

**Extraordinary Council Meeting**  
**Tuesday 14 March 2023 at 9.30am**

**AGENDA**

## Northland Regional Extraordinary Council Meeting Agenda

Meeting to be held in the Council Chamber  
36 Water Street, Whangārei  
on Tuesday 14 March 2023, commencing at 9.30am

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

<b>RĪMITI (Item)</b>	<b>Page</b>
<b>1.0 NGĀ MAHI WHAKAPAI / HOUSEKEEPING</b>	
<i>Key Health and Safety points to note:</i>	
<ul style="list-style-type: none"><li>• <i>If the fire alarm goes off – exit down the stairwell to the assembly point which is the visitor carpark.</i></li><li>• <i>Earthquakes – drop, cover and hold</i></li><li>• <i>Visitors please make sure you have signed in at reception, and that you sign out when you leave. Please wear your name sticker.</i></li><li>• <i>The toilets are on the opposite side of the stairwell.</i></li><li>• <i>Please adhere to the recommended Covid alert guidance that applies.</i></li></ul>	
<b>2.0 KARAKIA TIMATANGA – TAUĀKI Ā ROTO / OPENING KARAKIA</b>	
<b>3.0 NGĀ WHAKAPAHĀ / APOLOGIES</b>	
<b>4.0 NGĀ WHAKAPUAKANGA / DECLARATIONS OF CONFLICTS OF INTEREST</b>	
<b>5.0 NGĀ TAKE / DECISION MAKING MATTERS</b>	
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**TITLE: Adoption of the Draft User Fees and Charges 2023/24 and approval to consult**

**From:** Nicola Hartwell, Legal Advisor (Corporate Policy Specialist)

**Authorised by Group Manager/s:** Bruce Howse, Pou Taumatua – Group Manager Corporate Services, on 02 March 2023

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**Executive summary/Whakarāpopototanga**

The purpose of this report is to present the Draft User Fees and Charges 2023/24 for adoption, and approval to commence consultation using the special consultative procedure set out in section 83 of the Local Government Act 2002 (LGA).

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**Recommendations**

1. That the report 'Adoption of the Draft User Fees and Charges 2023/24 and approval to consult' by Nicola Hartwell, Legal Advisor (Corporate Policy Specialist) and dated 9 February 2023, be received.
2. That council adopts the Statement of Proposal and the Draft User Fees and Charges 2023/24 (Attachment 1) for the purposes of consultation, pursuant to section 150 of the LGA, to be carried out in conjunction with consultation on the Annual Plan 2023/24.
3. That council delegates to the Group Manager – Corporate Services the authority to make any necessary minor formatting, typographical and administrative changes to the Statement of Proposal and Draft User Fees and Charges 2023/24 prior to formal public consultation.

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**Options**

Consultation on the charges set out in the Draft User Fees and Charges 2023/24 is required under section 150 of the LGA, with the special consultative procedure under section 83 of the LGA used to provide the appropriate consultation process for adoption of charges. Key requirements of consultation include preparation of material setting out the proposal and detailing proposed changes, preparation of a draft schedule, with all of this material made publicly available.

No.	Option	Advantages	Disadvantages
1	Adopt the Draft User Fees and Charges 2022/23 and associated Statement of Proposal for consultation	Fees and charges can be consulted on, enabling council to make informed decisions on updates for the 2023/24 financial year.  Compliance with the LGA is achieved.	Resources will need to be allocated to the consultation process, although these are not significant.
2	Do not adopt the Draft User Fees and Charges 2023/24 and associated Statement of Proposal for consultation	Resources will not need to be allocated to the consultation process	Fees and charges will not be able to be consulted on, and any decisions made on updates for the 2023/24 financial year will not be compliant with the LGA. Under-recovery of

			costs and inaccurate or outdated charges may occur.
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The staff's recommended option is Option 1 - Adopt the Draft User Fees and Charges 2022/23 and associated Statement of Proposal for consultation.

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## Considerations

### 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. Council's Significance and Engagement Policy assists council in determining how to achieve compliance with LGA requirements in relation to decisions. This decision itself is 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 150 of the LGA and does not, in itself, impact the community other than to provide them with information and the opportunity to provide input.

The decision to adopt the Draft User Fees and Charges 2023/24 for consultation, while not significant in itself, will enable council to make decisions on charges while having full regard to community views in relation to the proposals set out in the schedule. This will assist council in achieving compliance with the procedures relating to decision making as set out in Part 6 of the LGA.

### 2. Policy, risk management and legislative compliance

The decision to adopt the Draft User Fees and Charges 2023/24 and associated Statement of Proposal will achieve compliance with sections 83 and 150 of the LGA. 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'.

### 3. Other considerations

The decisions contained within this report will enable consultation, which will provide council with feedback on community views. 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 schedule of User Fees and Charges 2023/24.

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## Background/Tuhinga

Council maintains a schedule of fees and charges in its user fees and charges policy, which is reviewed and updated annually. The user fees and charges schedule sets out charges fixed and/or authorised under various enactments including: Resource Management Act 1991 (RMA); Local Government and Official Information and Meetings Act 1987; Local Government Act 2002 (LGA); Building Act 2004; the Biosecurity Act 1993; the Maritime Transport Act 1994.

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 piece of legislation if that legislation does not specifically authorise the local authority to charge a fee. If not part of a bylaw, fees and charges prescribed under section 150 of the LGA must be prescribed following consultation using the principles of consultation (section 82 of the LGA). In terms of fees and charges authorised by the RMA, a local authority can fix a charge only in the manner set out in


section 150 of the LGA, and after using the special consultative procedure set out in section 83 of the LGA.

Council undertakes an annual review and consultation on fees and charges as part of the relevant annual or long term planning process. This ensures that the fees and charges are updated using, at a minimum, the principles of consultation under section 82 of the LGA.

The Draft User Fees and Charges 2023/24 has undergone a full review for readability and navigation purposes. In addition to this review, there are five further changes to the user fees and charges schedule as follows:

Section	Description of Change	Reason for change
All - Inflationary increase 4.2%	An inflationary increase of 2.5% for 2023/24 was approved during the process of developing the (previous) Long Term Plan 2021–2031.	An increase of 4.2% has been applied to better align with the inflation forecasts made by BERL.
Section 2.1.2	Commercial Income – For commercial activities such as pilotage services, council's charges may include provision for commercial income in addition to cost recovery.	To allow a commercial income from commercial activities.
Section 1.3.6	Coastal structure charges – New charges for inspection fees for permitted coastal structures, including wharves, hard protection structures (including seawalls), outlet pipes, road and railway culverts, concrete spillways, bridges, aerial and suspended cables and pipes, steps and dinghy skids, mooring dolphins, buildings, and structures attached to wharves or jetties.	Under the Proposed Regional Plan these structures no longer require consent (charged annually), but will continue to be monitored. The proposed charges provide fair and reasonable cost recovery for the inspection and monitoring of non-consented coastal structures.
Section 1.2.4	Maritime Oil Spill Response Trailer - New charge: \$100 per half day, \$200 per day (exc GST).	To allow for trailer maintenance costs to be supplemented by the user of the oil spill trailer.
Section 1.2.4	Multi Beam Sonar (MBS) Survey - New charges: \$200 per hour for data processing; \$500 per hour for gear mobilisation/demobilisation (exc GST).	To allow for staff costs and equipment maintenance to be supplemented by the user of the service.

## Attachments/Ngā tapirihanga

Attachment 1: Draft User Fees and Charges 2023-2024 [📄](#) 









































































































**TITLE: Adoption of the Annual Plan 2023/24 Supporting Information for consultation**

**From:** Robyn Broadhurst, Corporate Planning Specialist

**Authorised by Group Manager/s:** Bruce Howse, Pou Taumatua – Group Manager Corporate Services, on 03 March 2023

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**Executive summary/Whakarāpopototanga**

This report seeks council approval and adoption of the Annual Plan 2023/24 Supporting Information and for this to be made available for consultation.

The supporting information underpins the consultation document for the development of the Annual Plan 2023/24.

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**Recommendations**

1. That the report 'Adoption of the Annual Plan 2023/24 Supporting Information for consultation' by Robyn Broadhurst, Corporate Planning Specialist and dated 9 February 2023, be received.
2. That council adopts the Annual Plan 2023/24 Supporting Information 'Annual Plan 2023/24 Supporting information' (Attachment 1) for consultation pursuant to sections 95 and 95A of the Local Government Act 2002.
3. That council delegates to the Group Manager – Corporate Services the authority to make any necessary minor formatting, typographical and administrative changes to the supporting information prior to formal public consultation.

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**Options**

Consultation on an annual plan is required by section 95 of the Local Government Act 2002 (LGA) if the proposed annual plan contains significant or material differences from the content of the long term plan, for the financial year to which the plan relates.

Consultation requires the production of a consultation document, which must not contain any detailed information not necessary to identify differences from the long term plan, or any full draft of any policy. Section 95A of the LGA requires that the information that is relied on by the content of the consultation document is adopted by council before the consultation document is adopted. This is referred to as the supporting information.

No.	Option	Advantages	Disadvantages
1	Adopt the Annual Plan 2023/24 Supporting information for consultation	Council will achieve compliance with the LGA 2002, and the community will be able to review the information that is relied on by the content of the consultation document in a convenient location	None
2	Do not adopt the Annual Plan 2023/24 Supporting	None	Consultation will not occur in accordance with

	information for consultation		the requirements of the LGA, and council may not be able to implement the proposed changes for the 2023/24 financial year
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The staff's recommended option is option 1, to adopt the Annual Plan 2023/24 Supporting information for consultation.

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## Considerations

### 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.

This decision 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 82A and 95 of the LGA and does not, in itself, impact the community other than to provide them with information and an opportunity to engage and provide input into the decision making process.

### 2. Policy, risk management and legislative compliance

The decision to adopt the Annual Plan 2023/24 Supporting information for consultation will achieve compliance with section 95A of the LGA. 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'.

#### Further considerations

The decisions contained within this report will enable consultation, which will provide council with feedback on community views and potential impacts on Māori. 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 Annual Plan 2023/24.

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## Background/Tuhinga

The LGA requires the council to develop an annual plan for years two and three of the long term plan, and staff and councillors have been working to draft this plan for year three.

The LGA directs that a clear and simple consultation document must be produced, in conjunction with supporting information, for consultation. The adoption of the consultation document is covered in a separate agenda item. The consultation document is not permitted to contain or have attached to it a draft of the annual plan, a full draft of any policy, or detailed information that is not necessary to explain the changes proposed that are different from what was approved in the Long Term Plan 2021–2031.

All supporting information that the consultation document relies upon must be adopted in advance of the consultation document (section 95A(4) LGA). The Annual Plan 2023/24 Supporting information contains the information that is relied on by the content of the consultation document. This item relates to the adoption of the supporting information only.

### Supporting information

Information must be provided in addition to that in the consultation document, to provide the level of detail and reference information that is sufficient for the community to be informed on the changes proposed.

The Annual Plan 2023/24 Supporting information is divided into two sections, with content as follows:

#### Katete | Moving forward


- A re-cap of the direction set out in the Long Term Plan 2021-2031
- Council's strategic direction
- A summary of the initiatives proposed that differ from what was consulted on in the Long Term Plan 2021-2031.

#### Mahere a pūtea | Finances

- Funding impact statement
- Rates (including rating examples and a summary of rates)
- Financials.

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### Attachments/Ngā tapirihanga

Attachment 1: Annual Plan 2023/24 Supporting Information [↓](#) 



















































































































































**TITLE:** Adoption of the Annual Plan 2023/24 Consultation Document and approval to consult

**From:** Robyn Broadhurst, Corporate Planning Specialist

**Authorised by Group Manager/s:** Bruce Howse, Pou Taumatua – Group Manager Corporate Services, on 03 March 2023

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### Executive summary/Whakarāpopototanga

The purpose of this report is to present the Annual Plan 2023/24 Consultation Document for adoption, and approval to commence the consultation using the principles of consultation under section 82 of the Local Government Act 2002 (LGA).

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### Recommendations

1. That the report 'Adoption of the Annual Plan 2023/24 Consultation Document and approval to consult' by Robyn Broadhurst, Corporate Planning Specialist and dated 9 February 2023, be received.
2. That council adopts and approves the Annual Plan 2023/24 Consultation Document (included as Attachment 1) for consultation pursuant to sections 82, 95 and 95A of the Local Government Act 2002.
3. That council delegates to the Group Manager – Corporate Services the authority to make any necessary minor formatting, typographical, and administrative changes to the Consultation Document prior to formal public consultation.

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### Options

No.	Option	Advantages	Disadvantages
1	Adopt the Annual Plan 2023/24 Consultation Document for consultation	Council will achieve compliance with the LGA, will be informed of community views when making decisions on the Annual Plan 2023/24, and will subsequently be able to set the budget for the 2023/24 year	None
2	Do not adopt the Annual Plan 2023/24 Consultation Document for consultation	None	Consultation will not occur in accordance with the requirements of the LGA, and council will not be informed of community views when making decisions on changes for the 2023/24 financial year

The staff's recommended option is option 1, to adopt the Annual Plan 2023/24 Consultation Document for consultation.



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## Considerations

### 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.

This decision 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 82A and 95 of the LGA and does not, in itself, impact the community other than to provide them with information.

The Annual Plan 2023/24 Consultation Document has been prepared because the proposals in the annual plan are considered to be significant or material. The decision to adopt the Consultation Document, while not significant in itself, will enable council in the future to make decisions on the annual plan itself 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 section 79 of the LGA.

### 2. Policy, risk management and legislative compliance

Consultation on an annual plan is required under section 95 of the LGA if the proposed annual plan contains significant or material differences from the content in the Long Term Plan 2021-2031 for the financial year to which the plan relates; preparation and adoption of an Annual Plan 2023/24 Consultation Document is required under section 82A of the LGA as part of consultation.

The decision to adopt the Annual Plan 2023/24 Consultation Document will achieve compliance with sections 82A and 95 of the LGA.

### Further considerations

The decisions contained within this report will enable consultation, which will provide council with feedback on community views and potential impacts on Māori. Any financial impacts or implementation issues are addressed in the attached consultation document and the supporting information document.

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 Annual Plan 2023/24.

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## Background/Tuhinga

As required by the LGA, an annual plan for the 2023/24 financial year is being developed. For consultation on an annual plan, the LGA requires that a consultation document (CD) be prepared, adopted by council, and released for consultation in conjunction with supporting information. The adoption of the supporting information pertaining to the consultation process is covered in a separate agenda item.

The Annual Plan 2023/24 will set out budgets for work scheduled for year three of the Long Term Plan 2021-2031 (LTP). The CD provides a brief re-cap of the relationship to the LTP, a summary of the matters that are proposed to be included in the Annual Plan 2023/24 that differ from the direction set out in the LTP and directs people to supporting documentation for more detail where appropriate.

The CD outlines changes from what was proposed in the LTP, presented as three options:

- **Option 1: Make proposed changes (our preferred option)** – this would mean we could keep up the momentum of our work, and maintain the relationship and trust with our Te Tiriti partners. We could do what we'd originally planned, plus some additional work.
- **Option 2: Stick to the original plan** – doing only what we'd originally planned for (two years ago), with some re-prioritisation and applying savings to fund a lift in staff remuneration and for our Te Tiriti strategy and implementation plan.
- **Option 3: Do even more** – there's always more we can do. This would include doing all work set out in options 1 and 2 above, but with even more investment in these core areas.

Option 1 represents an average rates increase of \$47.30 – that's \$2.30 more than what was already approved under our last Long Term Plan. Our funding from rates would grow by another 1% on top of the 9.2% already approved. The average annual regional council rates bill would be \$560.

Option 2 represents an average rates increase of \$40.65 – that's \$4.65 less than what was already approved under our last Long Term Plan. Our funding from rates take would drop by 0.3% from the 9.2% already approved. The average annual regional council rates bill would be \$554.

Option 3 represents an average rates increase of \$53.50 – that's \$8.50 more than what was already approved under our last Long Term Plan. Our funding from rates would grow by another 2.2% on top of the 9.2% already approved. The average annual regional council rates bill would be \$569.

Please refer to Attachment 1 for a copy of the Consultation Document.

The CD will be the primary method for engaging with council's communities during a period of consultation that will run from 18 March – 21 April 2022 inclusive. Consultation tools will include social media, email/panui, public notice, media release, and targeted print advertising.

Feedback will be invited via an online form, email, and hardcopy. It is not proposed that hearings be held as part of this process, but there will be an opportunity for members of the community to talk to councillors should they wish, by appointment. A day has been set aside for this on Wednesday, 5 April 2023.

Council will be invited to discuss each of the proposals in the context of feedback received at a deliberations meeting, which is scheduled for 16 May 2023. It is proposed that final adoption of the Annual Plan 2023/24 takes place at the council meeting on 27 June 2023.

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### Attachments/Ngā tapirihanga

Attachment 1: Annual Plan 2023/24 Consultation document [↓](#) 