ministry of Social Development NCMC - National Crisis Management Centre NES – National Environmental Standards NDHB - Northland District Health Board NZRC - New Zealand Refining Company (Marsden Point) NGO - Non-Governmental Organisation NIF - Northland Intersectoral Forum NIWA - National Institute of Water and Atmosphere NORTEG - Northland Technical Advisory Group NPC - Northland Port Corporation NZCPS - New Zealand Coastal Policy Statement NZTA - New Zealand Transport Agency NZQA - New Zealand Qualifications Authority NZWWA - New Zealand Water and Wastes Association OFI - Opportunity for Improvement ORC - Otago Regional Council OSH - Occupational Safety & Health (now Ministry of Business, Innovation and Employment) PCBU – Person Conducting Business or Undertaking PDF - Portable Document Format PPE - Personal Protective Equipment RAP - Response Action Plan RAQP - Regional Air Quality Plan RCP - Regional Coastal Plan RFI - Request for Information RFP - Request for Proposal RTC - Regional Transport Committee RLTS - Regional Land Transport Strategy RMA - Resource Management Act 1991 RMG - Resource Managers Group (Regional Councils) RMZ - Riparian Management Zone ROI - Return on Investment RPMS - Regional Pest Management Strategy RPS - Regional Policy Statement RSG - Regional Sector Group RTO - Regional Tourism Organisation RWASP - Regional Water and Soil Plan SITREP - Situation Report SMF - Sustainable Management Fund SOE - State of Environment (or) State Owned Enterprise SOLGM - Society of Local Government Managers SPARC - Sport & Recreation New Zealand SRC - Southland Regional Council (Environment Southland) STV - Single Transferable Vote SWAG - Surface Water Allocation Group SWPA - Sustainable Water Programme of Action TA - Territorial Authority: City & District Councils TAG - Technical Advisory Group Tier 1 - Site level plan or response for an oil spill Tier 2 - Regional level plan or response to an oil spill Tier 3 - National level plan or response to an oil spill TLA - Territorial Local Authority – City & District Councils TMP - Treasury Management Plan TOR - Terms of Reference TPK - Te Puni Kōkiri (Ministry of Maori Development) TRAION - Te Rūnanga a Iwi o Ngāpuhi TRC - Taranaki Regional Council TROTR - Te Rūnanga o Te Rarawa TUANZ - Telecommunications Users Association of NZ WCRC - West Coast Regional Council WDC - Whangarei District Council WHHIF - Whangarei Harbour Health Improvement Fund WRC - Waikato Regional Council WSMP – Workplace Safety Management Practices WWTP - Wastewater Treatment Plant</p>
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TITLE: Confirmation of Minutes of the Combined Consultation Deliberations – 8 June 2017**ID:** A956806**To:** Extraordinary Council Meeting, 27 June 2017**From:** Chris Taylor, Governance Support Manager**Date:** 19 June 2017

Executive summary

The purpose of this report is to present for confirmation the minutes of the Combined Consultation Deliberations held on 8 June 2017.

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

Recommendation

1. That the minutes of the Combined Consultation Deliberations held on 8 June 2017 be confirmed as a true and correct record.

Attachments:

- *Minutes of the Combined Consultation Deliberations – 8 June 2017*
-

Authorised by Group Manager:**Name:** Jonathan Gibbard**Title:** Group Manager – Strategy and Governance**Date:** 19 June 2017

NORTHLAND REGIONAL COUNCIL

Minutes of the combined consultation deliberations
held in the Council Chamber, 36 Water Street, Whangārei,
on Thursday 8 June 2017 commencing at 9 am

Present:

Chairman, Bill Shepherd
Deputy Chairman, David Sinclair (*from 9.27 am*)
Councillors:
John Bain
Justin Blaikie
Paul Dimery
Mike Finlayson (*by video conference, 'left' meeting at 12.17pm*)
Penny Smart
Rick Stolwerk
Joce Yeoman

In Attendance:**Full Meeting**

Chief Executive Officer
Strategy Specialist
Management Accountant
Governance Support Manager

Part Meeting

GM Strategy and Governance
GM Environmental Services
GM Corporate Excellence
GM Customer Services/Community Resilience
Biosecurity Manager
Economist
Biosecurity Specialist – Science and Planning
Biosecurity Officer – Marine
Deputy Harbourmaster

The Chairman declared the meeting open at 9am.

Apologies (Item 1.0)

The apology from Deputy Chairperson, David Sinclair, for delayed arrival was noted.

Declarations of Conflicts of Interest (Item 2.0)

It was advised that councillors should make declarations item-by-item as the meeting progressed.

Supplementary Item for Combined Consultation Deliberations Meeting – 7 June and 8 June 2017 (Item 2.0A)

ID: A952485

Report from Biosecurity Manager, Don McKenzie; and Biosecurity Specialist – Science and Planning, Sophia Clark.

Moved (Shepherd/Yeoman)

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987:

Supplementary Item 3.5: Council Deliberations on the Proposed Regional Marine Pathway Management Plan and Cost Benefit Analysis

be received.

Carried

Council Deliberations on Combined Consultation Comprising Annual Plan 2017/18; Draft Charging Policy 2017/18; Draft Navigation Safety Bylaw 2017; Proposed Regional Marine Pathway Management Plan (Item 3.1)

ID: A949415

Report from Strategy Specialist, Kyla Carlier; and Group Manager – Strategy and Governance, Jonathan Gibbard.

Moved (Blaikie/Bain)

1. That the report 'Council Deliberations on Combined Consultation Comprising Annual Plan 2017/18; Draft Charging Policy 2017/18; Draft Navigation Safety Bylaw 2017; Proposed Regional Pest and Marine Pathway Management Plan' by Kyla Carlier, Strategy Specialist; and Jonathan Gibbard, Group Manager – Strategy and Governance, and dated 26 May 2017, be received.
2. That the late submissions received after the consultation period deadline that met council's late submissions policy and were able to be incorporated into our submission book be accepted for consideration by council.
3. That council accept the "out of scope" submissions or topics within submissions be considered as such and no decision be made on those submission points.

Carried

Secretarial Note: Item 3.2 was addressed following Item 3.3.

Council Deliberations on the Annual Plan 2017/18 Consultation Document and Supporting Information (Item 3.2)

ID: A950293

Report from Strategy Specialist, Kyla Carlier; and Group Manager – Strategy and Governance, Jonathan Gibbard.

Moved (Dimery/Finlayson)

1. That the report 'Council Deliberations on the Annual Plan 2017/18 Consultation Document and Supporting Information' by Kyla Carlier, Strategy Specialist; and

Jonathan Gibbard, Group Manager – Strategy and Governance, and dated 24 May 2017 be received.

2. That Jonathan Gibbard, Group Manager – Strategy and Governance, be given delegated authority to approve any consequential amendments as a result of council decisions on submissions and any minor accuracy and grammatical amendments.
3. That the Chief Executive Officer be given delegated authority to approve changes required to revise the financial statements and rating information within the final Annual Plan 2017/18.

Carried

Community representation and engagement

Moved (Yeoman/Dimery)

4. That council supports provision of \$5,000 ongoing operational expenditure to implement staff training and cultural awareness, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information Document.

Carried

It was further moved (Blaikie/Finlayson)

5. That council supports provision of \$55,000 of ongoing operational expenditure to fund a Governance Support Officer to support an increased workload, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

Resource and catchment management

Moved (Yeoman/Blaikie)

6. That council supports provision of \$45,000 of capital expenditure and \$7,000 of ongoing operational expenditure to purchase a riparian planner tool and associated mobile technology, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

It was further moved (Stolwerk/Blaikie)

7. That council supports provision of \$5,000 ongoing operational expenditure to fund an increase in the cost of land being leased for council's poplar and willow nursery, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

It was further moved (Blaikie/Sinclair)

8. That council supports provision of \$70,000 of ongoing operational expenditure to fund a Biodiversity Advisor position, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

It was further moved (Stolwerk/Dimery)

9. That council supports provision of \$172,000 of ongoing operational expenditure as a 40% contribution to the 'Seven in Ten' forest restoration project, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

River management and hydrology

Moved (Smart/Yeoman)

10. That council supports provision of \$20,000 of capital expenditure to purchase a DRUC Calibrator, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Blaikie/Dimery)

11. That council supports provision of \$4,000 of capital expenditure to purchase an ADCP Flood Traveller, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Bain/Sinclair)

12. That council supports provision of \$27,500 of capital expenditure and \$6,600 of ongoing operational expenditure to purchase satellite loggers and provide satellite communication for flood sites, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Bain/Sinclair)

13. That council supports provision of \$23,810 of capital expenditure to purchase an IRIS 150 Logger, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Dimery/Yeoman)

14. That council supports provision of \$130,000 of capital expenditure to upgrade safety at hydrometric sites, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Stolwerk/Yeoman)

15. That council supports provision of \$2,000 of capital expenditure to purchase survey traverse kits, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Bain/Blaikie)

16. That council supports provision of \$24,000 of capital expenditure to replace 12 Pumppro sensor units, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

Hazard Management

Moved (Dimery/Stolwerk)

17. That council supports provision of \$75,000 of ongoing operational expenditure to fund civil defence emergency management staffing, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

Transport

Moved (Bain/Sinclair)

18. That council supports provision of \$15,000 of ongoing operational expenditure to fund a safe boating programme in schools with Coastguard, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

It was further moved (Sinclair/Yeoman)

19. That council supports provision of \$20,000 of capital expenditure and \$4,500 of ongoing operational expenditure to purchase an AIS Vessel Identification System including software, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

It was further moved (Yeoman/Smart)

20. That council supports provision of \$14,000 of ongoing operational expenditure to fund IT improvements to moorings management, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

It was further moved (Bain/Dimery)

21. That council supports provision of \$14,000 of ongoing operational expenditure to fund IT improvements to moorings management, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information document.

Carried

Support Services

Moved (Yeoman/Finlayson)

22. That council supports provision of \$30,000 of ongoing operational expenditure to fund customer service initiatives, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Yeoman/Sinclair)

23. That council supports provision of \$34,000 of capital expenditure to upgrade council's contact system, as proposed in the Annual Plan 2017/18 **Supporting Information** document.

Carried

It was further moved (Stolwerk/Yeoman)

24. That council supports provision of \$50,000 of capital expenditure and \$52,500 of ongoing operational expenditure to fund a Mid-North service centre, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Yeoman/Blaikie)

25. That council supports provision of \$80,000 of ongoing operational expenditure to fund a Marketing and Engagement Officer, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Bain/Sinclair)

26. That council supports provision of \$10,000 of ongoing operational expenditure to investigate and support shared services across councils, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Smart/Stolwerk)

27. That council supports provision of \$161,000 of capital expenditure to maintain council's commercial and residential properties, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

It was further moved (Bain/Blaikie)

28. That council supports provision of \$90,000 of capital expenditure and \$30,000 of ongoing operational expenditure to fund upgrades to Business IT support, as proposed in the Annual Plan 2017/18 Supporting Information document.

Carried

Secretarial Note: The proposed additional recommendation 29a. was pre-circulated to elected members and also tabled at the meeting.

It was further moved (Bain/Sinclair)

- 29a. That council supports the provision of \$53,201 of operational expenditure to fund the depreciation associated with the proposed capital expenditure outlined in the resolutions above.

Carried**Raise an additional \$822,000 across the region**

Secretarial Note: The proposed amended recommendation 29b. was precirculated to elected members and also tabled at the meeting. Later in proceedings, and as per Standing Order 21.1, with the approval of the mover and seconder the motion was amended to incorporate 'recommendations 4 - 29a'.

Moved (Stolwerk/Yeoman)

- 29b. That council increases rate take by 4.84% for the 2017/18 year and collect an extra \$822,000 including GST across the region (an average of \$8.90 per property), to fund the proposals outlined in this agenda item in recommendations 4 – 29a.

Carried**Regional infrastructure rate****Moved (Blaikie/Yeoman)**

30. That council supports the continuation of the Regional Infrastructure Rate for a further year to allow the complexities of the rail corridor to be addressed, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information.

Carried**Regional recreational facilities rate****Moved (Dimery/Finlayson)**

31. That council supports the lowering of the Regional Recreational Facilities Rate over the 2017/18 year to allow the reserve to be repaid over the full year, as proposed in the Annual Plan 2017/18 Consultation Document and Supporting Information.

Carried

Awanui river management rate

Moved (Finlayson/Yeoman)

32. That council supports the alteration of the boundaries of the targeted Awanui River Management rate to better reflect the areas of benefit, as proposed in the 2017/18 Annual Plan Consultation Document and Supporting Information.

Carried

Kaeo-Whangaroa rivers management rate

Moved (Sinclair/Blaikie)

33. That council supports a reduction in the Kaeo-Whangaroa Rivers Management Targeted rate by 25%, as proposed in the 2017/18 Annual Plan Consultation Document and Supporting Information.

Carried

(Councillor Blaikie voted against the motion)

Kaihū River management rate

Moved (Bain/Smart)

34. That council supports a reduction in the Kaihū River Management rate of 12%, as proposed in the 2017/18 Annual Plan Consultation Document and Supporting Information.

Carried

Kerikeri-Waipapa river management rate

Moved (Yeoman/Stolwerk)

35. That council supports the suspension of the Kerikeri-Waipapa Rivers Management Rate for one year, with a view to consult on options for the scheme during the Long Term Plan process in 2018, as proposed in the 2017/18 Annual Plan Consultation Document and Supporting Information.

Carried

Secretarial Note: Item 3.3 was addressed following Supplementary Item 3.5.

Council Deliberations on the Draft Charging Policy 2017/18 (Item 3.3)

ID: A949430

Report from Strategy Specialist, Kyla Carlier; Group Manager – Environmental Services, Bruce Howse; and Biosecurity Manager, Don McKenzie.

Moved (Bain/Stolwerk)

1. That the report 'Council Deliberations on the Draft Charging Policy' by Kyla Carlier, Strategy Specialist; Bruce Howse, Group Manager – Environmental Services, and Don McKenzie, Biosecurity Manager, dated 22 May 2017, be received.

2. That Jonathan Gibbard, Group Manager - Strategy and Governance be given delegated authority to approve any consequential amendments as a result of council decisions on submissions and any minor accuracy and grammatical amendments.

Carried

Increase in overall charges by 2.44%

Moved (Blaikie/Stolwerk)

3. That council supports the increase in charges contained in the Charging Policy by 2.44%, as set out in the draft Charging Policy 2017/18.

Carried

Other Amendments and Updates

Moved (Stolwerk/Smart)

4. That council supports the addition to the charging policy of cancellation, change of date and Christmas Day charges for pilotage of cruise ships as set out in the draft charging policy and statement of proposal.

Carried

Moved (Yeoman/Blaikie)

5. That council supports the addition to the charging policy of a charge for shipping navigation and safety services for vessels of gross tonnage greater than 150,000, as set out in the draft charging policy and statement of proposal.

Carried

It was further moved (Blaikie/Stolwerk)

6. That council supports other minor amendments and changes proposed to the Charging Policy as set out in the draft Charging Policy 2017/18 Statement of Proposal.

Carried

Proposed marine biosecurity charge

Moved (Stolwerk/Blaikie)

7. That council supports Option 1, and apply a charge of \$122 (including GST) to moorings, boat sheds and marine berths and a \$5,750 (including GST) charge to the three large commercial marine facilities in Whangārei, to achieve recovery of the direct costs of the marine biosecurity activity.

Lost

(Councillor Stolwerk voted in favour of the motion)

It was further moved (Blaikie/Sinclair)

7. That council supports Option 3, and apply a charge of 65% of \$122 (including GST) to moorings, boat sheds and marina berths and 65% of \$5,750 (including GST) charge to the three large commercial marine facilities in Whangārei, to achieve recovery of the direct costs of the marine biosecurity activity.

Secretarial Note: The Chairman called for an expression of opinion by show of hands. The result being Councillors Sinclair, Blaikie, Dimery, Bain, Finlayson voted in favour of the motion and Councillors Smart, Yeoman and Stolwerk voted against the motion.

Carried

Secretarial Note: The meeting adjourned at 10.15am and reconvened at 10.37am. Item 3.2 was addressed prior to Item 3.4.

Further Council Deliberations on Annual Plan 2017/18 and Charging Policy (Item 3.4)**ID: A950762****Report from Strategy Specialist, Kyla Carlier; and Group Manager – Environmental Services, Bruce Howse.****Moved (Stolwerk/Blaikie)**

1. That the report 'Further Council Deliberation on Annual Plan 2017/18 and Charging Policy 2017/18' by Kyla Carlier, Strategy Specialist; and Bruce Howse, Group Manager – Environmental Services, and dated 26 May 2017, be received.
2. That council supports the alteration to the Charging Policy, section 3.8.1 'Pest control products', to reflect the discontinuation of free issue pest control materials, and to offer all pest control material at cost price.
3. That council supports the transfer of \$50,000 of existing minor rivers works operational budget (ongoing) to the Environment Fund budget to fund river erosion protection works.

Carried

Secretarial Note: Supplementary Item 3.5 replaced Item 3.5 in the original agenda, and was addressed following Item 3.1.

Council Deliberations on the Proposed Regional Marine Pathway Management Plan (MPMP) and Cost Benefit Analysis (Supplementary Item 3.5)**ID: A949883****Report from Biosecurity Manager, Don McKenzie; and Biosecurity Specialist – Science and Planning, Sophia Clark.****Moved (Bain/Shepherd)**

1. That the report 'Council Deliberations on the Proposed Regional Marine Pathway Management Plan and Cost Benefit Analysis' by Don McKenzie, Biosecurity Manager' and Sophia Clark, Biosecurity Specialist – Science dated 30 May 2017, be received.
2. That Bruce Howse, Group Manager - Environmental Services be given delegated authority to approve any consequential amendments as a result of council

decisions on submissions and any minor accuracy and grammatical amendments.

Carried

Secretarial Note: The meeting adjourned at 9.18am (to resolve technical issues) and reconvened at 9.27am.

It was further moved (Stolwerk/Bain)

3. That the report on s92 of the Biosecurity Act be received and that council are satisfied the requirements of section 92 of The Biosecurity Act 1993 have been met (refer to Attachment 1 pertaining to Item 3.5 of the Combined Consultation Deliberations agenda 7 and 8 June 2017).

Carried

(Councillors Dimery and Yeoman voted against the motion)

It was further moved (Stolwerk/Bain)

4. That council give approval to staff to prepare the final plan under section 93 of the Biosecurity Act and that Northland Regional Council will be the management agency (refer to Attachment 1 pertaining to Item 3.5 of the Combined Consultation Deliberations agenda 7 and 8 June 2017).

Carried

(Councillors Dimery and Yeoman voted against the motion)

Rules/“Light fouling”

Moved (Blaikie/Sinclair)

5. That reference to the level of fouling rankings (as per NIWA and Crawthron reports) and the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand be added to the pathway plan.

Carried

It was further moved (Stolwerk/Blaikie)

6. That an exemption for the New Zealand Defence Force to the MPMP rules in relation to its activities to natural disaster response or emergency management response be made to the MPMP.

Carried

It was further moved (Blaikie/Stolwerk)

7. That council include an exemption that vessels can travel from one designated place to another for the purpose of a haul out only within 24 hours of arriving in the new designated area. Proof via receipt will be required from a haul out facility.

Carried

It was further moved (Blaikie/Smart)

8. Amend the definition of light fouling to include all species of barnacles.

Carried

It was further moved (Blaikie/Stolwerk)

9. That rule 10.1.2 be amended to read:
The owner or person in charge of a craft moving from a designated place and entering a separate designated place in Northland must ensure that the fouling on the hull and niche areas of the craft does not exceed light fouling.

Carried

Designated places

Moved (Smart/Blaikie)

10. That narrative descriptions of the boundaries of each of the designated places be added, which will include map co-ordinates and/or distances from shore to describe the boundaries.

Carried

Secretarial Note: Item 3.6 was addressed following Item 3.4.

**Council Deliberations on the Draft Navigation Safety Bylaw 2017
(Item 3.6)**

ID: A949574

Report from Harbourmaster, Jim Lyle; and Deputy Harbourmaster, Anthony Browne.

Secretarial Note: The Deputy Harbourmaster provided the presentation 'Navigation Safety Bylaw' to supplement the recommendations within the report.

Moved (Stolwerk/Yeoman)

1. That the report 'Council Deliberations on the Draft Navigation Safety Bylaw 2017' by Jim Lyle, Harbourmaster; and Anthony Browne, Deputy Harbourmaster, and dated 26 May 2017, be received.
2. That Tony Phipps, Group Manager – Community Resilience, be given delegated authority to approve any consequential amendments as a result of council decisions on submissions and any minor accuracy and grammatical amendments.

Carried

Section 1: Preliminary provisions

Moved (Stolwerk/Yeoman)

3. That council supports the deletion of the definition of 'Buoyancy aid' as outlined in section 1.3 Definition of terms, in the draft Navigation Safety Bylaw 2017.

Carried

It was further moved (Stolwerk/Yeoman)

4. That council supports the alteration of the definition for 'Seaworthiness' to remove mention of 'designed capabilities'.

Carried

It was further moved (Dimery/Stolwerk)

5. That council supports updating of the definition of 'Coastal Marine Area' to include an omission relating to the landward boundary.

Carried

It was further moved (Yeoman/Dimery)

6. That council supports updating of the definition of 'Flag A' to provide a higher level of detail.

Carried

(Councillor Sinclair voted against the motion)

It was further moved (Dimery/Blaikie)

7. That council supports the addition to the definition of 'person in charge' to clarify the situation if the person in charge is under 15 years of age.

Carried

It was further moved (Yeoman/Dimery)

8. That council supports the new definition of 'Tender', which supports the changes to the PFD rule in section 2.

Carried

It was further moved (Blaikie/Stolwerk)

9. That council supports adoption of Section 1: Preliminary Provisions of the Draft Navigation Safety Bylaw, inclusive of recommendations 3 – 8 above.

Carried

Section 2: General matters

Moved (Stolwerk/Smart)

10. That council supports the alteration of clause 2.1.3, Wearing of personal floatation devices, to include specifications relating to the vessel being underway, and an exemption when within 200 meters from shore tendering.

Carried

(Councillor Sinclair voted against the motion)

Secretarial Note: Recommendations 11 (and hence 13) was left to lie on the table until council officers could clarify the appropriate wording of the amendment proposed by Councillor Stolwerk. The revised wording was addressed when the meeting reconvened after lunch at 1.02pm as follows (for the avoidance of doubt the meeting then addressed recommendation 13):

Moved (Stolwerk/Yeoman)

11. That council supports the alteration of clauses 2.2 Person in charge of the vessel, to change reference to leaving the shore, deletion of section 2.2(b)(ii) and insertion of section 2.2(b)(i) as follows 'The person in charge of a vessel must not be under the influence of alcohol or illicit substances or prescription medicines, alone or in combination, to such an extent as to be incapable of having proper control of the vessel.'

Carried

Moved (Blaikie/Smart)

12. That council supports the alteration of section 2.17, Requirement to provide name and address, to align the clause with the rules of the Maritime Transport Act.

Carried

Moved (Smart/Stolwerk)

13. That council supports adoption of Section 2: General Matters of the Draft Navigation Safety Bylaw, inclusive of recommendations 10 – 12 above.

Carried

Section 3: Operating Requirements

Moved (Sinclair/Yeoman)

14. That council supports the alteration of clause 3.2.5 (f) and 3.2.6 (g) to remove the exclusion of board sports from Waipū and Ruakaka estuaries.

Secretarial Note: The Chairman called for an expression of opinion by show of hands. The result being Councillors Sinclair and Yeoman voted in favour of the motion and Councillors Blaikie, Smart, Dimery, Finlayson, Bain and Stolwerk voted against the motion.

Lost

It was further moved (Dimery/Bain)

15. That council supports the alteration of clause 3.18.3 to account for free divers.

Carried

It was further moved (Stolwerk/Bain)

16. That council supports the deletion of section 3.20, Vessels to be licensed, as it is deemed redundant.

Carried

It was further moved (Bain/Blaikie)

17. That council supports adoption of Section 3: Operating Requirements of the Draft Navigation Safety Bylaw, inclusive of recommendations 15 – 16, above.

Carried

Section 4: Moorings

Moved (Sinclair/Blaikie)

18. That council supports the deletion of section 4.3.10, as it does not pertain to navigation safety.

Carried

It was further moved (Bain/Blaikie)

19. That council supports the addition of clause 4.5.8 to address moorings occupied by a vessel that are not the property of the licenced mooring owners.

Carried

It was further moved (Dimery/Sinclair)

20. That council supports adoption of Section 4: Moorings of the Draft Navigation Safety Bylaw, inclusive of recommendations 18 and 19, above.

Carried

Section 5: Tankers, hazardous cargoes, hazardous works and dangerous materials

Moved (Stolwerk/Bain)

21. That council supports adoption of the section 5: Tankers, hazardous cargoes, hazardous works and dangerous materials of the Draft Navigation Safety Bylaw.

Carried

Section 6: Administrative Matters

Moved (Sinclair/Bain)

22. That council supports the deletion of clause 6.1, vessels to be identified.

Carried

It was further moved (Sinclair/Blaikie)

23. That council supports the deletion of clause 6.5, Intervention by harbourmaster, as it may not be enforceable.

Carried

It was further moved (Dimery/Smart)

24. That council supports adoption of the section 6: Administrative Matters of the Draft Navigation Safety Bylaw, inclusive of recommendations 22 and 23 above.

Carried

Secretarial Note: The meeting adjourned at 12.17pm and reconvened at 1.02pm. The first item of business was to address recommendations 11 and 13 which were left to lie on the table until council officers could clarify the appropriate wording of the amendment proposed

by Councillor Stolwerk. Council then proceeded to address the remaining recommendations pertaining to Item 3.6.

Schedule 1 – Areas defined

Moved (Stolwerk/Yeoman)

25. That council supports adoption of the Schedule 1 – Areas defined of the Draft Navigation Safety Bylaw.

Carried

Schedule 2 – Location-specific information

Moved (Dimery/Blaikie)

26. That council supports the alteration of the map 'Access lanes – Whangaruru Harbour' to include the missing access lane in Sandy Bay.

Carried

Secretarial Note: Recommendation 27 (That council supports the removal of the maps 'Wind-powered board sports prohibited areas' in accordance with section 3.2) was redundant given that recommendation 14 was lost.

It was further moved (Smart/Stolwerk)

28. That council supports adoption of the Schedule 2 – Location-specific information of the Draft Navigation Safety Bylaw, inclusive of recommendation 26 above.

Carried

CONCLUSION

The meeting concluded at 1.30 pm.

TITLE: Adoption of the Annual Plan 2017/18

ID: A955985

To: Extraordinary Council Meeting, 27 June 2017

From: Kyla Carlier, Strategy Specialist; and Jonathan Gibbard, Group Manager – Strategy and Governance

Date: 14 June 2017

Executive summary

The purpose of this report is to present the Annual Plan 2017/18 for adoption by council.

Recommendations

1. That the report 'Adoption of the Annual Plan 2017/18' by Kyla Carlier, Strategy Specialist; and Jonathan Gibbard, Group Manager – Strategy and Governance, and dated 14 June 2017, be received.
2. That in accordance with section 95 of the Local Government Act 2002, the council adopts the Annual Plan 2017/18, as included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda.
3. That the council authorises Jonathan Gibbard, Group Manager – Strategy and Governance to make any necessary minor drafting, typographical, rounding, or presentation corrections to the Annual Plan 2017/18 prior to the document going to print.

Background:

The Local Government Act 2002 (LGA) requires the council to develop an annual plan for years two and three of the Long Term Plan. The LGA outlines the process for determining if consultation is required as part of the development of an annual plan, and prescribes the process of consultation to be followed.

Council identified several changes from the Long Term Plan that it proposed be incorporated into the Annual Plan 2017/18 and determined that, while not significant, these proposals should be consulted on using the principles of consultation as outlined in section 82 of the LGA.

Council has now completed the process of consultation, a summary of which is included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda. The majority of feedback received on the proposals was supportive. Council deliberated on the proposals on 8 June 2017 and no changes were made to any of the proposals as a result of these deliberations.

The final Annual Plan 2017/18 contains a summary of all of the elements of the plan that differ from what was set out in the Long Term Plan 2015–2025. The annual plan also contains council's funding and rates statements for the 2017/18 year.

Any policies not legally required to be located within an annual plan have not been included in this final document in an effort to avoid unnecessary duplication and keep the document size to a minimum. Where possible, relevant policies will be made available on council's website.

Considerations:

1. Options

Section 95 of the LGA requires adoption of an annual plan for each financial year and that the annual plan must be adopted before the commencement of the year to which it relates.

Two options are set out below. Staff recommend option 1; to adopt the Annual Plan 2017/18.

No.	Option	Advantages	Disadvantages
1	Adopt the Annual Plan 2017/18	Council will achieve compliance with the LGA and will have a budget, and forecast financial statements, in place for the 2017/18 financial year.	None
2	Do not adopt the Annual Plan 2017/18	None	Council will not achieve compliance with the LGA and will enter the 2017/18 financial year without an approved budget.

2. Significance and Engagement

Section 76AA of the LGA directs that council must adopt a policy setting out how significance will be determined and the level of engagement that will be triggered. This policy assists council in determining how to achieve compliance with the LGA requirements in relation to decisions.

The proposals and content included in this annual plan did not individually trigger council's Significance and Engagement Policy, however council opted to involve Northland in the decision making process and an extensive engagement process was carried out in accordance with section 82 of the LGA.

The decision to approve and adopt the Annual Plan 2017/18 is considered to be compliant with council's Significance and Engagement Policy.

3. Policy and Legislative Compliance

The adoption of an Annual Plan is a requirement of section 95 of the LGA and the process to be followed is set out in Part 6 of this Act, which encompasses the council's decision making (sections 76 to 81), planning (sections 95 to 96) and consultation (sections 82 and 82A) processes.

Adoption of the Annual Plan 2017/18 is consistent with the policy and legislative requirements outlined above.

Further Considerations:**4. Community Views**

The views of the community on the proposals included in the Annual Plan 2017/18 were obtained during a period of consultation, in accordance with section 82 of the LGA. Community views have been provided to council by way of a summary of submissions report and full submission book, and were also summarised in council's deliberations report.

Council has discussed the proposals included in the Annual Plan 2017/18 by way of a deliberations meeting that centred upon the public feedback received.

5. Māori Impact Statement

While there were no proposals in the Annual Plan 2017/18 that were considered to have significant and specific effects on Māori, the process of consultation included targeted engagement with Māori. This occurred by way of pānui circulated to all iwi and hapū groups on council's database, regular reporting to the TTMAC working party, and workshops with the TTMAC Technical Working Party, and Te Uri O Hau representatives prior to public consultation.

6. Financial Implications

This annual plan sets out the budget, forecast financial statements, and rates examples for the 2017/18 financial year.

All resources involved in producing the final Annual Plan 2017/18 have been budgeted for.

7. Implementation issues

There are no implementation issues for the Annual Plan 2017/18 following adoption of the plan at this meeting.

Attachments:

- . Attachment 1 - Annual Plan 2017/18
- . Attachment 2 - 2017 Combined Consultation Summary of Engagement.

Authorised by Group Manager:

Name: Jonathan Gibbard

Title: Group Manager – Strategy and Governance

Date: 16 June 2017

TITLE: Confirmation and Adoption of the Charging Policy 2017/18

ID: A956202

To: Extraordinary Council Meeting, 27 June

From: Kyla Carlier, Strategy Specialist; and Jonathan Gibbard, Group Manager – Strategy and Governance

Date: 15 June 2017

Executive summary

The purpose of this report is to present the fees, charges and policy contained within the Charging Policy 2017/18 for adoption and confirmation by council.

Recommendations

1. That the report 'Confirmation and Adoption of the Charging Policy 2017/18' by Kyla Carlier, Strategy Specialist; and Jonathan Gibbard, Group Manager – Strategy and Governance, and dated 15 June 2017, be received.
 2. That council adopts amendments and additions to existing charges and policy in the Charging Policy 2017/18, as included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda.
 3. That council adopts a marine biosecurity charge of \$79.50 (including GST) to be applied to all moorings, marina berths and boatsheds, and \$3,737.50 (including GST) to be applied to Northport Limited, Golden Bay Cement, and Port Nikau Limited pursuant to section 135 of the Biosecurity Act.
 4. That, in accordance with the decision made as part of the development of the Long Term Plan 2015–2025, activity income sources would be inflation adjusted each year and the decision made on 16 June 2015 to adopt the Long Term Plan 2015–2025, the council confirms the adjustment to the charges as set out in the Charging Policy 2017/18 as included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda.
 5. That council authorises Jonathan Gibbard, Group Manager – Strategy and Governance to make any necessary minor drafting, typographical, rounding, or presentation corrections to the Charging Policy 2017/18 prior to the document going to print.
-

Background:

Council's charging policy sets out the fees and charges that council is authorised to set under the various pieces of legislation that it works under. It is reviewed annually.

Council resolved, as part of the development of the Long Term Plan 2015–2025, that activity income sources would be inflation adjusted each year. This followed consultation, where the proposal was described in the Long Term Plan Consultation Document, as a proposal to increase fees and charges by 2.5% a year to keep up

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with inflation-related cost increases. The financial assumptions in the Long Term Plan 2015–2025 set out in more detail inflation rates for activity income, including a 2.44% increase for year three of the plan (the 2017/18 year).

The Charging Policy 2017/18 includes the inflationary increase that was set out in the Long Term Plan 2015–2025. Several other changes to the charging policy have also been proposed for the 2017/18 financial year and these were consulted on as part of council's 'combined consultation' process in accordance with S82 of the Local Government Act 2002 (LGA). The changes comprised numerous adjustments and updates, and the introduction of an additional charge for marine biosecurity under the Biosecurity Act.

The inflationary adjustment to charges of 2.44%, the proposed alterations, and the additional charge for marine biosecurity were all set out in the Annual Plan 2017/18 Consultation Document. They were also included in the draft Charging Policy 2017/18, and itemised in a Statement of Proposal that was made available during the consultation process.

Extensive and targeted consultation was carried out to ensure that affected parties were aware of the proposal to set an additional marine biosecurity charge. A large number of submissions were received in response to the proposed charge and these were provided to council in both full copy and summary form.

As a result of deliberations, council made alterations to the proposed marine biosecurity charge and these changes have been incorporated into the final Charging Policy 2017/18, included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda.

Considerations:**1. Options**

Section 150 of the LGA sets out the process by which a local authority may prescribe fees and charges in respect of any matter provided for, either under a bylaw or under any other enactment, if the enactment does not authorise the local authority to charge a fee.

Council has completed a review of fees and charges and followed the relevant process for consultation required under section 82 of the LGA.

Staff recommend option 1, to adopt the Charging Policy 2017/18, inclusive of amendments and additional charges.

No.	Option	Advantages	Disadvantages
1	Confirm and adopt the charges and policy of the Charging Policy 2017/18	Fees, charges, and policy can be updated for the 2017/18 financial year.	None

2	Do not confirm and adopt the Charging Policy 2017/18	Would allow further time to engagement with those impacted by the new marine biosecurity charge.	Fees and charges will not be able to be updated for the 2017/18 financial year, resulting in inaccurate costs.
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2. Significance and Engagement

Section 76AA of the LGA directs that council must adopt a policy setting out how significance will be determined and the level of engagement that will be triggered. This policy assists council in determining how to achieve compliance with the LGA requirements in relation to decisions.

Council was required by Section 150 of the LGA to undertake consultation on the Charging Policy 2017/18, which also achieved compliance with council's Significance and Engagement policy, in particular *'We will consult when we are required to by law, when a proposal is considered significant, and when we need more information on options for responding to an issue'*.

The decision to confirm and adopt the Charging Policy 2017/18 follows an extensive process of consultation and it is considered that council is well informed in making this decision and is compliant with its Significance and Engagement Policy.

3. Policy and Legislative Compliance

The decision to confirm and adopt the Charging Policy 2017/18 will be in accordance with section 150 of the LGA and section 135 of the Biosecurity Act.

Confirmation and adoption of the Charging Policy 2017/18 is consistent with the policy and legislative requirements outlined above.

Further Considerations

4. Community Views

The views of the community on the amendments and alterations, and inclusion of a new charge in the Charging Policy 2017/18, were obtained during a period of consultation in accordance with section 82 of the LGA. Community views have been provided to council by way of a summary of submissions report and full submission book, and were also summarised in council's deliberations report.

Council has discussed the proposals included in this Charging Policy 2017/18 by way of a deliberations meeting that centred upon the public feedback received.

5. Māori Impact Statement

While there were no proposals in this charging policy that were considered to have significant and specific impacts on Māori, the process of consultation included targeted engagement with Māori. This occurred by way of pānui circulated to all iwi and hapū groups on council's database and regular reporting to the TTMAC working party.

6. Financial Implications

This charging policy sets out the fees and charges for the 2017/18 financial year, which make up a portion of council's activity income sources. An estimation of the income received from these fees and charges that contributes to budgeted income for the 2017/18 financial year is reflected in the financial statements set out in council's Annual Plan 2017/18.

All resources required to produce the final Charging Policy 2017/18 have been budgeted for.

7. Implementation issues

It is not anticipated there will be any implementation issues for the Charging Policy 2017/18 following adoption.

Attachments:

- Charging Policy 2017/18

Authorised by Group Manager:

Name: Jonathan Gibbard

Title: Group Manager – Strategy and Governance

Date: 16 June 2017

TITLE: Rates for the Year 1 July 2017 to 30 June 2018**ID:** A956437**To:** Extraordinary Council Meeting, 27 June 2017**From:** Simon Crabb, Finance Manager**Date:** 16 June 2017**Executive summary**

Under sections 23, 24, 57 and 58 of the Local Government (Rating) Act 2002 (LGRA), the council is required to set its rates, due dates and penalty regime by resolution.

This paper provides for the council to set its rates, due dates and penalty regime for the year commencing on 1 July 2017 and ending on 30 June 2018.

Recommendation(s)

1. That the report 'Rates for the Year 1 July 2017 to 30 June 2018' by Simon Crabb, Finance Manager, and dated 16 June 2017, be received.
2. That the Northland Regional Council resolves to set the following rates under the LGRA for the financial year commencing 1 July 2017 and ending 30 June 2018.

a. Targeted Council Services Rate

A targeted rate as authorised by the LGRA. The rate is calculated on the total projected capital value, as determined by the certificate of projected valuation, of each constituent district in the Northland region. An additional \$1.73 (including GST) per each rateable separately used or inhabited part (SUIP) of a rating unit is to be assessed across the Whangārei constituency to provide funding for the ongoing maintenance of the Hātea River Channel. The rate is differentiated by location in the Northland region and assessed as a fixed amount per each rateable separately used or inhabited part (SUIP) of a rating unit in the Far North and Whangārei districts, and on each rateable rating unit (RU) in the Kaipara district. The rate is set as follows:

	<u>Including GST</u>
Far North District	\$91.92 per SUIP
Kaipara District	\$122.90 per RU
Whangārei District	\$117.66 per SUIP

The Whangārei District Targeted Council Services Rate amount of \$117.66 (including GST) per SUIP **includes** funding for the Hātea River Channel amount of \$1.73 (including GST) per SUIP.

b. Targeted Land Management Rate

A targeted rate as authorised by the LGRA. The rate is assessed on the land value of each rateable rating unit in the region. The rate is set per dollar of land value. The rate per dollar of land value is different for each constituent district because the rate is allocated based on projected land value, as provided for in section 131 of the LGRA. The rate is set as follows:

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Including GST

Far North District	\$0.0003612 per dollar of land value
Kaipara District	\$0.0004300 per dollar of land value
Whangārei District	\$0.0004016 per dollar of land value

c. Targeted Regional Recreational Facilities Rate

A targeted rate as authorised by the LGRA. The rate is a fixed amount, differentiated by location in the Northland region. The rate will be assessed on each rateable rating unit (RU) in the Kaipara district and each rateable separately used or inhabited part of a rating unit (SUIP) in the Far North and Whangārei districts. The rate is set as follows:

Including GST

Far North District	\$4.57 per SUIP
Kaipara District	\$4.57 per RU
Whangārei District	\$22.85 per SUIP

d. Targeted Regional Infrastructure Rate

A targeted rate as authorised by the LGRA. This rate is assessed on the land value of each rateable rating unit in the region. The rate is set per dollar of land value. The rate per dollar of land value is different for each constituent district, because the rate is allocated based on projected land value, as provided for in section 131 of the LGRA. The rate is set as follows:

Including GST

Far North District	\$0.0000315 per dollar of land value
Kaipara District	\$0.0000375 per dollar of land value
Whangārei District	\$0.0000350 per dollar of land value

e. Targeted Emergency Services Rate

A targeted rate as authorised by the LGRA. The rate is a fixed amount assessed on each rateable separately used or inhabited part (SUIP) of a rating unit in the Far North and Whangārei districts and each rateable rating unit (RU) in the Kaipara District. The rate is set as follows:

Including GST

Far North District	\$11.76 per SUIP
Kaipara District	\$11.76 per RU
Whangārei District	\$11.76 per SUIP

f. Targeted Whangārei Heads Pest Management Rate

A targeted rate as authorised by the LGRA. The rate is a fixed amount assessed on each rateable separately used or inhabited part of a rating unit located in and around the Whangārei Heads area. These rating units are defined in the map below:



The rate is set as follows:

	<u>Including GST</u>
Whangārei District (identified Whangarei Heads area)	\$50.00 per SUIP

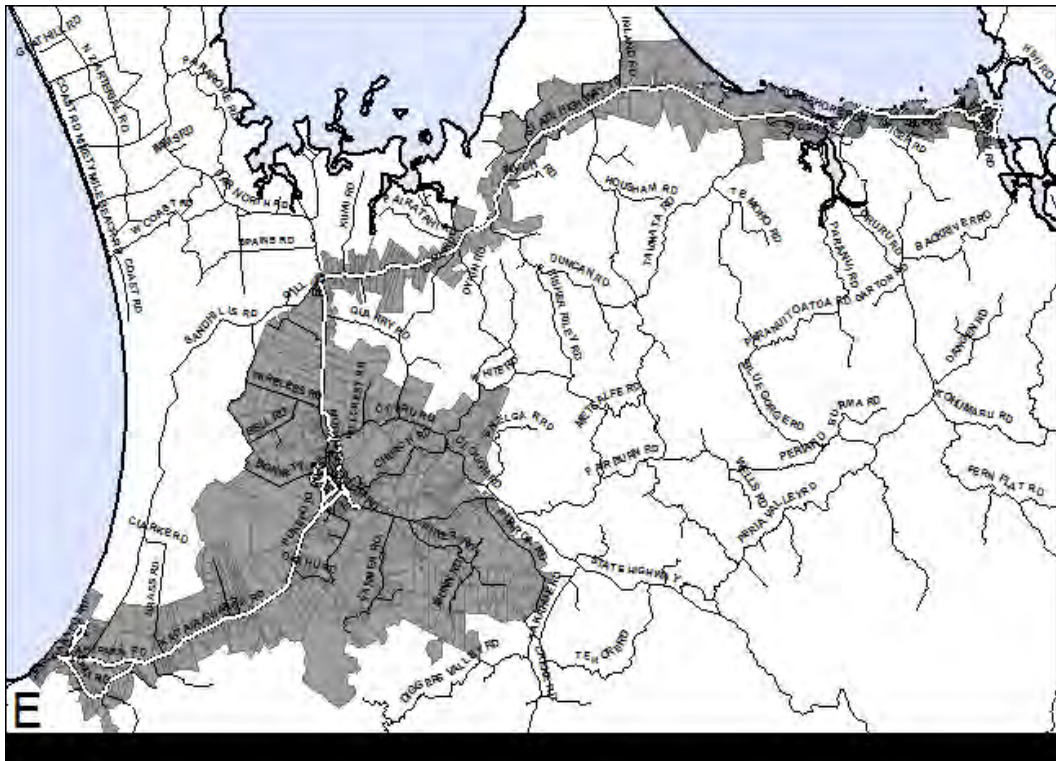
g. Targeted Whangārei Transport Rate

A targeted rate as authorised by the LGRA. The rate is a fixed amount assessed on each rateable separately used or inhabited part of a rating unit in the Whangārei District. The rate is set as follows:

	<u>Including GST</u>
Whangārei District	\$13.90 per SUIP

h. Targeted Kaitāia Transport Rate

A targeted rate as authorised by the LGRA. The rate is a fixed amount assessed on each rateable separately used or inhabited part of a rating unit located near the Kaitāia bus route. These rating units are defined in the map below:



The rate is set as follows:

Far North District (Kaitiāia only)	Including GST \$15.69 per SUIP
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i. Targeted Mid-North Transport Rate

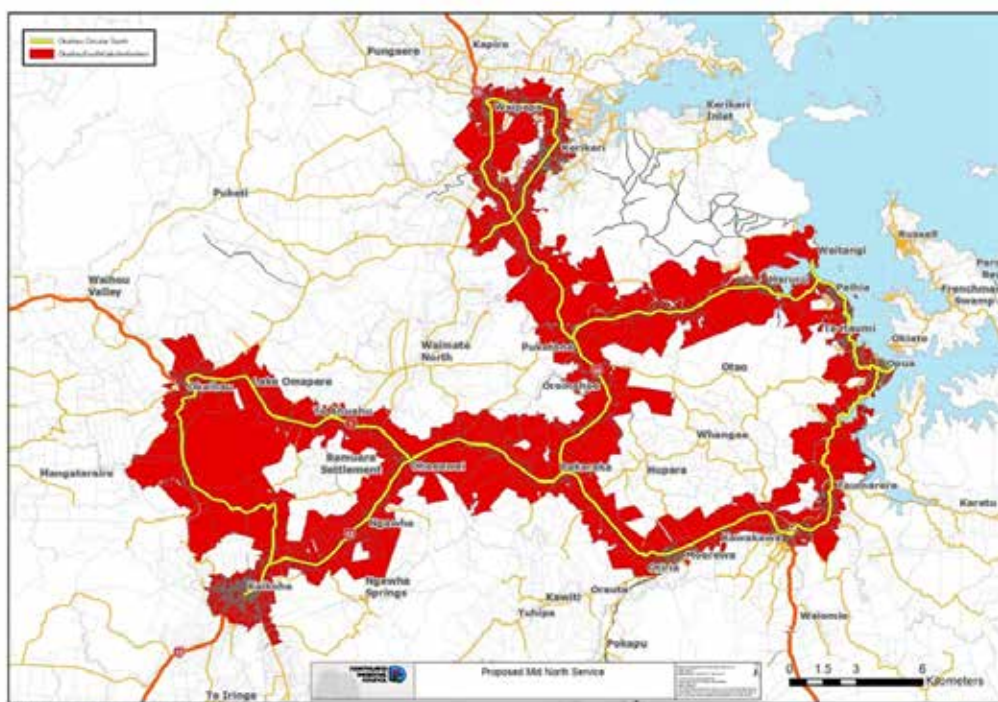
A targeted rate set under the LGRA. The rate is a fixed amount assessed on each rateable separately used or inhabited part of a rating unit located near the Mid-north bus route (as defined in the map below) and is differentiated by category (as defined in the table below):

The rate is set as follows: **Including GST**

SUIPS on or near Mid North Bus route – Commercial differential (as defined on the map and table below)	\$48.64 per SUIP
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SUIPS on or near Mid North Bus route – Non Commercial differential (as defined on the map and table below)	\$24.32 per SUIP
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Rating units for the Targeted Mid-North Transport Rate:



Differential categories for the Targeted Mid-North Transport Rate:

Differential	Basis	Description	Land use codes
Non Commercial	100%	SUIPs have a non-commercial use based on their actual use as defined by their land use code. (Note: in certain circumstances land with a commercial land use may be treated as non commercial if the ratepayer demonstrates to council's satisfaction that the actual use is not commercial.)	0, 1, 2, 9, 10 to 17, 19 to 29, 90, 91, 92 & 97-99 (93 - 96 may also be treated as non commercial if the actual use of the land is not commercial)
Commercial	200%	SUIPs which have some form of commercial or industrial use or are used primarily for commercial purposes as defined by their land use codes. (Note: in certain circumstances land with a non commercial land code use may be treated as commercial if the actual use of the entire rating unit is commercial in nature.)	3, 4, 5, 6, 7, 8, 18, 30 to 89, 93, 94, 95, & 96

Where different uses take place on parts of the rating unit, the parts may be categorised in different differential categories.

Council retains the right to apply a different differential where it can be demonstrated, to its satisfaction, that the actual use of the entire rating unit differs from that described by the current land use code.

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j. Targeted Awanui River Management Rate

A targeted rate set under the LGRA, set differentially by location and area of benefit as defined in the Awanui River Flood Management Plan, and as defined in the maps and table below:

The rate is set differentially as follows:

	<u>Including GST</u>
Urban rate class UA (floodplain location) \$188.29 direct benefit plus \$18.71 indirect benefit, total per each rateable separately used or inhabited part of a rating unit – all rateable rating units other than in the commercial differential:	\$207.00 per SUIP
Urban rate class UA – commercial differential	\$621.00 per SUIP
Urban rate classes UF (higher ground) \$18.71 direct benefit plus \$18.71 indirect benefit, total per each rateable separately used or inhabited part of a rating unit – all rateable rating units other than in the commercial differential:	\$37.42 per SUIP
Urban rate class UF – commercial differential	\$112.26 per SUIP
Rural rate differentiated by class, \$8.42 per each rateable separately used or inhabited part of a rating unit of indirect benefit plus a rate per hectare for each of the following classes of land in the defined Kaitāia flood rating district as stated in the Awanui River Asset Management Plan:	\$8.42 per SUIP

Class	Description	<u>Rate per Rateable Ha Including GST</u>
A & B	High benefit; Rural land which receives high benefit from the Awanui scheme works due to reduced flooding risk and/or reduced duration of flooding and/or coastal flooding – all rateable land other than in the commercial differential:	\$15.31 per hectare
A & B Commercial Differential		\$45.93 per hectare
C	Moderate benefit; land floods less frequently and water clears quickly – all rateable land other than in the commercial differential:	\$6.93 per hectare

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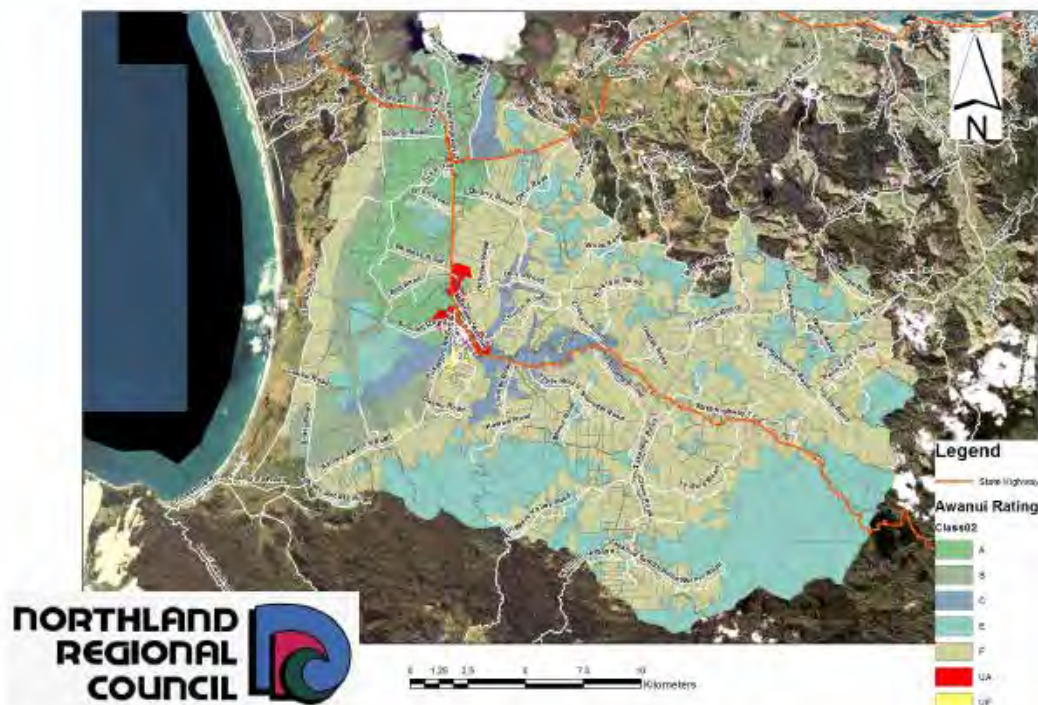
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C	Commercial Differential	\$20.79 per hectare
E	Land in flood ways and ponding areas that receive no benefit and land in native bush that performs watershed protection function - all rateable land other that in the commercial differential	-
E	Commercial Differential	-
F	Contributes runoff waters and increases the need for flood protection - all rateable land other that in the commercial differential:	\$0.92 per hectare
F	Commercial Differential	\$2.76 per Hectare

The rating classifications are shown in the following maps:

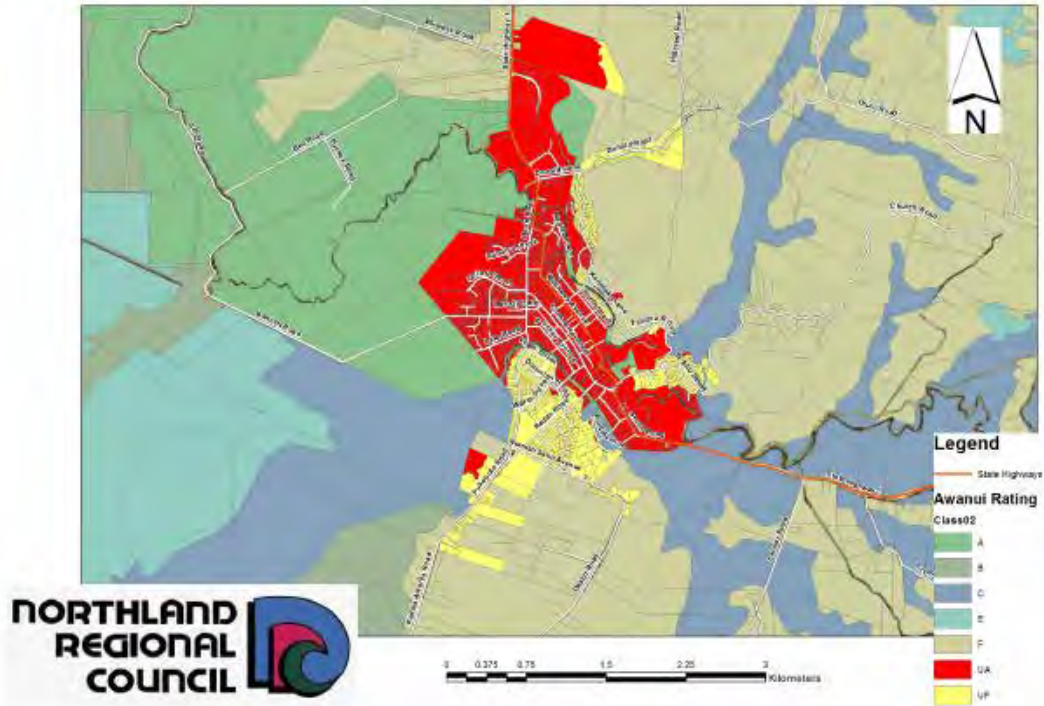
Awanui River management rate classes.

Awanui River Scheme Targeted Rate



Awanui River management rate classes.

Awanui River Scheme Targeted Rate - Kaitaia Detail



Awanui River management rate classes.

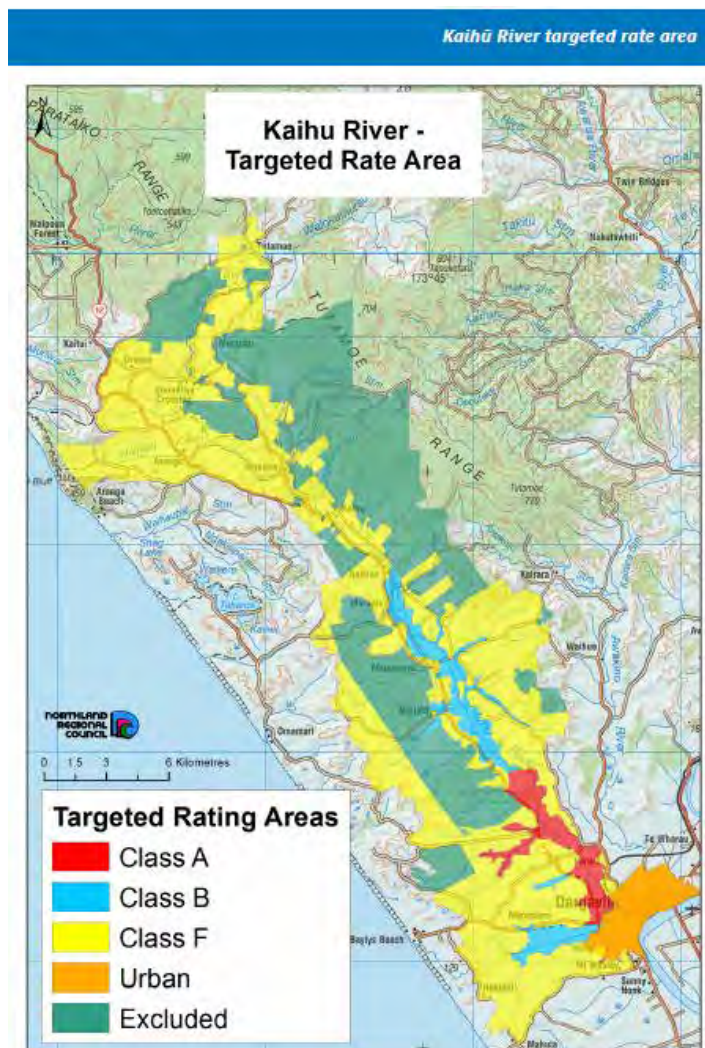
Awanui River Scheme Targeted Rate - Awanui Detail



k. Targeted Kaihū River Management Rate

A targeted rate set under the LGRA, and set differentially by location and area of benefit as defined in following table and map:

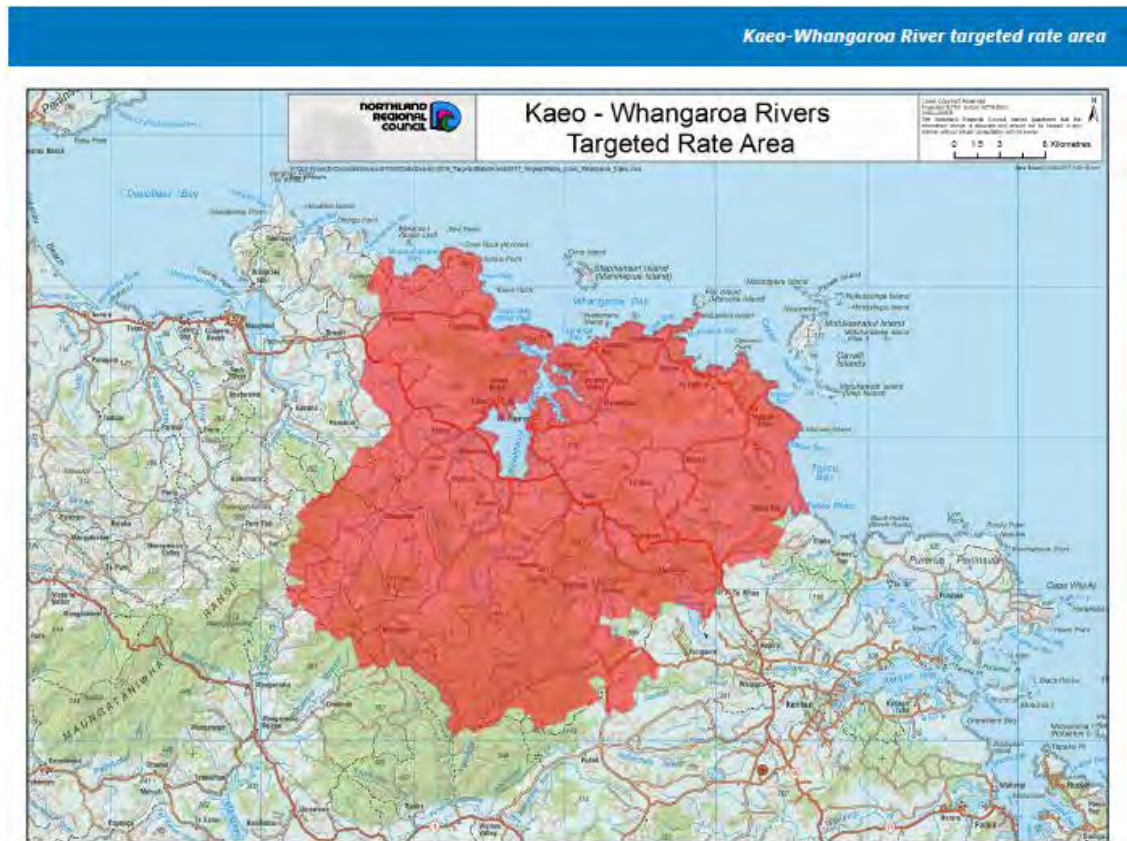
	<u>Including GST</u>
Class A - per rateable hectare of land on the floodplain and side valleys downstream of Rotu Bottleneck:	\$21.22
Class B - per rateable hectare of land on the floodplain and tributary side valleys between Ahikiwi and Rotu Bottleneck:	\$11.68
Class F – per rateable hectare of land within the Kaihū River rating area not falling within Class A and Class B:	\$1.65
Urban Contribution – annual contribution from the Kaipara District Council instead of a separate rate per property:	\$5,015 pa



I. Targeted Kaeo-Whangaroa Rivers Management Rate

A targeted rate set under the LGRA, set on a uniform basis in respect of each rateable separately used or inhabited part of a rating unit falling within the former Whangaroa Ward rating rolls of 100-199, as defined in the map below:

Former Whangaroa Ward **Including GST**
\$53.66 per SUIP



m. Targeted Whangārei Urban Rivers Management Rate

A targeted rate set under the LGRA, and assessed on all rateable properties defined by reference to the differential categories, and differentiated by location (defined in the maps below) and, for some categories, land use. It is set as a fixed amount per each rateable separately used or inhabited part (SUIP) of a rating unit, as follows:

	<u>Including GST</u>
Commercial properties located in the Whangārei Central Business District flood area:	\$324.43 per SUIP
Residential properties located in the Whangārei Central Business District flood area:	\$125.17 per SUIP
Properties located in the contributing water catchment area (including properties falling in the Waiarohia, Raumanga, Kirikiri and Hātea River Catchments):	\$41.88 per SUIP



Differential categories for the Whangārei Urban Rivers Management Rate:

<p>Residential properties in the Whangārei central business district</p>	<p>Residential properties in the Whangārei central business district (CBD) flood area are defined as all rating units which are used principally for residential or lifestyle residential purposes, including retirement villages, flats etc. Residential properties also includes multi-unit properties, these being all separate rating units used principally for residential purposes, and on which is situated multi-unit type residential accommodation that is used principally for temporary or permanent residential accommodation and for financial reward, including, but not limited to, hotels, boarding houses, motels, tourist accommodation, residential clubs and hostels but excluding any properties that are licensed under the Sale and Supply of Alcohol Act 2012.</p>
<p>Commercial properties in the Whangārei central business district</p>	<p>Commercial properties in the Whangārei CBD flood area are all separate rating units used principally for commercial, industrial or related purposes or zoned for commercial, industrial or related purposes in accordance with the Whangārei district plan. For the avoidance of doubt, this category includes properties licensed under the Sale and Supply of Alcohol 2012; and private hospitals and private medical centres.</p>

3. Payment dates for rates, and penalty regime

That the Northland Regional Council resolves the following:

Far North District Constituency:

All rates within the Far North District Council constituency are payable in four equal instalments, on the following dates:

Instalment	Due Date for payment
Instalment 1	20 August 2017
Instalment 2	20 November 2017
Instalment 3	20 February 2018
Instalment 4	20 May 2018

The Northland Regional Council resolves to add the following penalties to unpaid Far North District Council constituency rates.

- In accordance with section 58(1)(a) of the LGRA, a penalty of ten percent (10%) will be added to any portion of each instalment of Far North District Council constituency rates assessed in the 2017/18 financial year that is unpaid on or by the respective due date for payment as stated above. These penalties will be added on the following dates:

Instalment	Date Far North District Penalty added
Instalment 1	27 August 2017
Instalment 2	27 November 2017
Instalment 3	27 February 2018
Instalment 4	27 May 2018

Kaipara District Constituency:

All rates within the Kaipara District Council constituency are payable in four equal instalments, on the following dates:

Instalment	Due Date for payment
Instalment 1	20 August 2017
Instalment 2	20 November 2017
Instalment 3	20 February 2018
Instalment 4	20 May 2018

The Northland Regional Council resolves to add the following penalties to unpaid Kaipara District Council constituency rates.

- In accordance with section 58(1) (a) of the LGRA, a penalty of ten percent (10%) of the Kaipara District Council constituency rates assessed in the 2017/18 financial year that are unpaid after the due date for each instalment will be added on the relevant penalty date for each instalment stated below, except where a ratepayer has entered into an arrangement by way of direct debit authority, or an automatic payment authority, and honours that arrangement. These penalties will be added on the following dates:

Instalment	Date Penalty will be added
Instalment 1	22 August 2017
Instalment 2	21 November 2017
Instalment 3	21 February 2018
Instalment 4	22 May 2018

- In accordance with section 58(1)(b) of the LGRA, a penalty of ten per cent (10%) of the amount of all Kaipara District Council constituency rates (including any penalties) from any previous financial years that are unpaid on 04 July 2017 will be added on 05 July 2017.
- In accordance with section 58(1)(c) of the LGRA, a penalty of ten per cent (10%) of the amount of all Kaipara District Council constituency rates to which a penalty has been added under the point immediately above and which are unpaid on 04 January 2018 will be added on 05 January 2018

Whangārei District Constituency

All rates within the Whangārei District Council constituency are payable in four equal instalments, on the following dates:

Instalment	Due Date for payment
Instalment 1	21 August 2017
Instalment 2	20 November 2017
Instalment 3	20 February 2018
Instalment 4	21 May 2018

The Northland Regional Council resolves to add the following penalties to unpaid Whangārei District Council constituency rates.

- In accordance with section 58(1)(a) of the LGA, a penalty of ten percent (10%) will be added to any portion of each instalment of Whangārei District Council constituency rates assessed in the 2017/18 financial year that is unpaid on or by the respective due date for payment as stated above. These penalties will be added on the following dates:

Instalment	Date Penalty will be added
Instalment 1	24 August 2017
Instalment 2	23 November 2017
Instalment 3	23 February 2018
Instalment 4	24 May 2018

- In accordance with section 58(1)(b) of the LGRA, a penalty of ten per cent (10%) will be added to any Whangārei District Council constituency rates (including any penalties) from any financial year prior to 1 July 2017 that still remain unpaid as at 4 July 2017. This penalty will be added on 4 September 2017.

Background:

Under section 23 of the LGRA the council is required to set its rates by resolution. This paper provides for the council to set rates for the year commencing on 1 July 2017 and ending on 30 June 2018.

Rates for the 2017/18 year are set out on a GST inclusive basis. This means that the amount of the rates stated includes the council's GST obligations. Penalties are added to the amount of unpaid rates.

Section 24 of the LGRA requires that the council state the due date for payment of the rates in its resolution setting rates.

Section 57 of the LGRA states that a local authority may, by resolution, authorise penalties to be added to rates that are not paid by the due date. The resolution must state how the penalty is calculated and the date the penalty is to be added to the amount of unpaid rates. Section 58 of the LGRA sets out the penalties that may be imposed.

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Pursuant to section 23(5) of the LGRA, within 20 working days of the making of this resolution, a copy will be sent to the Secretary of Local Government.

Pursuant to section 28(4) of the LGRA the rating information database was made available for public inspection during May 2017.

The full details of the rates calculations and rates collected from each constituent district of the Northland region will be as set out in the tables below:

Table One: Valuations by district (including equalised values)

	Total projected number of Rating Units	Net no. rating units (Kaipara) or SUIPS (others)	Capital Value \$000's	Land Value \$000's	Equalised Capital Value \$000's	Equalised Land Value \$000's	Equalised CV%	Equalised LV%
Far North District	37,647	36,145	14,927,566	7,740,217	14,951,879	7,745,617	33.45%	34.27%
Kaipara District	14,982	13,481	6,245,800	3,689,857	7,456,885	4,372,302	16.68%	19.34%
Whangarei District	41,760	42,728	19,599,787	9,412,516	22,294,239	10,484,094	49.87%	46.39%
Total Valuation - Northland	94,389	92,354	40,773,153	20,842,590	44,703,003	22,602,013	100.00%	100.00%

Table Two: Northland Regional Council Rates for the 2017/18 financial year

* SUIP = Separately used or inhabited part of a rating unit

	Budgeted rates 2017-18 (Including GST)				Total \$ (net)
	Far North District	Kaipara District	Whangārei District	Total \$ (gross)	
Targeted Council service rate					
Rates per SUIP	\$91.92			\$3,437,399	\$3,322,229
Rates per RU		\$122.90		\$1,841,361	\$1,656,881
Rates per SUIP			\$117.66	\$5,152,324	\$5,027,369
				\$10,431,084	\$10,006,479
Targeted Land management rate					
Rate per \$ of actual LV	\$0.0003612			\$2,795,766	\$2,761,198
Rate per \$ of actual LV		\$0.0004300		\$1,586,639	\$1,558,646
Rate per \$ of actual LV			\$0.0004016	\$3,780,066	\$3,737,533
				\$8,162,471	\$8,057,377
Targeted Regional recreational facilities					
Rates per SUIP	\$4.57			\$170,907	\$165,180
Rates per RU		\$4.57		\$68,468	\$61,608
Rates per SUIP			\$22.85	\$1,000,601	\$976,335
				\$1,239,976	\$1,203,123
Targeted Regional infrastructure rate					
Rate per \$ of actual LV	\$0.0000315			\$243,817	\$240,797
Rate per \$ of actual LV		\$0.0000375		\$138,370	\$135,930
Rate per \$ of actual LV			\$0.0000350	\$329,438	\$325,721
				\$711,625	\$702,448
Targeted Emergency service rate					
Rates per SUIP	\$11.76			\$439,795	\$425,059
Rates per RU		\$11.76		\$176,188	\$158,537
Rates per SUIP			\$11.76	\$514,970	\$502,481

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		\$1,130,953	\$1,086,077
Targeted Whangārei transport rate			
Rates per SUIP	\$13.90	\$608,681	\$593,919
Targeted Whangārei Heads pest management rate			
Rates per SUIP	\$50.00	\$108,900	\$107,350
Targeted Kaitāia transport rate			
Rates per SUIP (Kaitāia only)	\$15.69	\$96,007	\$94,124
Targeted Mid North transport rate			
Rates per SUIP		\$ 293,664	\$288,630
Targeted Awanui river management rate			
Far North District - Rural		\$130,803	\$130,267
Far North District - Urban		\$554,035	\$552,718
		\$684,838	\$682,985
Targeted Kaihū river management rate			
Kaipara		\$79,869	\$79,869
Targeted Kaeo-Whangaroa rivers management rate			
Far North (Kaeo only)	\$53.66	\$127,630	\$119,635
Targeted Whangārei urban rivers management rate			
Rates per SUIP		\$1,090,679	\$1,084,786
TOTAL RATES (including GST)			
Far North District		\$8,289,823	\$8,099,837
Kaipara District		\$3,890,894	\$3,651,470
Whangārei District		\$12,585,660	\$12,355,496
TOTAL		\$24,766,377	\$24,106,803

Considerations:

1. Options

The recommended option presented in this report will legally generate the rating revenue required to fund councils 2017/18 work programmes.

Not adopting the recommendations presented in this report would result in an inability to legally strike the 2017/18 rates. Consequently, unless alternative funding streams were obtained, council would fail to deliver all of its 2017/18 work programmes.

2. Significance and Engagement

The council's 2017/18 Annual Plan has been developed in accordance with sections 95 and 95A of the Local Government Act 2002. The rates being set have been established as part of this 2017/18 Annual Plan process that included consultation with the public who have had the opportunity to fully consider the issues and present their views to Council, which have in turn been taken into consideration. Consequently, this resolution is required to enact previous decisions of council through the annual plan process and is an administrative decision that does not itself trigger the Significance and Engagement Policy.

The public will have access to the final 2017/18 Annual Plan and rates resolution through Council's website.

3. Policy and Legislative Compliance

This report has been independently reviewed by Simpson Grierson, and meets all the statutory requirements under the LGRA for the setting of 2017/18 rates.

Further Considerations**4. Community Views**

The impact of the 2017/18 Annual Plan budgets on council's rates has been consulted on with the community through the 2017/18 Annual Plan consultative procedure in accordance with s82 of the Local Government Act 2002.

5. Māori Impact Statement

Targeted consultation on the council's rates funding requirement was undertaken with iwi as part of the 2017/18 Annual Plan consultation process using existing relationship channels.

6. Financial Implications

This report discusses setting of rates for the 2017/18 financial year. The financial impacts of the recommendations in this report are significant as it determines council's ability to collect rate revenue.

7. Implementation issues

There are no implementation issues that council needs to be aware of.

Authorised by Group Manager:

Name: Dave Tams
Title: Group Manager – Corporate Excellence
Date: 16 June 2017

TITLE: Decisions on Regional Marine Pathway Management Plan 2017–2027**ID:** A954642**To:** Extraordinary Council Meeting, 27 June 2017**From:** Don McKenzie, Biosecurity Manager**Date:** 9 June 2017**Executive Summary**

The Proposed Marine Pathway Management Plan (PMPMP) forms an integral part of the Proposed Regional Pest and Marine Pathway Management Plan 2017–2027 (PRPMPMP).

At the extraordinary council meeting of 8 March 2017, the PRPMPMP and the accompanying analysis of costs and benefits were approved for public notification in accordance with sections 70, 71, 90, and 91 of the Biosecurity Act 1993 ('the Act').

The availability of the PRPMPMP for submissions was subsequently advertised on 18 March 2017, along with the Draft 2017/18 Annual Plan, Draft Charging Policy 2017/18, and Draft Navigation Safety Bylaw 2017 in a process of joint plan consultation. Submissions on the PRPMPMP closed on 21 April 2017. Hearings of submissions were then held on 22–24 May 2017.

As the decisions on submissions on the PMPMP are closely aligned with decisions on the Draft Charging Policy, the decision was made to separate out decision-making on this part of the PRPMPMP.

There were 304 submissions made on the PMPMP. Many of the submissions were from vessel owners and businesses associated with moorings and marinas. A summary report on the submissions was prepared including staff recommendations on associated changes to the PMPMP. The report and recommendations were considered by council on 8 June 2017 and all recommendations were accepted.

At the same meeting, the council confirmed that it was satisfied that the consultation requirements of section 92 of the Act were met.

The purposes of this report, dictated by the express requirements of the Act for MPMP preparation, are fourfold:

- a) To formally approve the 'preparation' of the MPMP, as amended following consideration of submissions, pursuant to section 93(1) of the Act.
- b) To confirm which body is to be the management agency for the MPMP pursuant to section 93(2) of the Act.
- c) To confirm that the council is satisfied that the content of the MPMP meets the requirements of section 94 of the Act.
- d) To present for council approval a report on the MPMP, including reasons for decisions on submissions, for submitter and public notification pursuant to section 95(2), (3) and (4) of the Act.

As outlined at the end of this report, notification of decisions can then await council decisions on submissions on the wider Regional Pest Management Plan – scheduled for 26 July 2017. The collective decisions can then be notified altogether, at which stage submitters may appeal to the Environment Court over the decisions.

Recommendations

1. That the report 'Decisions on Regional Marine Pathway Management Plan 2017–2027' by Don McKenzie, Biosecurity Manager, and dated 9 June 2017, be received.
2. That the 'preparation' of the MPMP, as amended following consideration of submissions, be approved pursuant to section 93(1) of the Biosecurity Act 1993.
3. That the Northland Regional Council be confirmed as the management agency for the MPMP pursuant to section 93(2) of the Act.
4. That the council confirms it is satisfied that the content of the MPMP, as amended following consideration of submissions, meets the requirements of section 94 of the Act.
5. That the Section 95 report on the plan, including reasons for accepting or rejecting submissions, and attachments be approved for submitter and public notification pursuant to section 95(2), (3) and (4) of the Act.
6. That council delegates to the Group Manager – Environmental Services the authority to make any necessary minor formatting, typographical and administrative changes prior to public notification.

Background:

Approval of changes to MPMP

Having been satisfied that the consultation requirements of section 92 of the Act have been met and that the issues raised in submissions on the proposed MPMP have been considered, the next step is to approve the preparation of the MPMP (section 93(1)).

It needs to be highlighted here that the Act refers to the preparation of an initial 'proposal' (sections 90 and 91) which is then followed, after consultation, by the preparation of a plan (section 93). In the case of the MPMP, the proposal took the form of a draft plan. Hence there is no need to now 'prepare' a separate plan but rather to approve any amendments made to the draft following the consideration of submissions. A summary of the amendments agreed at the 8 June 2017 meeting is included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda. The actual text amendments are highlighted in yellow in the full RPMPMP which can be accessed via www.nrc.govt.nz/agendas.

Once approved, the MPMP with these changes become the initial part of 'the plan' for the purposes of sections 94 and 95 of the Act. The remainder of the plan will be added after the 26 July 2017 meeting when any other changes to the broader RPMPMP are expected to be approved.

Confirmation of management agency

Section 93(2) requires that the council confirm which body is to be the management agency for the MPMP. In doing so it must refer to the criteria set out in section 100 of the Act. Of relevance to the MPMP is that:

- (1) The management agency can only be either a government department, a regional council, a territorial authority, or a body corporate; and
- (2) In deciding which body is to be the management agency, the council must take the following into consideration:
 - (a) the need for accountability to those providing the funds to implement the plan; and
 - (b) the acceptability of the body to—
 - (i) those providing the funds to implement the plan; and
 - (ii) those subject to management provisions under the plan; and
 - (c) the capacity of the body to manage the plan, including the competence and expertise of the body's employees and contractors.

PRPMPMP section 3.1 already states that the council will be the body responsible for implementing the Marine Pathway Plan on the basis that it:

- is accountable to plan funders, including Crown agencies, through the requirements of the Local Government Act 2002;
- is acceptable to the funders and those persons subject to the plan's management provisions because it has implemented previous Regional Pest Management Strategies; and
- has the capacity, competency and expertise to implement the PRPMPMP.

There is no government department, territorial authority or body corporate which meets all the required criteria more appropriately than the council, and there was no challenge made through submissions to the council being the management agency.

Satisfaction on contents of MPMP

Before notifying its decisions on submissions, the council must satisfy itself that the contents of the MPMP meet the requirements of section 94 of the Act. The requirements in this section are an abbreviated version of those stipulated for the initial proposal (proposed MPMP) under section 91. The earlier assessment done showed that the MPMP is compliant with section 91. In essence section 94 is therefore a check that any changes made to the original proposal are also compliant with the Act. A tabulated summary of compliance against the requirements of both sections 91 and 94 is included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda.

The contents of the MPMP comply with the requirements of section 94 of the Act. As no major change is proposed to the MPMP, the document remains consistent with the national template prepared for all regional councils.

Approval of decisions report on submissions

Section 95 of the Act requires that the council prepare a written report on the plan. There is no direction as to what the report needs to cover other than that it must include the council's reasons for accepting or rejecting submissions received on the initial proposal (s95(2)(a)). As the recommendations in the submissions deliberations report, considered at the 8 June 2017 meeting, were all accepted, that report has been revised to form the report required under section 95 (included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda). It is recommended that this be approved for public notification purposes. Although not required by the Act, changes to the public private cost sharing arrangements for implementing the MPMP have also been made and this report is available upon request.

Next steps

If the recommendations of this report are approved, the council has the option to then proceed to notify its decisions on the MPMP alone. However, it is recommended that notification be delayed until after the 26 July 2017 council meeting to deliberate on the recommendations concerning the Proposed Northland Regional Pest Management Plan 2017–2027.

Assuming decisions on submissions on the RPMPMP are approved at that meeting, the next steps are to:

- provide a copy of the decisions report to every person who made a submission; and
- give public notice:
 - stating the council's decision on the plan; and
 - stating where the plan resulting from the council's decision can be read.

If they so wish, and in accordance with sect 96, submitters then have 15 working days after the date of the public notice to apply to the Environment Court to contest:

- (a) any aspect of the plan;
- (b) whether the plan is inconsistent with the national policy direction; and
- (c) whether the process requirements for a plan in the national policy direction, if there were any, were complied with.

Should there be no appeals the plan is made by fixing the council's seal to the plan in accordance with section 97 and a further public notice of the plan's commencement date can then follow.

Considerations:

1. Options

Compliance with the plan preparation requirements of the Biosecurity Act is compulsory so there are no options to consider in respect of sections 93 and 94. However, there are options for notifying decisions on submissions as tabulated below.

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No.	Option	Advantages	Disadvantages
1	Notify written report on MPMP only	Council decisions and any associated appeals relating to the specialised area of marine pathway plan can be dealt with as a discrete workstream.	<p>Changes arising from council decisions on submissions on MPMP are not just confined to Section 10 but include other parts of the RPMPMP.</p> <p>Duplication of public and submitter notification of and increased associated costs.</p> <p>May be confusing to those persons who made submissions on both the MPMP and the wider RPMPMP.</p>
2	Delay notification until council decisions are made on all submissions to the RPMPMP.	<p>Financially and administratively more efficient.</p> <p>Allows any appeals to be considered together and efficiently dealt with.</p>	A slight time delay for those submitters with an interest only in the MPMP.

The staff's recommended option is Option 2.

2. Significance and Engagement

Section 76AA of the Local Government Act 2002 (LGA) directs that council must adopt a policy setting out how significance will be determined, and the level of engagement that will be triggered. This policy assists council in determining how to achieve compliance with LGA requirements in relation to decisions.

While this did not trigger the council's Significant and Engagement Policy, council is required under section 92 of the Biosecurity Act 1993 to consult and therefore consultation with Northland communities was undertaken in accordance with sections 82/83 of the Local Government Act 2002.

Further, as this decision will impact on a body of water, through this consultative process consideration was given to the relationship of Māori and their culture and traditions with their ancestral water ways.

Engagement with the community has been carried out. The process of adopting the plan is considered compliant with councils Significant and Engagement Policy.

3. Policy and Legislative Compliance

The preparation process for the MPMP generally, and the specific actions recommended in this report, follow the prescribed steps in Biosecurity Act 1993 sections s90–95. A separate evaluation of compliance with the legislative requirements, including the National Policy Direction on Pest Management 2015, has been made at each stage.

4. Māori Impact Statement

The views of Māori were sought during the development of the plan through engagement of a Technical Working Party established through Te Taitokerau Maori Advisory Committee (both process and personal) and with Te Uri o Hau Settlement Trust. Further the process of consultation included specific engagement with Māori. This occurred by way of pānui circulated to iwi, hapū and Māori on council's database and regular reporting to TTMAC; to both provide information about the plan and to extend and invite to meet with groups to discuss the plan in more detail. Further engagement with Māori is expected to occur as part of the implementation of the Marine Pathway Management Plan 2017–2027.

5. Financial Implications

Financial implications have been addressed as part of the cost benefit analysis and the 2017/2018 Annual Plan process.

Attachments:

1. Regional Pest Management and Marine Pathway Management Plan
2. Summary of amendments to MPMP following consideration of submissions
3. Assessment of MPMP compliance with BSA sections 91 and 94
4. BSA s95 compliance report including decisions on submissions
5. National Policy Direction compliance check
6. Satisfaction with consultation approach

Authorised by Group Manager:

Name: Bruce Howse
Title: Group Manager – Environmental Services
Date: 13 June 2017

TITLE: Confirmation and Making of the Northland Regional Navigation Safety Bylaw 2017**ID:** A954456**To:** Extraordinary Council Meeting, 27 June 2017**From:** Tony Phipps, General Manager – Customer Service and Community Resilience; Jim Lyle, Harbourmaster; and Anthony Browne, Deputy Harbourmaster**Date:** 14 June 2017

Executive summary

The purpose of this report is to confirm and make the Northland Regional Navigation Safety Bylaw 2017.

Recommendations

1. That the report 'Confirmation and Making of the Northland Regional Navigation Safety Bylaw 2017' by Tony Phipps, General Manager – Customer Service and Community Resilience; Jim Lyle, Harbourmaster; and Anthony Browne, Deputy Harbourmaster, and dated 14 June 2017, be received.
 2. That pursuant to section 33M of the Maritime Transport Act 1994, council makes the Northland Regional Navigation Safety Bylaw 2017 as included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda, for the purpose of ensuring maritime safety in its region, with effect from 1 August 2017.
 3. That pursuant to section 157 of the Local Government Act, council resolves to publicly notify the making of the Northland Regional Council Navigation Safety Bylaw 2017 and that the Northland Regional Navigation Safety Bylaw 2017 and the proposed controls contained therein will take effect from 1 August 2017.
 4. That council approve the Harbourmaster to request the Minister of Transport to enact new infringement regulations and associated fees for offences related to the Northland Regional Navigation Safety Bylaw 2017, as recommended by the council.
 5. That council directs staff to:
 - A. Develop an integrated implementation plan to ensure adequate education and promotion of the requirements of the Northland Regional Navigation Safety Bylaw 2017 and the proposed controls;
 - B. Review the resources available to ensure the implementation of the Northland Regional Navigation Safety Bylaw 2017, including the resources available to the Harbourmaster and for other marine safety initiatives.
-

Background:

Council approved the draft Navigation Safety Bylaw 2017 (the bylaw) for the purpose of public consultation on 8 March 2017. Consultation took place as part of council's 'Combined Consultation' process, which included receipt of over 500 submissions and more than 60 people speaking at hearings.

Full council deliberated on the proposal on 8 June 2017. The final bylaw presented here is inclusive of the resolutions resulting from council's deliberations.

It is proposed that the current Navigation Safety Bylaw 2012 not be revoked until the infringement fees associated with the new Northland Regional Navigation Safety Bylaw 2017 have been gazetted by the Minister of Transport. The revocation of the 2012 bylaw will therefore be addressed in a separate agenda item to council later in the year.

Considerations:**Options**

No.	Option	Advantages	Disadvantages
1	Adopt the Northland Regional Navigation Safety Bylaw	Adoption of new Navigation Safety Bylaw 2017 will enable council to continue the effective and efficient management of maritime navigation and safety matters, and will achieve compliance with the bylaw review requirements of section 158 of the LGA.	None
2	Do not adopt the Northland Regional Navigation Safety Bylaw	None	The current Navigation Safety Bylaw 2012 will continue for up to two years but will not be updated, and will not provide for the most effective and efficient management of maritime navigation and safety matters. Council will not achieve compliance with section 158 of the LGA.

Staff's recommendation is to adopt the new Northland Regional Navigation Safety Bylaw 2017, which will fulfil the council's obligations under sections 155, 156 and 158 of the Local Government Act 2002.

1. Significance and Engagement

Section 76AA of the LGA directs that council must adopt a policy setting out how significance will be determined, and the level of engagement that will be triggered. This policy assists council in determining how to achieve compliance with LGA requirements in relation to decisions.

Council was required by section 156 of the LGA to undertake consultation on the Navigation Safety Bylaw, which also achieved compliance with council's Significance and Engagement Policy, in particular 'We will consult when we are required to by law, when a proposal is considered significant, and when we need more information on options for responding to an issue'.

The decision to confirm and make the Northland Regional Navigation Safety Bylaw 2017 follows an extensive process of consultation and it is considered that council is well informed in making this decision and compliant with its Significance and Engagement Policy.

2. Policy and Legislative Compliance

Upon adopting the Northland Regional Navigation Safety Bylaw 2017 this will achieve compliance with the Local Government Act 2002, the Maritime Transport Act 1994, and Maritime Rules.

Once the navigation safety bylaw has been adopted by council, staff can then commence the process for formalising compliance regulations and associated offence fees to allow for enforcement of the bylaws. Once timelines have been assessed, council will be requested to revoke the Navigation Safety Bylaw 2012 and associated offence regulations. The timeline for this is unknown and may take some months.

Further Considerations

3. Community Views

The views of the community on the draft Navigation Safety Bylaw 2017 were obtained during a period of consultation, in accordance with section 83 of the LGA. Community views have been provided to council by way of a summary of submissions report and full submission book, and were also summarised in council's deliberations report.

Council has discussed the proposals included in this Navigation Safety Bylaw by way of a deliberations meeting that centred upon the public feedback received.

4. Māori Impact Statement

While there were no proposals in the Navigation Safety Bylaw 2017 that were considered to have significant specific impacts on Māori, the process of consultation included targeted engagement with Māori. This occurred by way of pānui with all of the iwi and hapū groups on council's database.

5. Financial Implications

There will be minor costs associated with the notification of the council's decision arising from the costs of the public notices and of publishing the Boating in Northland guide, and printing of the new Northland Regional Navigation Safety Bylaw 2017.

Due to the significant unplanned change to the personal flotation devices for compulsory wearing on all vessels under six metres whilst underway, all boat ramp signage will need to be amended. The approximate cost is expected to reach \$30,000 over the next two years, initially using stickers over existing signs, followed by long term replacement signage. This cost is unplanned in the current Long Term Plan. New signage and amendments on boat ramp signs will be required for the ban on board sports in Waipu and Ruakaka Estuary, the approximate cost is \$5,000.

6. Implementation issues

Staff have been advised that parliament will be busy with the coming election, therefore advice received is we should not revoke our old bylaw before the new infringement regulations associated with the 2017 bylaw have been issued. If the 2012 bylaws are revoked prior to this staff will be unable to infringe for breaches of the Navigation Safety Bylaw.

Staff are investigating options, legalities and procedures around this.

Attachments:

- Attachment 1 - Northland Regional Navigation Safety Bylaw 2017

Authorised by Group Manager:

Name: Tony Phipps
Title: Group Manager – Customer Service and Community Resilience
Date: 19 June 2017

TITLE: Amended Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 and Statement of Proposal**ID:** A952042**To:** Council Meeting, 27 June 2017**From:** Anthony Browne, Deputy Harbourmaster**Date:** 12 June 2017

Executive summary

The purpose of this report is to present an amended draft Kai Iwi Lakes Navigation Safety Bylaw 2017 (the draft bylaw) and associated Statement of Proposal adopted for consultation on 16 May 2017.

This resolution is sought to better align the draft bylaw with the Navigation Safety Bylaw 2017 subsequent to changes implemented following submissions made during the combined consultation process.

This report seeks adoption of the draft bylaw and the Statement of Proposal and approval to commence consultation using the Special Consultative Procedure under section 83 of the Local Government Act 2002 (LGA).

Recommendations

1. That the report 'Amended Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 and Statement of Proposal' by Anthony Browne, Deputy Harbourmaster, and dated 12 June 2017, be received.
2. That council rescind its decision of 16 May 2017 to adopt the Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 and Statement of Proposal (included as **Attachments One and Three** pertaining to Item 7.5 of the 16 May 2017 council agenda) and adopt the revised draft Kai Iwi Lakes Navigation Safety Bylaw 2017, as included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda, for the purposes of consultation, pursuant to section 156 of the Local Government Act 2001.

Background:

Council maintains a Navigation Safety Bylaw that sets rules for keeping people and property safe on the water. The current bylaw, however, does not include the Kai Iwi Lakes (Taharoa Domain), as it applies only to the waters in estuaries, inlets, harbours and along the Northland coast.

The previous Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 adopted for consultation was closely aligned with the regional version, however, following public consultation the submissions received necessitated changes to the Navigation Safety Bylaw. In order to maintain consistency with the rules contained within the bylaws a decision was made to postpone consultation on the Kai Iwi Lakes Navigation Safety Bylaw pending results of the deliberations process.

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It is proposed that council will, following the process of consultation, adopt the Northland Regional Council Kai Iwi Lakes Navigation Safety Bylaw 2017, pursuant to the Maritime Transport Act 1994, as enabled by section 156 of the Local Government Act 2002 (LGA).

The proposed bylaw is covered in detail in the Statement of Proposal which is included in the supporting information pertaining to the 27 June 2017 extraordinary council meeting agenda. This Statement of Proposal includes:

- An outline of the legislative framework under which the bylaw is made;
- A determination of whether a bylaw is the most appropriate way of addressing the management of the Kai Iwi Lakes (determinations under section 155 of the Local Government Act 2002);
- A summary of proposed inclusions;
- Information on the bylaw making process; and
- Information on how people can provide feedback.

Considerations:**1. Options**

The process for making, amending or revoking a bylaw is set out in section 156 of the LGA. This requires use of the special consultative procedure if the bylaw concerns a matter identified in council's Significance and Engagement Policy, or if the council considers that there is, or is likely to be, significant impact on the public due to the proposed bylaw. In consideration of using the special consultative procedure, a Statement of Proposal has been produced which includes a full draft of the proposed bylaw, the reasons for the proposal, and other relevant determinations.

There are two options set out below. Staff recommend option 1, to adopt the amended Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 and Statement of Proposal for consultation.

No.	Option	Advantages	Disadvantages
1	Adopt the amended draft Kai Iwi Lakes Navigation Safety Bylaw and Statement of Proposal for consultation	Adoption of a new Kai Iwi Lakes Navigation Safety Bylaw, following the proper consultation process, will enable council to collect feedback relevant to the proposed bylaw that is aligned with the regional bylaw.	None
2	Do not adopt the amended draft Navigation Safety Bylaw and Statement of Proposal for consultation	None	Submission will be received on the provisions of a proposed bylaw that is not aligned with the regional bylaw.

2. Significance and Engagement

Section 76AA of the LGA directs that council must adopt a policy setting out how significance will be determined, and the level of engagement that will be triggered.

This policy assists council in determining how to achieve compliance with LGA requirements in relation to decisions.

This decision in itself is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is for the purpose of achieving compliance with sections 83 and 156 of the LGA and does not, in itself, impact the community other than to provide them with information and an opportunity to provide feedback on the proposed Kai Iwi Lakes Navigation Safety Bylaw.

The decision to adopt the amended Draft Kai Iwi Lakes Navigation Safety Bylaw and Statement of Proposal for consultation, while not significant in itself, will enable council to make decisions on the bylaw while having full regard to community views in relation to the proposals set out in the document. This will assist council in achieving compliance with procedures in relation to decisions as set out in Part 6 of the LGA, and in particular, section 83.

3. Policy and Legislative Compliance

The decision to adopt the amended Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 and Statement of Proposal will achieve compliance with sections 83 and 156 of the Local Government Act 2002. This decision will also achieve compliance with council's Significance and Engagement Policy, in particular 'We will consult when we are required to by law, when a proposal is considered significant, and when we need more information on options for responding to an issue'.

4. Further Considerations – Community Views, Impacts on Māori, Financial and Implementation Implications

The decisions contained within this report will enable formal consultation, which will provide council with submissions on community views and potential impacts on Māori. A hui to get feedback from Māori is included in the proposed process.

It is known from the public process of developing the Taharoa Domain Reserve Management Plan that there are a wide range of views on the recreational uses of the Kai Iwi Lakes, and in particular the use and limits placed on powered vessels. The recommended process provides for a formal submission and hearing process to consider those community views on the draft bylaw. Any financial impacts or implementation issues are addressed in the attached documentation.

Further consideration of community views, impacts on Māori, financial impacts, and implementation issues, will be addressed through the deliberations process and subsequent council decision to adopt the final Navigation Safety Bylaw 2017.

Attachment:

- *Attachment 1 – Amended Draft Kai Iwi Lakes Navigation Safety Bylaw 2017 and Statement of Proposal.*
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Authorised by Group Manager:

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Title: Group Manager – Customer Service/Community Resilience
Date: 19 June 2017