

NORTHLAND REGIONAL COUNCIL Agenda

For an Ordinary Meeting of the Council to be held in the
Council Chambers, 36 Water Street, Whangarei,
on Wednesday, 19 March 2008 commencing at 1 pm

File 105.2

Opening Prayer

Apologies

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OPEN MEETING

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NORTHLAND REGIONAL COUNCIL

Minutes of the Ordinary Meeting of the Council, held in the Council Chambers,
Northland Regional Council, 36 Water Street, Whangarei, on
Wednesday, 20 February 2008 commencing at 1 pm

File 105.2

PRESENT: Crs Mark Farnsworth, Craig Brown, Joe Carr, Peter Jensen,
Lorraine Hill, Bill Rossiter and Ian Walker.

In Attendance

Full Meeting

Chief Executive Officer
Council Secretary
Strategic Development Manager
Finance and Corporate Services Manager

Part Meeting

Monitoring Manager
Consents Manager
Land Operations Manager
Manager Planning and Policy
Communications Officer
Resource Policy Team Leader (Vaughan Cooper)
Policy Analyst (Anna McRae)
Policy Analyst (Elise Batelaan)
Coastal Monitoring Team Leader (Bruce Howse)
Senior Coastal Policy Analyst (Jonathan Gibbard)

OPENING PRAYER

The Council Secretary read the opening prayer.

APOLOGY:

Resolved: That the apology from Cr Bain be received.

Cr Farnsworth : Cr Brown

DECLARATION OF INTEREST

The Chairman gave members the opportunity to declare an interest on any item of business on the agenda for the meeting. No Councillor declared an interest.

ITEMS OF NEW BUSINESS

Resolved: That the Council agrees to consider the following items of business for the reasons shown:

OPEN MEETING**1. CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON 11 FEBRUARY 2008**

Confirmation of Minutes of Special Council Meeting held on 11 February 2008, following the hearing of submissions and deliberations on the draft Statement of Proposal. This item was not available at the time of agenda posting as the submissions hearings and deliberations had not then occurred.

2. DECISION TO ESTABLISH A 50/50 JOINT VENTURE WITH ONTRACK TO DESIGNATE THE MARSDEN POINT RAIL LINK CORRIDOR

This item was not available at the time of agenda posting as the submissions hearings and deliberations had not then occurred. The reason for urgency is to progress the establishment of the CCO.

3. APPOINTMENT TO REGIONAL LAND TRANSPORT COMMITTEE

This nomination is an addendum to Item 5 on the Agenda and was not available at the time the Agenda was printed.

4. ENVIRONMENTAL MANAGEMENT COMMITTEE

This nomination is an addendum to Item 6 on the Agenda and was not available at the time the Agenda was printed.

5. INVESTMENT SCHEDULE AND PERFORMANCE REPORT

This item is a correction to information contained in pages 107 and 108 of the agenda.

CONFIDENTIAL MEETING**6. MARSDEN POINT RAIL LINK**

The reason for urgency is to seek Council's authority and confirmation to enable commercial negotiations to advance.

7. PROPOSED COMMERCIAL BUILDING PROJECT

The reason for urgency is to seek Council's authority to enable the commercial negotiation to commence.

Cr Rossiter : Cr Walker

1. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON 19 DECEMBER 2007

File 105.2

Resolved: That the minutes of the Ordinary Meeting of the Council held on 19 December 2007 be confirmed.

Cr Jensen : Cr Hill

2. CHAIRMAN'S REPORT**File 105.4****Report from Chairman, Mark Farnsworth, dated 4 February 2008.****Resolved:** That the Chairman's report dated 4 February 2008 be received.

Cr Farnsworth : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

3. CHIEF EXECUTIVE OFFICER'S REPORT**File 105.3****Report from Chief Executive Officer, Ken Paterson, dated 11 January 2008.****Resolved:** That the Chief Executive Officer's report dated 11 January 2008 be received.

Cr Walker : Cr Jensen

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

4. CODE OF CONDUCT**File 100.3****Report from Council Secretary Audrey Grieve dated 5 February 2008.****Resolved:** That the draft revised code of conduct be referred to a Council workshop to be held on 27 February at 1.00 pm.

Cr Brown : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

This item is submitted for consideration by the Council pursuant to the statutory requirements of Schedule 7 of the Local Government Act 2002. This item complies with the requirements of section 76(5) which takes precedence over the remaining provisions of sections 76 to 82.

5. APPOINTMENTS TO COMMITTEES – REGIONAL LAND TRANSPORT

File 110.6

Report from Council Secretary Audrey Grieve dated 8 February 2008.

A Supplementary agenda item from Council Secretary Audrey Grieve dated 15 February 2008 was tabled at the meeting, nominating Mike Kake representing Cultural interests.

Resolved: That the following nominated representatives to the Regional Land Transport Committee be appointed:

Cr R Alspach	Kaipara District Council
Cr PR Halse	Whangarei District Council
Cr T Baker	Far North District Council
Peter Kippenberger or Coralie McDonald	Land Transport New Zealand
Peter Spies or Tommy Parker	Transit New Zealand
Lynette Stewart	Northland District Health Board
Jo Douglas	Enterprise Northland
Gavin Roberts	Bus and Coach Association of New Zealand
Mike Kake	Cultural Interests

Cr Jensen : Cr Farnsworth

Further

Resolved: That the Automobile Association be invited to nominate a representative to be a member of the Regional Land Transport Committee.

Cr Brown : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

5A CONFIRMATION OF MINUTES OF REGIONAL LAND TRANSPORT COMMITTEE MEETING HELD ON 20 FEBRUARY 2008

File 110.6

Resolved: That the minutes of the Regional Land Transport Committee meeting held on 20 February 2008 be received and the Committee's recommendations adopted.

Cr Rossiter : Cr Carr

6. ENVIRONMENTAL MANAGEMENT COMMITTEE

File 110.1

Report from Land Operations Manager Bob Cathcart, Manager Planning and Policy Glenn Mortimer and Council Secretary Audrey Grieve dated 8 February 2008.

A Supplementary agenda item from Council Secretary Audrey Grieve dated 15 February 2008 was tabled at the meeting, nominating Cr Brian McEwing representing Kaipara District Council.

Resolved: 1. That the Council appoints the members of the Environmental Management Committee nominated to date, that is:

Far North District Council	Fiona King
Whangarei District Council	Crichton Christie
Kaipara District Council	Brian McEwing
Cultural Interests	
Environmental Interest Groups (nominated by NRC)	Gerry Brackenbury
Farming Community (nominated by Farmers of NZ)	Wayne Ward
Department of Conservation	Chris Jenkins
Forest Industry	Andrew Warren

2. That the Draft Terms of Reference be amended to include Function 7, "to review and recommend to Council on any other such functions as may be delegated by Council from time to time".

3. That the Draft Terms of Reference be approved and be referred to the meeting of the Environmental Management Committee on 19 March 2008 to review and recommend changes and refinements.

Cr Brown : Cr Walker

Further

Resolved: That Cr Brian McEwing be appointed as nominated.

Cr Brown : Cr Carr

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

7. ENTERPRISE NORTHLAND – SECOND QUARTERLY REPORT FOR 2007/2008

File 150.1

Report from Strategic Development Manager Linda Stansfield dated 8 February 2008.

Mike Simm, Jo Douglas and Bill Shepherd of Enterprise Northland were in attendance. Mr Simm and Ms Douglas gave verbal reports.

Resolved: That the Enterprise Northland second quarterly report for the 2007/08 financial year be received.

Cr Brown : C Jensen

COMPLIANCE WITH DECISION MAKING PROCESS

The receiving of this report is provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such is in accordance with the Council's decision making process and sections 76-82 of the LGA 2002.

8. DESTINATION NORTHLAND LIMITED – SECOND QUARTERLY REPORT FOR 2007/2008

File 160.1

Report from Strategic Development Manager Linda Stansfield dated 8 February 2008.

Robyn Bolton, Destination Northland was in attendance and gave a verbal report.

Resolved: That the Destination Northland report for the second quarter of the 2007/2008 financial year, be received.

Cr Rossiter : Cr Walker

COMPLIANCE WITH DECISION MAKING PROCESS

The receiving of this report is provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such is in accordance with the Council's decision making process and sections 76-82 of the LGA 2002.

9. ANNUAL PLAN 2008/2009 KEY DATES

File 100.5

Report from Strategic Development Manager Linda Stansfield dated 7 February 2008.

Resolved: That the report dated 7 February from the Strategic Development Manager be received.

Cr Brown : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

The receiving of this report is provided for in the Council's 2006/-2016 Long Term Council Community Plan, and as such is in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

10. 2009 LONG TERM COUNCIL COMMUNITY PLAN TRAINING FOR COUNCILLORS

File 100.5

Report from Strategic Development Manager Linda Stansfield dated 5 February 2008.

Resolved: That the Strategic Development Manager's report dated 5 February 2008 be received.

Cr Rossiter : Cr Jensen

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

11. LEASE TRANSACTIONS AND DOCUMENTS SEALED

Files 215.3, 215.3.2, 215.3.3, 215.37, 215.10.3, 215.115.1, 215.145, 220.2
Report from Council Secretary Audrey Grieve dated 4 February 2008.

Resolved: That the lease transactions and the affixing of the Council seal outlined in the report from the Council Secretary dated 4 February 2008, be approved.

Cr Walker : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

The activities contained in this report are in accordance with the Council's Treasury Management Policy which was adopted in compliance with the decision making requirements of Sections 76 to 82 of the Local Government Act 2002.

12. FINANCIAL REPORT – 31 DECEMBER 2007

File 350.4

Report from Acting Financial Accountant Nuku Jones dated 11 February 2008.

Resolved: That the financial report to 31 December 2007 be received.

Cr Brown : Cr Hill

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

13. FINANCIAL REPORT – 31 JANUARY 2008

File 350.4

Report from Acting Financial Accountant Nuku Jones dated 11 February 2008.

Resolved: That the financial report to 31 January 2008 be received.

Cr Walker : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

14. PAID ACCOUNTS FOR APPROVAL – DECEMBER 2007

File 350.9

Report from Payments Officer, Rachel Hills, dated 31 December 2007.

Resolved: That the payments for December 2007, as detailed in the report from the Payments Officer, Rachel Hills, dated 31 December 2007, be approved.

Cr Rossiter : Cr Jensen

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and Sections 76-82 of the Local Government Act 2002, and the requirements of the Public Bodies Contracts Act 1959.

15. PAID ACCOUNTS FOR APPROVAL – JANUARY 2008**File 350.9****Report from Payments Officer, Rachel Hills, dated 31 January 2008.**

Resolved: That the payments for January 2008, as detailed in the report from the Payments Officer, Rachel Hills, dated 31 January 2008, be approved.

Cr Walker : Cr Brown

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and Sections 76-82 of the Local Government Act 2002, and the requirements of the Public Bodies Contracts Act 1959.

16. SCHEDULE OF CREDIT NOTES FOR APPROVAL**File 340.4****Report from Accounts Receivable Officer Trish Wells dated 4 February 2008.**

Resolved: That the issue of credit notes as detailed in the report from the Accounts Receivable Officer dated 4 February 2008, be ratified.

Cr Walker : Cr Brown

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's Long Term Council Community Plan 2006/-2016 and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

17. INVESTMENT SCHEDULE AND PERFORMANCE – FINANCIAL REPORT – 31 JANUARY 2008**File 350.4****Report from Finance and Corporate Services Manager Lisa Aubrey dated 31 January 2008.**

Resolved: That the Investment Schedule and Performance Report, as amended by the supplementary correction, dated 31 January 2008 be received.

Cr Walker : Cr Jensen

Councillors noted they wanted this to be included as an ongoing regular item on the agenda to improve public knowledge of financial performance.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2007/2008 Annual Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

18. TREATMENT OF SPECIAL DIVIDEND RECEIVED FROM NORTHLAND PORT CORPORATION (NZ) LIMITED

File 105.2

Report from Finance and Corporate Services Manager Lisa Aubrey dated 6 February 2008.

Procedural**Motion:**

Cr Carr moved that the item lie on the table.
Cr Farnsworth seconded the motion.
Cr Brown spoke against the motion.

A vote was taken and Crs Brown, Walker, Rossiter, Hill and Jensen opposed the motion.

The procedural motion was lost.**The substantive motion was then put.**

Resolved: That the proceeds from the Northland Port Corporation (NZ) Limited Special Dividend be transferred to the Investment Reserve to enable the proceeds to be reinvested at a future date.

Cr Brown : Cr Rossiter

Cr Carr requested that his vote against the resolution be recorded.**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are in accordance with the Council's Treasury Management Policy which was adopted in compliance with the decision making requirements of sections 76 – 82 of the Local Government Act 2002.

19. REGIONAL AIR QUALITY PLAN – NOTIFICATION OF DECISIONS FOR PLAN CHANGE 1 (MARSDEN POINT AIR QUALITY STRATEGY)

File 990.6

Report from Resource Policy Team Leader Vaughan Cooper dated 5 February 2008.

A correction was noted to page 112 – the Environment Management Committee meeting is scheduled for 21 May 2008 not 3 May 2008.

Resolved:

1. That the decisions on submissions to the RAQP: Proposed Plan Change 1 (Marsden Point Air Quality Strategy), be approved for public notification.
2. That the date of public notification of the decisions be made on 1 March 2008.

Cr Walker : Cr Jensen

COMPLIANCE WITH DECISION MAKING PROCESS

The decisions detailed in this report are associated with a change to the Regional Air Quality Plan for Northland which will be progressed in accordance with the processes set out in the First Schedule of the Resource Management Act 1991. Pursuant to section 76(5) of the Local Government Act 2002, the requirements of the Resource Management Act 1991 take precedence.

20. REGIONAL AIR QUALITY PLAN – NOTIFICATION OF DECISIONS FOR PLAN CHANGE 2 (BACKYARD BURNING)

File 990.6.5

Report from Resource Policy Team Leader Vaughan Cooper dated 8 February 2008.

This item was withdrawn from the Agenda by the Chairman.

21. VEHICLES ON BEACHES – BYLAW INVESTIGATION

Files 990.3.31C, 955.6.10

Report from Coastal Monitoring Team Leader Bruce Howse and Senior Coastal Policy Analyst Jonathan Gibbard dated 20 January 2008.

The resolution on this item was superseded by the Council adopting the Minutes of the Regional Land Transport Committee in item 5(A).

22. CONSENTS DECISIONS AND APPLICATIONS IN PROCESS

File: 110.8

Report from the Consents Manager, David Roke, dated 1 February 2008.

Resolved: That the information on resource consent decisions and applications in process be received.

Cr Brown : Cr Hill

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

23. APPOINTMENT OF HEARINGS COMMITTEE

File 110.8

Report from Consents Manager David Roke dated 8 February 2008.

- Resolved:**
1. That Crs Farnsworth (Chair) and Jensen be appointed to hear and decide the applications by **D C Schmuck CON20060791410** – replacement consents for various discharges to land, air and water at Doug's Opuia Boatyard.
 2. That Crs Farnsworth (Chair) and Jensen be appointed to hear and decide (together with the appointee/s of the Far North District Council) on the applications by **Far North Holdings Limited CON20071835101** – consents for placement of clean fill and dredge disposal for site formation at Opuia.

Cr Hill : Cr Rossiter

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan and in accordance with the Council's statutory delegations approved in July 2004. As such they are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

24. TRANSFER OF BUILDING CONSENT AUTHORITY FUNCTIONS - UPDATE**File 460.3****Report from Consents Manager David Roke dated 8 February 2008.**

- Resolved:**
1. That the report be received and that the Council authorise the Chief Executive Officer to, jointly with other regional council CEOs, to lobby the Department of Building and Housing for further financial assistance with the costs of gaining BA accreditation.
 2. That Waikato Regional Council be thanked for its initiative, on behalf of other North Island regional councils, in accepting a lead role for the accreditation of Building Act functions for dam consent processing.

Cr Rossiter : Cr Brown

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in the report are provided for in accordance with the Council's statutory requirements and delegations set out in the Building Act 2004. As such they are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

25. REPORT ON ENVIRONMENTAL MONITORING 1 DECEMBER 2007 TO 31 JANUARY 2008**Files 400.2 and 505.2****Report from Tony Phipps, Monitoring Manager, dated 7 February 2008.**

- Resolved:** That the follow-up action taken by staff resulting from monitoring or environmental/maritime incidents during the period 1 December 2007 to 31 January 2008 be supported.

Cr Rossiter : Cr Brown

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

26. NORTHLAND SAILOR OF THE YEAR 2007**File 710.1****Report from Regional Harbourmaster Ian Niblock dated 31 January 2008.**

- Resolved:** That the selection panel recommendation for the Northland Sailor of the Year Trophy not to be awarded for 2007 be confirmed.

Cr Brown : Cr Farnsworth

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision-making process and Sections 76 to 82 of the Local Government Act 2002.

SUPPLEMENTARY AGENDA

1. CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON 11 FEBRUARY 2008 – HEARING OF SUBMISSIONS ON THE DRAFT STATEMENT OF PROPOSAL

File 105.2

Resolved: That the minutes of Meeting to Hear Submissions on the Draft Statement of proposal held on 11 February 2008 - be confirmed.

Cr Jensen : Cr Rossiter

2. DECISION TO ESTABLISH A 50/50 JOINT VENTURE WITH ONTRACK TO DESIGNATE THE MARSDEN POINT RAIL LINK CORRIDOR

File 955.6.6

Report from Strategic Development Manager Linda Stansfield dated 15 February 2008.

Resolved: That the proposal to establish a 50/50 Joint Venture with ONTRACK to designate the Oakleigh to Marsden Point Rail Link be formally adopted. In accordance with section 6 of the Local Government Act 2002, the joint venture is classified as a Council Controlled Organisation.

Cr Jensen : Cr Rossiter

Cr Carr requested that his vote against the resolution be recorded.

COMPLIANCE WITH DECISION MAKING PROCESS

In accordance with the Council's decision making process and sections 56(1) and 76-82 of the LGA 2002, the decision to establish a council controlled organisation has been adopted following use of the special consultative procedure as detailed in sections 83, 87(2) and (3) of the LGA 2002.

BUSINESS WITH THE PUBLIC EXCLUDED

Resolved: That pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the remainder of the meeting to consider:

1. Confirmation of the Confidential section of the Minutes of the Council meeting held on 19 December 2007.
2. Integrated Regional Information System.
3. Northport – verbal update.
- [no item 4]
5. Marsden Point Rail Link
6. Proposed Commercial Building Project

The reason for excluding the public in relation to item 1 is as stated in the Minutes of that meeting and in relation to items 2 and 3, is that public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the Council to conduct, without prejudice or disadvantage, commercial activities, pursuant to section 7(2)(h) of the said Act.

The reason for excluding the public in relation to supplementary items 5 and 6 is that the public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the Council to conduct, without prejudice or disadvantage, commercial activities, pursuant to section 7(2)(h) of the said Act.

Cr Jensen : Cr Walker

OPEN MEETING

Resolved: That the Council resumes in open meeting.

Cr Hill : Cr Walker

CONCLUSION

The meeting concluded at 3.35 pm.

Confirmation of Minutes - Environmental Management Committee

File 110.12

The Minutes of the Environmental Management Committee meeting to be held on 19 March 2008 at 10 am will be tabled at the Council meeting for confirmation and adoption.

CONFIRMATION OF MINUTES – ENVIRONMENTAL MANAGEMENT COMMITTEE
Doc No 113697

Chairman's Report to the Council

File 105.4

Report from Chairman Mark Farnsworth dated 3 March 2008.

MEETINGS/EVENTS ATTENDED

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

- The Waitangi Celebrations:
 - Evening function onboard HMNZS Canterbury (Paihia);
 - The Governor-General's Bledisloe Reception (Waitangi);
 - Breakfast with the Prime Minister and Minister of Maori Affairs (Waitangi).

- Local Government New Zealand:
 - Zone One meeting at North Shore City – Cr Bill Rossiter also attended. It was agreed at the meeting that a small working party should be formed to give some consideration to identifying the key issues and formatting a response;
 - Fire and Rescue Services Review team conference call;
 - Day two of the LGNZ Broadband Forum;
 - Clean Streams Accord – Fonterra release of a progress report on meeting the Accord targets;
 - Regional Affairs Committee meeting Greymouth - topics covered included:
 - Broadband roll out;
 - The review of the National Pest Management Strategy;
 - Royal Commission on Local Government in Auckland and the Committee's approach;
 - An update on the activities of LGNZ;
 - Agreement on the priorities for the Committee over the next year.

- Central Government:
 - Briefing on the New Zealand Energy Efficiency and Conservation Strategy;
 - Biosecurity New Zealand update from Ms Amanda Peart of the Auckland Regional Council.

- Northland Regional Animal Health Committee. The national pest strategy for Bovine TB is under review and there is a debate on the future of the strategy. The preferred option is one which should result in the eradication of TB rather than containment.

- Other:
 - Combined meeting of Events Centre settlers and consultants;
 - John Williamson representing AA seeking representation on the Regional Land Transport Committee;
 - Auckland Regional Council's first meeting of the Regional Sustainable Development Forum;
 - Radio interview with Rongo Bentson in Kaitaia. Cr Ian Walker also attended;
 - Radio interview with Big River FM Dargaville.

- Meetings which were attended with the Council's CEO, Ken Paterson:
 - Kaikohe meeting with the Mayor of the Far North District Council, Wayne Brown, and CEO, Clive Manley, and Cr Ian Walker regarding clarification on the two

submissions provided by the Far North District Council on the NRC's proposal to enter into a joint venture with ONTRACK;

- Northland Mayoral Forum;
- Informal meeting with Mr Mike Mansell re Marsden Point rail link.

NETWORKING

- Meetings, as requested, with residents and ratepayers;
- Councillors;
- Media.

Recommendation

That the Chairman's report dated 3 March 2008 be received.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

Chief Executive Officer's Report to Council

File 105.3

Report from Chief Executive Officer Ken Paterson dated 7 March 2008.

COUNCIL AND GENERAL MANAGEMENT

STRATEGIC DEVELOPMENT

Annual Plan 2008/09

Following a final budget workshop with Councillors in late February, the Draft Annual Plan is now in its final stages. The Plan will focus on the material changes between the Council's expected activities for the coming year compared to what was originally indicated in the Northland Community Plan 2006-2016. It is anticipated that the Draft will be adopted at the March Council meeting and public consultation will take place from mid-April to mid-May.

Audit NZ was informed in December of the Council's intention to maintain the same format and level of detail as last year's Annual Plan.

Regional Development

A meeting took place during the month with the Trustees and Settlers of the Northland Events Centre. Consultants presented an additional project option estimated to cost in the vicinity of \$16M to \$18M. It is expected that a more detailed proposal on this option will be presented to the Settlers during March.

Marsden Point Rail Link Designation Project

The Council negotiation team has continued meeting with affected land owners. Discussions include looking at ways existing landowners might continue to use any land purchased in the interim until the proposed rail link is built.

Public consultation on the proposal to establish a council controlled organisation to enable a joint venture to be entered into with ONTRACK to progress the Marsden Point rail link corridor designation concluded on 1 February. Approximately 100 submissions were received with approximately two thirds in support and one third in opposition. Hearings were held on 11 February and the Council adopted the proposal at its February meeting. Discussions are now continuing with ONTRACK to finalise the form of the Joint Venture now that the decision to proceed has been made.

STAFF MATTERS

Leaving

Ryan Paulik, Policy Analyst – Water and Soil finished his employment with the Council on 8 February 2008. Ryan left to take up a position with Auckland Regional Council.

Karen Ludemann, Accounts/Payroll Officer finished her employment with the Council on 12 February 2008. Karen left to take up an accounting position at APN.

Claire Nyberg, Coast Care Co-ordinator finished her employment with the Council on 19 February 2008. Claire is currently on parental leave and has decided not to return to full time work.

Treena Davidson, Water and Soil Planning Team Leader finished her employment with the Council on 29 February 2008. Treena left to take up a Volunteer Services Abroad (VSA) position in South Africa.

Jeremy Ratu, Student finished his employment on 7 February 2008; Ben Mason, Amber Riggs and Chris Kane, Students all finished their temporary employment on 14 February 2008.

Vacancies

The positions of Health and Safety/Human Resources Advisor, and Local Government Project Manager are currently being advertised internally and externally with applications closing on 20 March 2008. The positions of Water and Soil Planning Team Leader and Policy Analyst – Water and Soil have also been re-advertised at the same time due to the low number of applications being received.

Applications for the positions of Environmental Monitoring Officer – Land Use, Finance and Corporate Services Team Administrator/PA and Acting CEO's PA closed on 8 February 2008. Interviews for the position of Environmental Monitoring Officer and Finance and Corporate Services Team Administrator/PA have been held and offers of employment made. Expected start date for the Finance and Corporate Services Team Administrator is 25 March 2008 however, the offer for the position of Environmental Monitoring Officer – Land Use was declined as the applicant has accepted another position. Further interviews with other applicants are yet to be scheduled.

Additionally, applications for the positions of Systems Analyst – DBA (re-advertisement), Management Accountant and Payroll/Accounts Officer (fixed term) were advertised internally and externally during the month with applications closing on 28 February 2008. Short listing of applicants for interview is in progress.

An offer of employment has been made for the position of Land Management Team Leader. Expected start date is 17 March 2008.

The positions of Helpdesk Officer, Land Resources Officer and Consents Officer – Water, Wastes and Coastal remain on hold. In the meantime temporary and/or consultant staff are being used as required.

STAFF ESTABLISHMENT

Status	Feb 2008	Feb 2007	Jan 2008
Full Time Permanent	107	110	111
Part Time (including fixed term)	12	12	12
Fixed Term	7	7	4
Students/TFG	4	3	7
Vacancies	12	7	8
TOTAL	142	139	142

TRAINING

Course	Dates 2008	Location	Attendees
Webstock 2008	13-15 Feb	Wellington	J Dawson, T Morris
Wai Wetlands Symposium	14-16 Feb	Christchurch	K Mortimer, L Forester
Fertiliser and Lime Conference	12-14 Feb	Palmerston North	V Lane

HEALTH AND SAFETY

There have been no reports of any serious injuries or incidents this month.

CORPORATE

Forestry

Next forest produce sale deferred until mid 2008. Export log markets have improved marginally since last month but the overall situation remains poor.

Forest development work continues in line with the Forest Management Plan and the 2007/2008 budget. Pruning of the 2002 stand has now commenced. A price has been requested for the final pruning of the 2000 stand (35.4 hectares).

A contract has been let for weed control due to occur in March. Due to expenditure on storm damage to roads last year, no road side weed control in the Mt Tiger forest was undertaken.

PUBLIC COMMUNICATIONS

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

- 'BBQ bunny bangers' latest on field days' menu
- Rail corridor joint venture approved
- Heavy rain may cause surface flooding in north
- Building proposal may signal new era in Northland local government (joint release with Whangarei District Council)

EVENTS

The Northland Agricultural Field days were held on 28, 29 February and 1 March at the new site in Awakino Point East Road. The new site worked exceptionally well and the opening day had a record 6,700 people attend. Despite the sweltering heat followed by heavy rain, 23,000 people attended the event overall. The pest food giveaway of 'BBQ bunny bangers' was a great success with 2,000 cocktail-sized sausages being served up over the three days.

The NRC site was manned by staff from across the organisation. The NRC site, with its display on "living with climate change", won the "Best Theme 2008" award from the Field Days committee.

Display topics included:

- Sustainability Starts at Home (composting, green cleaning, build a greener home, energy efficient homes);
- Reduce Your Footprint (actions people can take to help reduce their environmental impact);
- Save our Soils (trees for the land, biodiversity, sediment control, native planting);
- Control Effluent (septic tanks, farm dairy effluent, Clean Streams Accord);
- Improve Water Quality (riparian planting, wetland restoration, water conservation);
- Use and Storage of Chemicals (agricultural collection, spraydrift, silage wrap recycling, dust suppression, backyard burning);
- Reduce Pest Animals;
- Wipe out Pest Plants.

WEBSITE

Highlights

- Agendas Online service launched;
- PDF versions of Council agendas published on the website with a sign-up option to receive automatic email notification when information is published.

Monthly usage:

	February 2008	January 2008	December 2007	November 2007	October 2007
Visits ¹	25,726	34,247	29,010	30,879	34,711
Files downloaded ²	15,459	14,867	11,601	19,910	15,998

1. The **Visits** report reveals the total number of times that people have visited the website during the month.
2. The **Downloads** report shows the total number of files (e.g. .exe, .pdf, .zip, etc.) that were downloaded during the month.

Most popular pages - February 2008:

- Job vacancies
- Whangarei bus service
- School information packs
- Field days press release
- Heavy rain for Northland press release

EDUCATION

Commencement of the school year has meant a major increase in daily teacher/student communications with NRC Environmental Education staff. There has been strong interest in NRC teaching material support, with information requests covering topics such as bush biodiversity, estuaries, birds, resource consent processing and land development.

There were four school visits during February covering a range of topics including coastal development, biodiversity, estuarine ecosystems, water quality and developing a junior school-wide harbour-focussed Environmental Education programme.

Material has been sent to schools as part of NRC fulfilling its role in selecting three Northland students to attend the national Sir Peter Blake Youth Forum, run by the Ministry for the Environment.

NRC Environmental Education staff attended a national Enviroschools Regional Co-ordinators Hui in Hamilton. Items covered at the event included a national programme status report, planning for Northland's upcoming Youth Jam, material for the new Enviroschools Kit and how the programme might link into the newly developed NCEA achievement standard on Environmental Education/Education for Sustainability.

Meanwhile material was sent to all Northland schools promoting Northland Regional Council's 2008 Seaweed Art Competition. The competition aims to encourage students to take care of their coast through art-focussed action taken during Seaweed (2-9 March). The deadline for competition applications is 14 March.

FINANCE AND INFORMATION SERVICES

Annual Plan 2008/09

The Draft Annual Plan was reviewed by Audit on 10 March 2008 and will be provided to Council for adoption at the 19 March Council meeting.

ADMINISTRATION

Complaints

There was one complaint made against the Council during the month of February. Two complaints remain outstanding.

INFORMATION SERVICES

IS Helpdesk

Gen-i have been contracted from 11 February to provide the IS helpdesk service and the service is progressing well.

Calls Open start of the Month	0
Total Calls received	79
Total Calls closed	72
Outstanding calls at Month end	7

Integrated Regional Information System

The project is proceeding within budget and to time, with the second stage of the RFP evaluations being undertaken by the ten councils in early March.

PLANNING AND POLICY

RESOURCE MANAGEMENT PLANNING

Regional Coastal Plan Change 1 (Moorings and Marinas)

The Councillors acting under delegated responsibility have approved a resolution to the final outstanding appeal on Plan Change 1. A consent order is currently in circulation with an expectation that the consent order will be filed with the Environment Court by the end of March.

An Officer's Report is currently being prepared on submissions on Variation 1 to Plan Change 1.

Regional Coastal Plan Change 2 (Marine 1 Review - Whangarei Harbour)

Negotiations on the Department of Conservation's (DoC) appeal have concluded. The DoC appeal is for the inclusion of a further five Marine 1 Management Areas in Whangarei Harbour. The Councillors who comprised the previous Coastal Planning Subcommittee met in late February and agreed to the additional areas (with amendments). A consent order and memorandum will be circulated for signing by all the parties in early March.

Regional Coastal Plan Change 3 (Mangrove Management)

Negotiations on the Department of Conservation's (DoC) appeal have concluded. The DoC appeal is for various changes to the Plan Change. All parties have informally agreed on text changes. The Councillors who comprised the previous Coastal Planning Subcommittee met in late February and agreed to changes. A draft consent order and memorandum have been circulated. A final consent order and memorandum will be circulated for signing in March.

Regional Coastal Plan Change 4 (Aquaculture Management)

Hearings on this Plan Change and supporting Local Government Act documents commenced on 26 November and concluded on 7 December. The goal was to put forward the Hearing Committee decisions to Council in March. However, while the decisions report is substantially complete following a meeting with the Committee on 21 February, details are still being finalised. The report will therefore be presented to the April Council meeting.

Mooring Management Plans

Due to staff changes at Kaipara District Council, the development of the Mangawhai Reserves Management Plan has not progressed as quickly as expected. It is still desirable that both KDC and NRC plans progress in unison as they need to complement each other to achieve integrated management of the Mangawhai Harbour. Therefore progress with the mooring management plan and harbour safety plan has also been slowed.

NRC staff will be participating in the KDC open forum on Saturday 29 March to present the results of the questionnaire and seek further public input. KDC are expected to provide a revised timeframe for the completion of the Reserves Management Plan by the end of March.

Vehicles on Beaches

On 20 February, the Regional Land Transport Committee resolved to approve a way forward involving NRC taking the lead role in improving the management of vehicles on beaches.

This will involve the establishment of a Code of Conduct for all Northland beaches that will highlight the relevant road rules under the Land Transport Act and environmental rules under the Regional Coastal Plan. This will be developed by May 2008, with educational signage erected at known hot spots by May/June. In addition, site specific bylaws will be developed over the next 18 months, in consultation with local communities and relevant agencies, to address vehicular issues at high conflict beaches.

As resolved at the February RLTC, a Vehicles on Beaches Workshop was held at the NRC offices on Tuesday 4 March. The purpose of the Workshop was to present the recommended approach to improve the management of vehicles on beaches as adopted by the RLTC. Representatives from Whangarei, Kaipara, Far North and Rodney District Councils, Department of Conservation, Police, Auckland and Northland Regional Councils were present. NRC staff presented background information on the issue and details of the proposed way forward. A presentation was also made by Franklin District Council staff surrounding their experience in dealing with the issue in their district and some of the lessons learnt. An agenda item will be presented to the April RLTC detailing the outcome of the Workshop.

Regional Water and Soil Plan Change 2

During February, a meeting was held with representatives of Te Rarawa and Te Runanga-a-Iwi O Ngati Kahu and also representatives of the Works and Services Department of WDC. Minor amendments to the drafted Plan Change 2 and accompanying Section 32 reports were made as a result.

The following representatives of the District Councils were nominated to participate in the Water and Soil Plan Working Group – Councillor Christie for Whangarei District Council and Councillor McEwing for Kaipara District Council. The Far North District Council sought further information on the working group prior to committing a nominated person to the group. This information has been provided.

Sustainable Water Programme of Action

Comments were made on the possible contents of the National Policy Statement on Freshwater Management. This and a summary of current outcomes of the Water Programme of Action are the subject of an agenda item to the March Environment Management Committee meeting.

Regional Air Quality Plan Change 1 (Marsden Point Air Quality Strategy)

The Hearings Committee decisions were adopted at the February Council meeting and will be publically notified on 1 March 2008. Submitters then have 30 working days to appeal the decisions if they so choose.

Regional Air Quality Plan Change 2 (Backyard Burning)

The agenda item detailing the Hearing Committee decisions was withdrawn from the February Council meeting and then discussed at the Council's workshop on 27 February. The item is represented in this month's agenda for approval to notify. If approved, the decisions will be publically notified on 5 April 2008.

OTHER PLANNING MATTERS

During February 2008, 21 resource consent applications were received from the Whangarei, Kaipara and Far North District Councils. There were 16 non-notified, and five notified applications. NRC has so far provided comment on 11 applications, further advice on one application, and made nine formal submissions.

A variety of comments were made regarding wastewater management, stormwater management, indigenous biodiversity, culvert crossings, at risk aquifers, the creation of an esplanade reserve, natural hazards (land stability and flooding), reverse sensitivity issues, and earthworks in the Riparian Management Zone.

The formal submissions made were as follows:

Glast Ltd, Mangapai - A submission was made advising the applicant that insufficient information was provided regarding wastewater management. It was requested that the application be placed on hold under section 92 of the RMA pending the receipt and review of this information. The submission also advised of rule 21.1.2 of the Regional Water and Soil Plan for Northland (RWSP) regarding stormwater.

Taurikura Farms Ltd, Taurikura - A submission was made advising the applicant of the stormwater disposal rule 21.1.2 of the RWSP, and the permitted activity threshold for earthworks. The submission also highlighted biodiversity issues of an adjoining kiwi habitat. Due to land instability, the applicant was advised to adhere to the recommendations outlined in the engineering report.

Page Farms and Forest Ltd, Pataua North – A submission was made advising the applicant that insufficient information was provided regarding wastewater management. It was requested that the application be placed on hold under section 92 of the RMA pending the receipt and review of this information. The applicant was also advised that rule 21.1.2 in the RWSP regarding the disposal of stormwater would have to be complied with, or a resource consent obtained. Due to land instability, the applicant was advised that house sites should be identified, and an engineers report be produced to avoid susceptibility to slips. Comment was also made that establishment of minimum floor levels should not be left until site development stage.

Evo Holdings Ltd, Ruakaka - A submission was made advising the applicant that insufficient information was provided regarding wastewater management. It was requested that the application be placed on hold under section 92 of the RMA pending the receipt and review of this information. The submission also advised of rule 21.1.2 of the RWSP, regarding stormwater. The submission supported proposed covenanting of several areas of indigenous vegetation on the applicant's property.

H. Hutchinson, Glenbervie – A submission was made advising the applicant of rule 15.4 (d) in the RWSP, regarding the separation distance of the discharge of secondary treated wastewater from a surface water body. The applicant was also advised that rule 21.1.2 in the RWSP regarding the disposal of stormwater would have to be complied with, or a resource consent obtained.

G and D Donald (Homequest Trust), Parua Bay – A submission was made in which the applicant was advised that rule 21.1.2 in the RWSP regarding the disposal of stormwater would have to be complied with, or a resource consent obtained.

D and S Anderson, Tinopai – A submission was made referring to further information on wastewater disposal, and coastal hazard risk that was requested, and not, to date, received. The submission requested that the application be placed on hold under section 92 of the RMA pending the receipt and review of this further information.

B Sharp, Ruatangata – A submission was made, advising the applicant that the property proposed for development was located on an 'at risk' aquifer. The submission also noted the potential for the site to flood, and recommended that possible building sites be identified outside the flood susceptible areas. The applicant was advised that insufficient information was provided regarding wastewater management. It was requested that the application be placed on hold under section 92 of the RMA pending the receipt and review of this information.

Immanuel Property Ltd, Hikurangi – A submission was made, in which the applicant was advised that rule 21.1.2 in the RWSP regarding the disposal of stormwater would have to be complied with, or a resource consent obtained. Reverse sensitivity issues were noted in relation to a quarry in close proximity. Rule 29.1.3 of the RWSP, regarding the permitted activity rules regarding culvert crossings was advised. The submission also highlighted the possible need for resource consent regarding the disposal of wastewater within 0.6 metres of the groundwater table.

Hanover Properties Ltd – Private Plan Change to the Whangarei District Plan

Hanover Properties Ltd has applied for a private plan change to amend the zoning at the northern side of the Waipu River mouth from coastal countryside zoning to a scheduled site based on a 230 lot Living 1 environment. The current zoning provides for subdivision with minimum lot sizes of 20ha. The plan change is seeking 230 lots within an area of 65ha.

The NRC has lodged a submission on the plan change opposing the application on the following grounds:

1. The application is considered to conflict with the relevant planning documents and RMA provisions; and
2. The application will cause sprawling and sporadic development within the wider Waipu River mouth area; and

3. The application will have adverse effects on the natural values of the area and create natural hazard risks.

TRANSPORT PLANNING

Total Mobility

140 Total Mobility voucher books were issued during February 2008 to the following agencies:

- 100 – Age Concern
- 30 – CCS
- 10 – Whangarei Senior Citizens

Total expenditure for the month of February 2008 was \$14,525 compared to a budgeted monthly expenditure of \$16,667. There were 1177 clients registered as at 29 February 2008.

Passenger Service Registration

During February 2008, there were no Applications for Registration or Applications to Vary Services. There was one Application for Abandonment of Services from Kerkeri Taxi Shuttle and Tours, for the taxi component only. They will continue to operate a private hire and tour service.

Whangarei Urban Bus Service

During February, 21,984 passengers were carried including 52 Total Mobility clients using their yellow vouchers for free bus travel at off-peak times. Fare box revenue collected for February was \$31,444.

Tenders for the new extended contract bus service closed on 13 February. These were considered by the NRC-convened Tender Evaluation Team on 18 and 26 February 2008. A report is currently being prepared for the approval of the NRC Chief Executive Officer before contract negotiations commence.

Northland Transport Network Study

A summary of this study was presented at the February 2008 Regional Land Transport Committee (RLTC) meeting with the recommendation that a RLTC workshop be held on 18 March 2008 to review the results to date. Arrangements are presently underway for this.

It was further recommended that an offer be made to give a presentation to the Mayoral Forum on the study.

Regional Land Transport Programme (RLTP)

The draft RLTP has been submitted to Land Transport NZ. This submission included the Economic Evaluation for the proposed City of Whangarei Bus Service. NRC has until the end of April 2008 to finalise any late funding requests.

Regional Development (forestry roading) Funding

There has been no indication from the Minister of Transport as to the future of this source of funding.

Regional Land Transport Strategy

A project plan is being developed to assist the re-writing of this Strategy. Some of the major legislative and policy changes currently underway will impact on the new Strategy which is due for completion by the end of 2009.

RoadSafe Northland Forum

At the February Roadsafe Northland Forum meeting Cr. Tom Baker from FNDC was re-elected Chairman of the Forum, with John Williamson elected as the Deputy Chair. A Technical Advisory Group has been selected to begin the planning process for re-writing the Regional Road Safety Plan which is due to be completed in 2009.

At this meeting a very informative presentation was given by Peter Houston, Forestry Operations Manager for Hancock Forest Management (NZ) Limited, on their new initiative called 'Share The Road 2008' involving logging trucks and other road users. Hancocks also signalled a huge increase in the volume of timber due to be harvested from local forests and the related impacts that will occur, associated with increased logging truck movements on the roading network.

IWI LIAISON

The Ngatiwai Trust Board Resource Management Unit (RMU) launched the "Te Iwi o Ngatiwai Policy Document" in early February. The document, which outlines the environmental policies and aspirations for iwi, brings together many years of hard work by the RMU and previous staff of the Trust Board. It is anticipated that with facilitation assistance from Ministry for the Environment, implementation workshops will be held for staff of those Councils and Government departments (with an environmental focus) that are within the traditional boundaries of Ngatiwai. The aim is to have practical workshops run on how to 'take into account' this planning document by April this year.

The Iwi Technicians Forum (ITF) invited the Planning and Policy Manager and the Iwi Liaison Officer to meet with them to discuss a possible working relationship. The ITF now has the formal backing of the Iwi CEO's who are encouraging NRC to have a more interactive role with the forum in regard to policy development and advice.

Staff from the Office of Treaty Settlements (OTS) were invited to NRC to discuss the status of Treaty settlements in Northland. In particular NRC were interested in the different settlement mechanisms being proposed in the Deed of Settlement signed between the Crown and Te Aupouri particularly in regard to management of Te Oneroa a Tohe/Ninety Mile Beach. OTS will be inviting different Settlement Negotiating teams and NRC to meet to discuss different settlement offers at more length over the next two months, beginning with Te Aupouri.

CONSENTS

Consents in Process

During February 2008, a total of 73 Resource Consents were issued. These comprised:

- 8 Moorings
 - 4 Coastal Permits
 - 5 Air Discharge Permits
 - 15 Discharge Permits
 - 17 Land Use Consents
 - 13 Water Permits
 - 11 Bore Consents
- 65 Decisions were issued as detailed elsewhere in the Agenda.
- 93 Applications were received.

Of the 341 applications in progress at the end of February:

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

MONITORING

HOTLINE – ENVIRONMENTAL INCIDENTS

The number of environmental incidents reported in February was higher than average, with 91 incidents being reported compared with an average of 81 for the same period since the Hotline began operating. Air-related incidents were the most numerous, particularly burning and smoke nuisance and dust nuisance complaints. The remainder covered the typical range of incidents received on the Hotline.

AIR QUALITY

Incidents

Forty-one air incidents were received, with burning and smoke nuisance complaints again being the most numerous of these. The recent dry, windy weather also contributed to a significant increase in the number of dust nuisance complaints, particularly from residents in the Far North and eastern areas. There was also an increase in the number of odour nuisance complaints over the same period.

Industrial Issues

Monitoring visits were made to nine industrial sites. The site visits confirmed that the inspected industries were complying with the conditions of their resource consents with the exception of two minor issues relating to site maintenance at two abrasive blasting firms.

Recent emission testing at the Northland Mill in Kaitaia has confirmed that both particulate and formaldehyde discharges from the plant are now well within respective resource consent limits.

The Ballance Agri-nutrient acid plant start-up proceeded well in the early hours of 14 February, with no significant problems or events noted by Council staff in attendance.

Other Issues

A national workshop investigating standardization of the reporting of air quality results is proposed in March. The workshop is expected to address the variability in National reporting and also seek to standardize the operation of specific types of air quality monitoring equipment.

WATER QUALITY AND DISCHARGE MONITORING

Some 28 compliance inspections/assessments for consented activities were carried out. A total of 580 samples were collected, with 2403 field measurements or analysis made. Many of these are associated with the bathing water monitoring undertaken each summer. The summer bathing sampling programme finished at the end of February.

NRC staff attended a community meeting organised by the Kaipara District Council to address the proposed upgrade to the sewage treatment plant at Maungaturoto. NRC staff explained the environmental and public health issues associated with the non-complying discharge. There was general acceptance from those at the meeting that there was a need for an upgrade to the treatment system. There was no challenge to

the NRC stance on the matter. A number of issues were raised with KDC staff at the meeting in relation to funding options and the proposed upgrade solution.

Monitoring of the Kawakawa Sewage Treatment Plant undertaken in February showed a significant non-compliance with the discharge standard for the discharge after UV disinfection. This non-compliance has been taken up with FNDC staff. Investigations suggest that there may be an issue with the power supply to the plant. Irregular supply may have resulted in the UV system tripping out and when restored not all the bulbs were operating at optimum intensities.

Farm Dairy Effluent (FDE) Monitoring

There were a total of 248 significantly non-compliant farms identified at routine monitoring for the 2007/08 season. The 249 follow-up visits to farms which were significantly non-compliant, have now been completed. A number of farms have had two follow-up visits, the second visit being to check that formal enforcement had been complied with. There are nine follow-ups still to be done.

It is encouraging to find that a good number of farmers have upgraded sub-standard systems before follow-up visits were made. For example, Landcorp Farming Ltd has installed new land disposal systems on all four Northland farms. Fonterra are currently doing major earthworks on their Jordan Valley farm for a new treatment/disposal system.

Contractors, consultants and equipment suppliers report unprecedented demand for services and equipment for effluent treatment/disposal systems.

WATER RESOURCES

Water Take Compliance Monitoring

There was an increase in consent compliance monitoring as the region experienced a period of settled dry weather during late January and early February. However, unsettled, wetter conditions returned by mid February, and as a consequence further low flow monitoring programmes were not needed.

Seventeen groundwater bores were inspected to assess compliance with consent conditions. Six of these bores have minor non-compliances and follow-up action is required. The non-compliances included no concrete pads, no access for water level measurements and stock not excluded from the bore site. Twelve applications for bore permits were processed.

Hydrology, Telemetry and Maintenance

The MetService issued a severe weather warning for 22 and 23 March. Once again, the telemetry system, using radio and Vodafone GPRS communications, worked extremely well. Monitoring rainfall and river levels were monitored continually over a period of 32 hours. A series of flood flow measurements were carried out in the Mangakahia and Wairua Rivers.

New water level recording instrumentation was installed at the WDC public water take on the Ruakaka River. The location of the original monitoring equipment was not adequate to monitor compliance during extreme low flow periods.

Major maintenance was carried out at three water level stations. Work included removing sediment build-up in water level recording towers, flushing intake pipes and datum surveys.

A groundwater level probe and conductivity meter have been installed in a new monitoring bore on the Russell foreshore. This monitoring will enable accurate

assessment of the potential for saltwater intrusion into the Russell aquifer. A groundwater monitoring bore has been damaged in Kaikohe and bore maintenance will need to be undertaken prior to the groundwater level monitoring programmed for March. A new rain gauge has been installed at Poroti West and will be used to assess rainfall recharge into the Whatitiri aquifer.

Missing record from the 68 automatic stations during December was only 0.12%. Thirty-seven flow measurements were carried out during February, of which 24 were for state of environment monitoring including high flow measurements, 11 were for consent compliance monitoring and two related to an incident.

Water Resources

Most of Northland was wetter than normal for February, resulting from unsettled weather from mid to late February. Rainfall was at least twice that of normal in eastern parts of Northland and above normal elsewhere, apart from areas south of Dargaville, Pouto Peninsular and Ruawai, where dry weather conditions still prevail.

Two severe weather watches were issued by the MetService during February, one on 13 February which was subsequently cancelled, and the other on 21 February which was upgraded to a warning. The warning indicated 'that Northland could receive up to 150 mm of rain over 21 to 27 hours, mainly in the eastern hills north of Whangarei, including the Bay of Islands, and 75mm to 100mm further south'. Strong north easterly winds were expected to reach gale force in some exposed areas. A media release was issued on 22 February indicating potential for flooding and flood warnings were issued for Kaeo, Hikurangi Swamp, Tangiteroria, Kaihu, Mangakahia and Wairua River valleys. As predicted, heavy rain was recorded in the eastern areas from Kaeo to Whangarei over a period of 37 hours. The heaviest falls included Kaeo 207mm, Western Hills of Kerikeri 237mm, Ohaeawai 201mm, Puhipuhi 227mm to 285mm and Glenbervie 189mm. Eastern areas to the north of Kaeo and south of Whangarei received 75mm to 135mm. By contrast, western areas south of Dargaville (Pouto and Ruawai) had received only 13mm to 35mm. Maximum rainfall intensities varied from 17 to 19mm/hr. Wind gusts of 145 km/hr were recorded at Cape Reinga.

Rainfall intensity analysis for the 24 and 48 hour period showed this event was equivalent to a 1:10 year rainfall event at Kaeo, a 1:30 year event in the western hills near Kerikeri and slightly less than a 1:10 year event at Puhipuhi.

This rainfall event caused extensive surface flooding with road closures at Kaeo from the Kaeo River and Rangiahua from the Waipapa River. Water levels from the Waiotu and Whakapara Rivers (inflows to the Hikurangi Swamp) were being closely monitored, water levels eventually reaching the top of the stop banks; however only minor spillage occurred through the low lying areas of the stop banks.

By comparison, during the March 2007 storm, rainfall amounts recorded over 40 hours were twice that recorded during this event, with maximum rainfall intensities of 46mm/hr.

The river flows and groundwater levels throughout Northland are above average for this time of year.

COASTAL MONITORING

Twenty-two events were recorded for coastal monitoring activities during the reporting period. Two significant non-compliances were determined, both for structures in the Far North requiring maintenance or removal. Microbial water quality

monitoring of the Opuia and Whangaroa marinas was undertaken, with results for both marinas indicating compliance with resource consent water quality standards.

Marine Pollution

Two marine pollution patrols were undertaken in the Whangaroa and Bay of Islands Harbours during February. Vessels at anchor were approached and the skipper surveyed to gauge levels of understanding of the Marine Pollution Regulations and to assess the arrangements for sewage disposal. Results were similar to those during January, with a high general awareness of the Marine Pollution Regulations, although, in terms of arrangements for sewage disposal, 32% to 58% of vessels on each survey day had no sewage holding tank or treatment system arrangements.

Letters were sent to 32 commercial vessel operators in the Bay of Islands area to assess how compliance is achieved with the Marine Pollution Regulations. In particular, operators were requested to provide details as to what means they use to comply with the regulations and the location(s) and frequency of any sewage discharges. Information explaining the regulations was also sent to the operators. It is intended that the results of this survey will be published in April.

Vehicles On Beaches Information Days

The final multi-agency "Vehicles on Beaches" information days for the 2007/08 summer period were held at Ahipara and Baylys Beach on 2 and 16 of February respectively, and an information stand was set up, with participation from KDC, at Baylys Beach on Waitangi Day. Surveys of beach users were completed during these events to gauge users' perceptions and ideas for improving the management of vehicles on beaches. The events were received very positively by the public.

Coastal Hazards/Beach Profiling

Beach profiles were undertaken at Rangiputa, Tokerau, Taipa, Cable Bay, Coopers Beach, Hihi, Taupo Bay, Tauranga Bay, Te Ngārie, Pouto and Glinks Gully. In conjunction with this, the extent of the debris line resulting from coastal inundation during 20-22 January 2008 (ex-tropical cyclone Funa) was surveyed. The elevation of the debris line, and reported observations of a single large wave during 21 January 2008, indicate that the peak extent of the surveyed inundation may have been mostly due to a long-period wave, perhaps a meteorological tsunami. Several observers reported seeing a single wave during this period that appeared as 'a wall of water'.

OIL SPILL PREPAREDNESS AND RESPONSE

Marine Oil Spill Response

The only report received in February was of a heavier than normal oil discharge from the wreck of the R.M.S Niagara. Aerial observations confirmed a light oil slick over the wreck site that was unlikely to impact the nearby islands. The oil was dispersing naturally and no clean-up was required. An oil sample collected earlier by a recreational fisherman was analysed by Maritime New Zealand (MNZ) and confirmed as Heavy Fuel Oil (HFO). Oil slicks over the wreck site are frequent occurrences, particularly during the summer when water temperatures are higher and the HFO more fluid. The situation will continue to be monitored in accordance with the current oil spill response strategy agreed between MNZ and the Council in 2000.

Oil Spill Response Preparedness

Preparation of an exercise scenario for a combined table-top and equipment deployment exercise in Paihia was largely completed during the latter part of the month.

NAVIGATION, SAFETY AND MARITIME OPERATIONS

Navigation Safety

The Deputy Harbourmaster visited the Kaipara coast, with one of the Council's Kaipara-based harbour wardens, to check on an increase in boat rollover reports. The increase in incidents is most likely being influenced by an increase in inexperienced boat operators. Options for improved signage were discussed and will be factored into forward planning.

The Council's team of harbour wardens have provided excellent information this season, and have been active in assisting with follow-up for a variety of incidents.

Aids to Navigation

Consent applications were made for new aids to navigation for the Bay of Islands and Mangonui harbours. MNZ applications were completed and approved. The new beacons are built in marine grade aluminium, will be removable for maintenance and were fabricated by a Bay of Islands contractor, to Council specifications.

A number of activities were carried out at Mangonui Harbour this month, included the construction and installation of a new base and beacon at Cole Point, replacement of a ski lane buoy and block at Coopers Beach, the reinstatement of a five-knot sign, damaged during a large wave event at Cable Bay, and the removal of logs from the harbour.

Aids to Navigation Failures

The navigation light and top mark on Orapa Rock beacon in Whangaruru Harbour were reported missing. A site visit revealed that the top mark was damaged but with the light still attached. The light unit was replaced and repairs to the top mark will be included in the ongoing maintenance programme.

There have been a number of reports of light failure for navigation lights at Okiato Point, Bay of Islands, Orapa Rock, Whangaruru, and the No. 5 starboard hand marker and entrance light at Houhora. Investigation revealed that all these light units were suffering from intermittent faults. The problem was referred to the supplier, who replaced all light units at no cost to Council. The faulty lights were returned to the supplier for testing to determine why the faults are occurring.

Maritime Incidents

There were 19 maritime related incidents reported to the Council in February. These were mainly typical of the incidents generally responded to by Council staff. Reports of vessels anchoring in the prohibited area around the refinery jetties and vessels obstructing the passage of ships transiting navigation channels continue to be of concern and options to resolve these issues are being assessed by the maritime team.

Bay of Islands Pilotage

Seven cruise ships were piloted safely in and out of the Bay of Islands during February. One, the Delphin Voyager was on her inaugural Bay of Islands visit, which was celebrated with the traditional presentation of a plaque. This ship had arrived a day early after being forced to cancel some of her itinerary in the Pacific Islands due to bad weather. Unfortunately, the bad weather followed her and the ship was forced to depart 12 hours earlier than planned, when the sea became too rough for the ship's tenders to operate safely.

LAND USE MONITORING

Twenty-three compliance monitoring inspections were made during February. The results of all visits are recorded in the tabulated monitoring records.

WASTE MANAGEMENT

Hazardous Substances Collection

The collection storage and transport of waste hazardous substances from throughout the Northland region continued without incident. The month of February was quiet with 240 kgs of hazardous substances received at the four jointly-owned and operated stores at Kaitaia, Waipapa, Dargaville and Whangarei.

DoL Hazardous Substances Contract

Workplace inspections continued. Prioritised premises inspected included: boat builders, spray painters and panel beaters. In addition a meeting of the Hazardous substances Technical Liaison Committee was attended.

Contaminated Sites Database

Routine work continued on updating the Contaminated Sites Database.

ENFORCEMENT

Abatement Notices

Five Abatement Notices were served over the February period. These relate to the following activities:

- Unauthorised or non compliant FDE discharges.
- Unauthorised discharge of contaminants in the CMA.
- Unauthorised discharge of contaminants to air.
- Non compliant marine farm structure.
- Non compliant discharge of treated domestic wastewater to land at Whangaroa.

Infringement Notices

Two Infringement Notices were served over the February period. These relate to the following activities:

- Unauthorised discharges of contaminants to coastal waters.
- Unauthorised discharge of contaminants to water at Ruakaka

Prosecutions

There are two cases in progress for alleged offences against the Resource Management Act:

- An individual has been charged in relation to damage to the foreshore and sea bed associated with the clearance of mangroves at Hauparua Inlet, Bay of Islands in May 2007. This matter was heard at the Kaikohe District Court on 27 November 2007. The defendant has indicated a guilty plea. The sentencing hearing set down for 11 February 2008 in Auckland has been delayed with the agreement of all parties. NRC currently awaits a new date to be set by the courts for a sentencing hearing.
- A farmer, his company and a contractor have been charged in relation to alleged unauthorised discharge of farm dairy effluent to a stream at Aranga in August of 2007. The prosecution has been adjourned by agreement to a second nominal date, 20 March 2008 in the Dargaville District Court. The Court has also arranged a telephone conference with an Environment Court Judge on 11 March 2008.

LAND OPERATIONS

LAND MANAGEMENT

Environment Fund

A number of the successful applicants from the 2007-2008 round of the Environment Fund have already completed their projects. The Environmental Management Committee will consider a report on the Environment Fund at its March meeting. The report proposes that the administration of the Environment Fund be restructured so that only a percentage of the available money is assigned through the annual contestable fund round. The remainder would be allocated under delegated authority throughout the course of the year. The rationale for this change is that it would allow high ranking projects to get underway soon after a site visit by a Council officer rather than needing to wait for up to a year to perhaps gain approval in the contestable funding round. The current timing of the round means that planting projects are unable to commence until the winter after the application has been submitted.

Ballance Farm Environment Awards

Judging of the Ballance Farm Environment Awards has taken place during February, with three members of the Land Management Team involved in judging. During March the judges will select the finalists. These finalists will receive a second visit and the award winners will then be selected.

Northland Pastoral Farming Development Group

The Northland Regional Council continues to be represented on the Northland Pastoral Farming Development Group by the most appropriate officer for the topics being considered. This umbrella group provides a forum for groups with an interest in supporting pastoral farming in Northland and encourages scientific research that has relevance to farming in Northland. The Group had a site at the Northland Agricultural Field Days, and also hosted two Crown Research Institutes, Landcare Research and the Foundation for Arable Research. Bringing these agencies to Northland allowed them to present the findings of their latest research directly to Northland farmers. The Council display at this site focused on biological control of weeds in Northland.

The other event that the Northland Pastoral Farming Development Group organises is an annual conference. This will be held at Waitangi on 9 May 2008 and brings together a number of keynote speakers and workshops that will focus on the theme "Farming for the Future".

The group will also undertake a strategic review in March 2008 with the assistance of an external facilitator.

Northland Biodiversity Enhancement Group

The Northland Biodiversity Enhancement Group also had a site at the Northland Agricultural Field Days. The theme for the field days was "Living with Climate Change". The group's display focussed on the projected impacts of climate change in Northland and possible effects on biodiversity and ecosystems.

Conferences

A member of the Land Management Team attended the Lime and Fertilizer Research Centre's annual workshop in Palmerston North. The theme for the workshop this year was Carbon and Nutrient Management in Agriculture.

Two members of the Land Management attended the Wai-Wetlands Symposium in Christchurch which involved over 200 delegates. A talk on the state of Northland's Lakes, prepared jointly with scientists from the National Institute of Water and

Atmospheric Research, was delivered on the first day of the Symposium by the Biodiversity Officer. The paper outlined the results of comprehensive water quality monitoring, lake biodiversity condition monitoring and weeds surveillance and management in Northland. This talk drew interest and comment throughout the conference as many regions have lakes which are in comparatively poorer condition or are not monitored to the same degree. Staff attended a very good field trip run by Landcare Research Ltd, with hands-on experience in setting up permanent plots for wetland monitoring. Another laboratory workshop on identifying wetland invertebrates was also of value to the Northland attendees.

Lake Omapere

The planning meeting for Lake Omapere catchment landowners scheduled for January has been postponed until 13 March 2008. This meeting will give landowners in the catchment a chance to discuss the survey that was carried out last year and also the opportunity to be involved in planning the work that will be carried out in the catchment over the following 12 months.

The Land Operations Manager has sought the assistance of the New Zealand Landcare Trust in facilitating the transfer of "ownership" of the Lake project to the surrounding landowners and beneficiaries of the project. The aim is to have the Lake Trustees and surrounding landowners assume increasing control of the project and reduce the Council's direct involvement.

Two fencing projects funded through the Environment Fund have been completed on the lake margin. There is now only one remaining site where stock have access to the lake margin and it is hoped that this remaining stretch will be fenced over the next year.

BIOSECURITY

Community Pest Control Areas (CPCA)

A proposal to control predators near Rawhiti in the Bay of Islands has been formally approved by local tangata whenua and the wider community. This community plan aims to reduce pests such as rats, feral cats, possums and mustelids over a 60-hectare headland at Hauai adjacent to Urupukapuka Island. In a concurrent operation, and in close liaison with the community, the Department of Conservation is planning a pest eradication campaign for Urupukapuka Island and 17 other nearby islands. The community plan will ensure environmental values near Rawhiti are protected and in addition, reduce the risk of mainland pests reinvading the islands.

Landholder control of animal pests continues throughout Northland with Council staff selling \$7,456 worth of traps, poisons and ammunition to the public during the month of February 2008. Free poison to the value of \$164 was also provided to eligible landowners.

Tropical Grass Webworm

Dr Jenny Dymock, a consulting entomologist resident in the Far North, monitors tropical grass webworm populations and climatic conditions on the Aupouri Peninsula for the Council. The warm moist summer conditions have favoured webworm and numbers of larvae and moths are increasing. Already some farmers have experienced pasture damage and should the temperature and moisture levels remain high, more widespread damage can be expected. The Council has had support from the Northland Age in informing farmers of these trends and referring them to a handbook on pasture pests prepared by the Tropical Grass Webworm Group following the 1999 infestation. The handbook has a diagnostic section that enables landowners to identify which of a number of pests is causing pasture damage and then contains sections on management and control.

Pest Plants

Press releases advocating control and emphasising the damaging affects of mothplant resulted in many calls from residents wanting to know more about this pest species. Although control of this plant is achievable with herbicides, the widespread distribution of the plant combined with its ability to produce thousands of windblown seed makes long-term control very difficult. The Council funds research into biological control of pest plants and several promising agents for the control of mothplant are currently being investigated by Landcare Research Ltd. Insects and pathogens attack mothplant in its native range in Argentina and have a dramatic impact on the seed pods and leaves. Researchers are in the process of determining what the top candidates for control are and organising testing facilities in Argentina to ensure any biocontrol agents do not also pose a threat to native or productive plants. The goal for this year will be to prioritise and confirm the best biocontrol agent for New Zealand conditions.

Work has continued on the annual inspection of properties that are known to have infestations of ragwort and Bathurst bur. Northland Regional Pest Management Strategy rules require property owners to ensure total control of Bathurst bur and control of ragwort on frequently flooded floodplains and within 50 metres of boundaries with properties that are ragwort-free or on which ragwort is being actively controlled. Although the majority of owners comply once these rules are explained, letters directing landowners to control these pest plants have had to be issued to a number of property owners who have failed to comply with the rules and have been issued with verbal directions.

There has been steady progress with the development of a revised Manchurian wild rice (*Zizania latifolia*) management programme. Biosecurity New Zealand (the Ministry of Agriculture and Forestry), in recognition of the threat that ricegrass poses to water bodies throughout New Zealand, has declared Manchurian wild rice an unwanted organism. It has been working with the four regional councils with ricegrass infestations to eradicate this species and remove the risk of it being spread to other parts of the country.

The involvement and additional financial commitment of Biosecurity New Zealand will see the scale of Northland control operations rise over the next three years from a current cost of around \$70,000 to over \$300,000 per annum. Talks with the Kaipara District Council are planned for late March to update the Council on the proposal and to discuss ways of involving the Kaipara community and landowners within the 27 Kaipara Drainage Districts.

The Council's programme for controlling and eradicating spartina has continued throughout Northland. Despite highly successful control operations within the Kaipara Harbour, a survey has identified a new site near Oneriri. This new site has been sprayed and will be checked and regrowth sprayed each summer until the infestation has been eradicated. Surveillance of the coastal margins will be done on foot in this area as it has been proven the most reliable way of detecting small surviving patches of the plant.

A report on the Northland Regional Pest Management Strategy for Manchurian Wild Rice will be considered by the Environmental Management Committee at its meeting of 19 March 2008.

RIVER MANAGEMENT

Kaeo River

Council river management officers have designed works, sought resource consents for those that are not already permitted activities, and sought quotes or invited tenders for a range of remedial works planned to protect Kaeo township from the risks of damage by flooding. These works, estimated to cost in the order of \$422,000, will be completed during the autumn and will be funded jointly by the Northland Regional Council, the Far North District Council and the Ministry of Civil Defence Emergency Management.

In the meantime, the existing flood model on the Kaeo River is being reviewed by consultants with a view to enhancing its capability of assessing the influence of the tide, gravel deposits, mangroves, stop banks and road embankments. The model will be used to assess longer-term measures to reduce flood risk and to produce a definitive and defensible map showing flood-susceptible land and to set a minimum floor level for raised buildings. Work has also commenced on a comprehensive catchment management plan aimed at ensuring the way land within the catchment is being managed is not increasing the sediment load in the river.

A report to the Environmental Management Committee recommends the establishment of a liaison committee to assist the Council in preparing and implementing a management plan for the river and its catchment. Given the relationship of Kaeo to the wider Whangaroa community and the need for remedial channel works and ongoing maintenance of rivers from Taupo Bay through to Te Ngairi, the liaison committee will assist the Council to communicate not only with the people of the Kaeo River catchment but also with residents of other affected Whangaroa communities. A separate report to the Council has recommended the inclusion of a proposal in the Draft Annual Plan to establish a Kaeo River-Whangaroa Area River Management Rate to fund the ongoing maintenance of river channels. The funds will be used to remove obstructions such as fallen trees and accumulated gravel and to control streambank erosion.

Awanui River

The Awanui River Flood Management Plan, adopted by the Northland Regional Council in April 2005 following extensive public consultation, provided for the restoration of the previously constructed Awanui River scheme over six construction seasons. Once reconstruction had commenced, local pressure urged an acceleration of the programme and, by the end of the second construction season the restoration programme, favoured by dry autumns and early winters, was well into the fourth year of the Management Plan.

While contrary to the programme agreed with the Council when establishing the targetted rating area, the accelerated programme ensured that restoration of the river channel and stopbank system protecting the Kaitaia urban area and sections of the Awanui River between Kaitaia and Awanui had largely been completed when the river was subjected to the July 2007 floods. Discussions have taken place with representatives of the affected rural landowners on how the restoration programme can be completed and investigations commenced into improvements to the scheme.

The restored scheme suffered damages that have cost some \$350,000 to repair. Sections of stopbank were eroded when floodwaters overtopped, banks of freshly restored sections of channel slumped and sections not yet protected by vegetation were eroded.

Kaihu River

Works will commence on the restoration of sections of the Kaihu River channel to the dimensions to which it was constructed during the 1950s, 60s and 70s. This includes clearing ricegrass and deposited sediment from the lower few kilometres of the river through to its confluence with the Northern Wairoa River. The work programme for the current financial year will commence within the next few weeks and, subject to the Council's approval, the 2008-2009 work programme will be carried out this autumn and winter.

Prioritising River Management Projects

Flooding is the major natural hazard threatening Northlanders, their property and local infrastructure. A report to the Environmental Management Committee sets out a proposed order of priority for undertaking these projects based on a ranking system that has regard to the threat to human life, to buildings, to access, to public infrastructure and to farmland. Reduction of flood risk requires the cooperation of a number of organisations but in particular the Northland Regional Council and the respective District Councils. As noted in the Northland River Management Policy, ratified by all four Northland Councils in 2000, it is neither practical nor financially feasible to prevent flooding in Northland. Instead, wherever possible the fact that floodplains flood must be recognised and risk mitigated by avoiding development in at risk areas.

EMERGENCY MANAGEMENT

On 23 and 24 February the Northland region, in particular the east coast from Kaeo through to Mangawhai received significant amounts of rainfall over a 37 hour period. The Meteorological Service issued accurate watches and warnings for the event. The rain fell steadily at a rate of 8-10mm an hour with lulls in the wet weather. There was flooding in the Kaeo area although no homes were inundated. Power supply was disrupted in the area for a period of time and there were road closures as a result of the flooding and slips. Rainfall totals reached 207 mm for Kaeo, 237 mm for Kerikeri and 227 mm for Puhupuhi over 37 hours.

Staff from the Far North District Council and the Northland Regional Council responded where necessary and were constantly monitoring the situation.

The Lifelines Utility Group has reviewed and updated the Lifeline Utility Coordination Protocols and has also updated the Priority Infrastructure Sites for recovery project document. Both documents have been reviewed and updated as a result of the events in 2007. A new section has been added to the protocol which clearly outlines the National and Regional Lifelines coordination protocol.

Representatives from the Lifelines Utility Group met on 5 February for a half day training seminar. The target audience for the seminar were the operational staff from the various utilities who are the key responders during large scale events that require Civil Defence support. A total of 32 personnel from a variety of organisations attended the seminar. The project coordinator for the Northland Lifelines, Ms Lisa Roberts outlined the purpose and responsibilities that organisations have during an emergency situation and a brief overview of the response arrangements in the Civil Defence Emergency Operation Centres was also provided. Feedback from participants was positive and the information provided will further strengthen response coordination.

On 1 February the Welfare Advisory Group met for its quarterly meeting. The group is in the process of reviewing the Welfare Plan and the meeting discussed a number of changes to the plan including the inclusion of some of the lessons learnt from the July floods. In particular the development and use of an electronic reporting template

for the tracking and updating of those who require welfare assistance has been included into the plan. This initiative was developed by MSD staff and has been very successful as an analysis and emergency information management tool. The National Welfare Group are in the process of implementing the initiative as part of standard operating procedures. Other regions are also interested in the process and are considering "testing" it during the upcoming exercise.

On 15 February MSD led a workshop to review the Enhanced Task Force Green deployment in Northland. The purpose of the workshop was to review the administration and operational deployment of ENTFG and to also develop information capable of being used to formulate into a guideline for future deployments. During the workshop a number of positive aspects were highlighted. A national review of the procedures and criteria for ENTFG is currently underway and the workshop outcomes will be fed into that process.

The Manager of the Emergency Management Office has continued to represent the group on the Rural Support Trust working party. The working party have developed a draft trust deed, job descriptions for trustees and have secured funding from MAF to assist set up the trust and to support some of the initial projects. It is envisaged that the Rural Support Trust will be up and running by the end of the year. One of the early projects that have been identified is the development of Response and Recovery plans for the rural sector.

Exercise Ruauoko has commenced and the main exercise days are scheduled for 13 and 14 March. The exercise will be a Tier 4 (national-level) exercise in accordance with the National Exercise Programme and is to be based on a possible volcanic eruption in Auckland. The exercise is jointly led by the Auckland Civil Defence Emergency Management (CDEM) Group, the Ministry of Civil Defence and Emergency Management (MCDEM), and the Department of the Prime Minister and Cabinet (DPMC). Northland will be acting in support, together with Waikato, Bay of Plenty, Wellington and Canterbury CDEM Groups, central government departments, emergency services, lifeline utilities, and other agencies and organisations.

The scenario for Exercise Ruauoko will be a possible volcanic eruption somewhere in the wider Auckland metropolitan area.

The exercise commenced with the identification of precursor activity in the form of seismicity in the Auckland region in November 2007. The initial phase of the exercise from November 2007 until end February 2008 has involved meetings of relevant agencies to respond to this threat. In early 2008 unusual and sustained seismicity in the Auckland region will prompt further attention. As the source of seismic activity becomes shallower, it will become clear that a volcanic eruption is imminent. This leads into the main phase of the exercise. The exercise focuses on the lead-in to a volcanic eruption, stopping shortly before or after the eruption itself starts.

A volcanic eruption in Auckland could block roads, destroy buildings and affect essential lifelines such as water supply, sewerage reticulation, electricity, and telephone and radio services. In the vicinity of a volcano vent, total destruction would occur. Evacuations may be needed, as well as an extensive public information programme. Significant economic, political and social issues could follow.

In Northland the exercise will involve the activation of the Group Emergency Operations Centre and Local Emergency Operations Centres at Whangarei, Far North and Kaipara.

Recommendation

That the Chief Executive Officer's report dated 8 March 2008 be received.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

Lease Transaction

File 215.73.1

Report from Council Secretary Audrey Grieve dated 3 March 2008.

The following property transaction was processed and executed under seal of Council during the past month.

File 215.73.1 Renewal of Lease R C and E R Johnson.

Recommendation

That the lease transaction outlined in the report from the Council Secretary dated 3 March 2008 be approved.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities contained in this report are in accordance with the Council's Treasury Management Policy which was adopted in compliance with the decision making requirements of sections 76-82 of the Local Government Act 2002.

Councillor Remuneration 2008/2009

File 100.1

Report from Council Secretary Audrey Grieve dated 3 March 2008.

To facilitate the preparation of budgets for the 2008/2009 financial year, the Remuneration Authority has gazetted the indicative pools which will determine the annual salaries payable to the Chairman and Councillors.

The newly gazetted figures represent an average increase of 3% nationally. In the case of this Council, the percentage increase is higher than this at 3.6% for the Chairman and 4.49% for Councillors.

The indicative pool available for distribution with effect from 1 July 2008 is \$455,081 of which \$102,133 is allocated to the Chairman. This leaves \$352,948 to be divided between the seven Councillors. This represents an increase of \$15,172 which, if allocated equally between them as suggested, amounts to \$2,167 per Councillor.

The Council is required to recommend to the Remuneration Authority for the distribution of the allocated indicative pool, by 1 April 2008.

Recommendation

1. That the advice be received.
2. That it be recommended to the Remuneration Authority that the indicative pool for the Northland Regional Council be allocated as follows:

Chairman	\$102,133	(less deduction for car supplied)
Deputy Chairman	\$57,168	
Committee Chairs (4)	\$54,361	
Councillors (2)	\$39,168	

COMPLIANCE WITH DECISION MAKING PROCESS

The procedure for determination of Councillors' salary is specified in Schedule 7 to the Local Government Act 2002 and the report therefore meets the decision making requirements of sections 76-82 of that Act.

Code of Conduct

File 100.3

Report from Council Secretary Audrey Grieve dated 5 March 2008.

At the inaugural meeting of Council 31 October 2007 the existing Code of Conduct and Roles and Responsibilities document was presented to incoming Councillors. That Code of Conduct and Roles and Responsibilities document was adopted by Council on 1 June 2003 in compliance with section 15 of Schedule 7 of the Local Government Act. Subsection 6 of section 15 states:

“(6) After the adoption of the first code of conduct an amendment of the code of conduct or the adoption of a new code requires, in every case, a vote in support of the amendment of not less than 75% of the members present.”

A revised Code of Conduct was discussed at the Council Workshop of 27 February 2008. The Chairman has major reservations about the disciplinary procedures section. A further revision will be presented at the meeting of 19 March 2008 for Councillors' consideration and adoption.

Recommendation:

That the Code of Conduct and Roles and Responsibilities document be adopted as amended.

COMPLIANCE WITH DECISION MAKING PROCESS

This item is submitted for consideration by the Council pursuant to the statutory requirements of Schedule 7 of the Local Government Act 2002. This item complies with the requirements of section 76(5) which takes precedence over the remaining provisions of sections 76 to 82.

Appointments to Regional Land Transport Committee

File 110.1

Report from Council Secretary Audrey Grieve dated 29 February 2008.

At the Council meeting of 20 February 2008, Council resolved to invite a nomination from the New Zealand Automobile Association for inclusion in membership of the Regional Land Transport Committee.

The Automobile Association nominates John Williamson (New Zealand Automobile Association National Councillor) and Alan Martin (New Zealand Automobile Association Northland District Chairman) as his alternate member.

A response has also been received by Council from Steve Westgate to its invitation to be nominated as representative (Environmental Sustainability).

Recommendation

That John Williamson (and his alternate Alan Martin) and Steve Westgate be appointed to the Regional Land Transport Committee.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities outlined in this report are provided for in the Council's 2006/2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

Hearings Committee Terms of Reference

File 100.1

Report from Council Secretary Audrey Grieve dated 3 March 2008.

At the Council meeting of 21 November 2007, Council referred the draft terms of reference for committees to individual committees to review and recommend changes and refinements at its first meeting.

The membership of the Hearings Committee do not regularly meet as a full committee but are appointed to the hearings on an "as needs" basis. The membership of the Committee have however considered the attached terms of reference with recommended changes from the initial draft.

Consequential amendments (attached) to the Delegations Manual are required following the adoption of the Terms of Reference.

Recommendation

That the Hearings Committee Terms of Reference, and the consequential amendments to the Delegations Manual, be approved.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

NORTHLAND REGIONAL COUNCIL

Hearings Committee Terms of Reference

Membership

Cr L Hill (Chairperson)
Cr John Bain
Cr Craig Brown
Cr Joe Carr
Cr Mark Farnsworth
Cr Peter Jensen

Any two (or more) of the Councillors listed above who are accredited RMA decision makers may be appointed by the Committee, (or the Council), to conduct hearings and make decisions on behalf of the Council under the Resource Management Act 1991. The Committee (or the Council) similarly may appoint any individual member/s or other independent person/s as Commissioner/s pursuant to Section 34(1) of the Resource Management Act 1991 (RMA), to conduct a hearing in any particular case. The Committee (or the Council) may also revoke such a delegation at any time, by notice to the delegate.

Functions

- 1) **To conduct hearings and make decisions** on notified applications for resource consents for discretionary and non-complying activities where submissions seeking a hearing are received and are not later revised during pre-hearing discussion and such request is withdrawn, and on any application for consent where Council officers processing an application under delegated authority, recommend that the application be declined. All hearings shall be conducted in public and without unnecessary formality.
 - 2) When Conducting hearings, the Committee or Commissioner may:
 - a) fix additional charges, and or remit the whole or part of any charge (s.36, RMA);
 - b) waive submitters requirements to meet statutory timeframes (s.37).
 - c) limit parties speaking or calling evidence in support to avoid excessive repetition (s.40);
 - d) exercise powers under the Commissions of Inquiry Act 1908 including maintaining order, receiving evidence and summoning witnesses (s.41); and
 - e) make orders relating to the protection of sensitive information (s.42).
 - 3) To consider and make decisions on objections made under section 357 of the RMA.
-

- 4) To conduct hearings and make recommendations to the Council on submissions and appeals on any changes or variations to the regional policy statement or any regional plans promulgated by the Council under the RMA.

Delegated Authority – Power to Act

- 1) Does not have the powers of Council to act in the following instances as specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
 - (a) make a rate;
 - (b) make a bylaw;
 - (c) borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan or Annual Plan;
 - (d) adopt a Long Term Council Community Plan, or Annual Plan or Annual Report;
 - (e) appoint a Chief Executive; or
 - (f) adopt policies required to be adopted and consulted on under this Act in association with the Long Term Council Community Plan or developed for the purpose of the Local Governance Statement.
 - 2) Does have the ability to appoint subcommittees to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters and provided the subcommittee shall not have power to act other than by a resolution of the committee with specific limitations where there is urgency or special circumstance.
 - 3) Does have the ability to make decisions in accordance with the Terms of Reference.
-

(The amendments below will require a change to the Delegations Manual)

SCHEDULE I-B – Delegations to Committees

Under the Resource Management Act 1991

1. GENERAL

This schedule records the functions and powers delegated by the Council under the Resource Management Act 1991 and related enactments, to Committees of the Council.

The delegations in this schedule cover some of the same sections of the Act as those involved in the related delegations to officers. The delegations to officers are to generally assist in the best possible, timely, administration of the Act, without derogating from the decision-making function that should properly remain with the Council's elected members. The delegations to officers are thus limited and specific.

Accordingly, the delegations in this schedule should be read in conjunction with the related schedule of delegations to officers.

2. LIST OF DELEGATIONS TO HEARINGS COMMITTEE, PURSUANT TO THE RESOURCE MANAGEMENT ACT 1991

Deleted: **PLANNING AND POLICY COMMITTEE, AND**

Section of Resource Management Act	Summary of Function Delegated	Committee to which delegated
s.34	To hear and determine applications for resource consents.	Hearings Committee
s.36	To require additional charges to those fixed, and to remit the whole or part of any charge.	Hearings Committee
<u>s.37</u>	<u>To waive the requirement to meet statutory time frames when a submitter fails to do so</u>	<u>Hearings Committee</u>
s.40	To limit parties speaking or calling evidence in support to avoid excessive repetition.	Hearings Committee
s.41	To conduct hearings including the power to summons witnesses.	Hearings Committee
s.41A	Discretion to exercise powers under s 41B, 41C.	Hearings Committee
s.41B	To direct applicant and/or submitters calling expert evidence to provide briefs of evidence within statutory timeframes.	Hearings Committee
s.41C	To make directions on the order of business at a hearing, set recording and time constraints, require further information from parties, commission reports.	Hearings Committee
s.42	To make orders relating to the protection of sensitive information.	Hearings Committee
s.99A	To delegate, or appoint, a person to mediate matters or issues relating to applications as between willing applicants and submitters.	Hearings Committee

Deleted: or Council

Section of Resource Management Act	Summary of Function Delegated	Committee to which delegated
s.104 s.105 s.107 s.108 <u>s.113</u>	To make decisions on notified applications for: <ul style="list-style-type: none"> ▪ discretionary activities where <ul style="list-style-type: none"> - submissions are received and/or - a request is made for a hearing. ▪ non-complying activities. 	Hearings Committee
s.117	To sit as a committee of the Council appointed under Part VA of the Local Government Act with a minimum of three members, plus a person appointed by the Minister of Conservation to consider and make recommendations on applications for restricted coastal activities.	Hearings Committee
s.128-132	To initiate and administer the review of conditions of a consent.	Hearings Committee
s.357	To consider and make decisions on objections to certain decisions and requirements.	Hearings Committee
s.377	To initiate a review of transitional plans if required.	<u>Hearings Committee</u>

Deleted: Planning and Policy Committee

3. DELEGATIONS TO CHAIRPERSON OF THE HEARING COMMITTEE

As permitted by Section 34A(5) of the Resource Management Act 1991 the following powers are delegated to the Chairperson of the Hearings Committee:

Section of Resource Management Act	Powers and Authorities delegated to Chairperson of Hearings Committee
s.357	To hear and determine objections made under Sections 36(3), 88, 92, 125, 126, 127, 128, 132 or 139 of the Resource Management Act by officers of the Council.

Deleted: 3. PROCEDURE FOR APPOINTMENT OF HEARINGS COMMITTEES

¶ While seven Councillors comprise the Hearings Committee appointed to hear applications under the Resource Management Act, the Council's policy is that any two members may be delegated the power to conduct a hearing in any particular case.¶

¶ The power to specify which members of the Hearings Committee shall be delegated the powers of the Committee can only be exercised by the Council itself, by the full Committee exercising its power to appoint a Sub-Committee, or by the Chief Executive Officer (s.34A(3)).¶

¶ The power to appoint a Hearings Committee to hear any specified application shall be exercised as follows:¶

¶ <#>By an appointment made by the Council.¶

¶ <#>By the appointment of a sub-committee by a quorum of the Hearings Committee.¶

¶ <#>By the Chief Executive Officer in association with the Hearings Committee Chairperson in the event that time does not permit a decision by the Council or its Hearings Committee.¶

Deleted: 4

SCHEDULE I-C - Approval of Consent Orders

DELEGATION TO ANY HEARINGS COMMISSIONER, TO APPROVE CONSENT ORDERS BEFORE THE ENVIRONMENT COURT

1. SUMMARY OF FUNCTION DELEGATED

The Council delegates to any Councillors(s) acting as Hearings Commissioner(s), the right to make decisions for the Council towards settling by consent, appeals and other actions before the Environment Court.

2. TERMS AND CONDITIONS AND NOTES

This delegation shall only be exercised in those cases where time does not permit a proposed consent order to be reported to the Hearings Committee that made the original decision on the matter at issue.

Exercise of this delegation shall be reported to the next meeting of the Council.

Charging Policy 2008/2009

File 300.1

Report from Finance and Corporate Services Manager Lisa Aubrey dated 10 March 2008.

INTRODUCTION

Fees and charges that require formal adoption under Section 150 of the Local Government Act 2002 may be set during either a Long Term Council Community Plan or Annual Plan process.

The fee amendments for the 2008/09 year will be included in the draft Annual Plan for public consultation and formal approval in June 2008. However, only a Charging Policy Summary, that includes the principal policy section and the new or changed fees will be included in the draft Annual Plan.

Following approval and adoption of the draft Annual Plan, the new edition of the Charging Policy will be made available to staff and will be published on the website as an update to the Charging Policy included in the LTCCP.

GENERAL

The staff working party which reviews fees and charges each year, completed its review in February. The review resulted in some minor changes to existing policies and fee structures.

An amendment to charges for Navigation, Water Transport and Maritime Safety Bylaw Charges has also been recommended. As required by the Local Government Act 2002, it is the subject of a Statement of Proposal included separately in the agenda.

Fee changes are set out below for Council's review and approval for inclusion in the draft Annual Plan 2008/09.

AMENDED FEES AND CHARGES

Charging Policy Summary Resource and User Fees

Pursuant to:

- The Biosecurity Act 1993;
- The Building Act 2004;
- The Local Government Act 2002;
- The Local Government Official Information and Meetings Act 1987;
- The Resource Management Act 1991; and
- The Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

1. Introduction

The Resource Management Act 1991 and the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 authorise the Northland Regional Council to fix resource consent charges relating to the Council's functions and responsibilities under the Act. Charges may be set as specific amounts, as a scale of charges or as formulae. The Council has chosen to use a combination of these approaches. Section 36(1)(c) of the Resource Management Act, provides for the charging of fees to recover costs associated with:

- the **administration** of resource consents;
- the **supervision** of resource consents; and
- **monitoring** – the gathering of information necessary to effectively monitor both the state of the environment and the resource consents that have effect in the region.

Additionally, costs are recoverable under the Building Act 2004 for building consents relating to the coastal marine area, the bylaw charging provisions of the Local Government Act 2002, and the Council's Navigation Safety Bylaws. Costs may be also recovered under the authority of the Biosecurity Act 1993, the Local Government Act 2002, and under the Local Government Official Information and Meetings Act 1987.

The Council's Charging Policy defines fees and charges for the following classes:

- (i) The Building Act 2004.
- (ii) The Biosecurity Act 1993:
 - Cost recovery schedule for Northland Regional Pest Management Strategy for Nassella Tussock.
- (iii) The Local Government Act 2002:
 - Inspections, investigations and/or environmental incidents.
 - Management charges for laboratory and miscellaneous services.
 - Navigation and safety activities.
 - Inspections of dairy farms operating under the permitted activity rules for discharges to land.
- (iv) The Local Government Official Information and Meetings Act 1987:
 - Information charges.
- (v) The Property Law Act 2007
- (vi) Navigation Water Transport and Maritime Safety Bylaw Charges.
- (vii) The Resource Management Act 1991:
 - Application fees for resource consents and certificates of compliance.
 - Application fees for preparing or changing a policy statement or plan.
 - Resource consent annual management and monitoring charges.
 - Additional supervision charges for investigation of potential non-compliances and non-compliance with consent conditions.
 - Charges set by regional rules.
 - Applications for offsite farms and reviews of deemed coastal permits for marine farms pursuant to the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

The Council reviews its schedule of charges each year to provide for the recovery of the costs associated with the inspection and mitigation of adverse environmental impacts arising from the agricultural and industrial sectors.

The Council's Revenue and Financing Policy allocates the costs of monitoring various consents and classes of consents that will be recovered from consent holders. The funding targets and criteria set out in the Revenue and Financing Policy have been incorporated into the Charging Policy. The Northland

Regional Pest Management Strategies provide a schedule of cost recovery for certain works.

The Resource Management Act **consent classes** include permits to take water, permits to discharge contaminants to air, land or water; land use consents, coastal permits, and building consents in the coastal marine area. The major types of consent classes and criteria for charging purposes are as follows:

Discharges to Water (including):

- major industries
- major effluent discharges
- refuse landfills
- timber treatment plants

Other Water Permits

Discharges to Air

Coastal (including):

- moorings, jetties and structures
- marinas
- slipways and maintenance facilities
- major coastal activities

Land Use Consents

Environmental Incidents

Management charges for labour, laboratory services, supply of information and the Council plant and equipment are detailed in Appendix 16 of Volume Two of the Northland Community Plan 2006-2016. The Council delegates the right to vary these charges to the Department Managers as may be required from time to time (resolved 8 December 2004).

2. General Policies and Principles

2.1 General Principles

The principles which apply to the charges set out in the Charging Policy document are based on the requirements of Section 36 of the Resource Management Act 1991; Section 77 of the Biosecurity Act 1993, Sections 53 and 243 of the Building Act 2004, Section 13 of the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002 – as set out below:

- **Democratic Process**
The Council's role as a local authority is recognised. Thus, the costs associated with the political process are not charged directly to resource consent users.

- **Cost Recovery**
The scale of annual charges is in some cases based on the full costs of the Council's supervision role plus a share of the costs of its state of the environment monitoring role.

Actual and reasonable costs will be recovered from resource users and consent holders where the use of a resource directly occasions costs to the Council. A contribution from the general rate meets a share of the cost where the community benefits from environmental monitoring.
- **Consistency**
Charges will not vary greatly within classes and within the context of the scale of the activity, except where environmental incidents and non-compliance with consent conditions incur additional supervision costs.
- **Equity**
Costs will be recovered on an equitable basis, with charging criteria applied consistently across the region. Classes of users will share the costs attributable to that class.
- **Simplicity**
The system of establishing charges will be kept as simple and as economically efficient as possible.
- **Resource Use**
The charges will reflect preferred resource use practices which as a consequence will require less work to be undertaken by the Council.

2.2 Time Period

The policies, formulae and charges set out in this document apply each year from 1 July to the following 30 June, or until replaced by new charges adopted during the Annual Plan special consultative procedure as prescribed by the Local Government Act 2002.

2.3 Performance

With regard to all application fees and amounts specified in this document, the Council need not perform the action to which the charge relates until the charge has been paid in full [Resource Management Act, Section 36(7)].

2.4 Remission of Charges

The Council may remit any charge referred to in this document, in part or full, on a case-by-case basis, and at its absolute discretion. [Resource Management Act, Section 36(5).]

2.5 Goods and Services Tax

The charges and formulae outlined in this document are exclusive of GST, except where noted otherwise.

2.6 Debtors

All debtors' accounts will be administered in accordance with this policy and outstanding debts will be pursued until recovered. Account offset will be considered on merit in situations where the Council is indebted to the same person.

2.7 Regulations

The Council will apply Crown charges, which may be set from time to time by Order in the Council (Regulations). [Resource Management Act, Section 36(1)(g).]

2.8 General Policies for Charges

The general policies for charges are set out in the Annual Plan, which is adopted following the Special Consultative Procedure prescribed in the Local Government Act 2002. In the case of fees for annual charges and consents applications, the policies are as follows:

- (i) The annual charges shall apply from 1 July to the following 30 June each year, or until amended by the Council.
- (ii) Account offset will be considered on merit in situations where the Council is indebted to the same person.
- (iii) Where annual charges are expected to equal or exceed \$1,000 (GST exclusive), the consent holder will be invoiced the actual costs of monitoring during the progress of the work, once costs have exceeded a prescribed sum (refer Section 4.2.5).
- (iv) Where any resource consent for a new activity is approved during the year and will be liable for future annual charges, the actual costs of monitoring activities will be charged to the applicant subject to Clause (vi). Consents for activities in the Coastal Marine Area are also subject to the Navigation Water Transport and Maritime Safety Bylaw Charges.
- (v) A minimum fee of \$68.00 will apply to all significant recoverable charges (except for the Navigation Safety Bylaw fees) other than for new consents granted after 1 March each year when the minimum fee will be waived for the remainder of that financial year.
- (vi) In any case where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not ongoing, then the associated annual charge will be based on the actual costs of monitoring activities to the date of expiry or surrender, subject to Clause (vi) and also administrative/monitoring costs incurred as a result of the expiry/surrender of the consent.
- (vii) Where a resource consent expires during the course of the year but the activity or use continues and requires a replacement consent, then the annual charges will continue to be applied.
- (viii) Where non-compliance with resource consent conditions is encountered, or unprogrammed additional monitoring is necessary, the costs will be recovered, in addition to the set annual fee.
- (ix) Bonafide community organisations that own community structures in the coastal marine area, which are available for unimpeded public use free of charge; or consent holders undertaking activities for the principal purposes of enhancing the natural environment, may apply to the Council to waive the annual charges, and the Council may remit all or part of the user fees, pursuant to Section 36 of the Resource Management Act.
- (x) Upon application and the approval of the Chief Executive Officer, all or part of the Council's user charges for structures in the coastal marine area or activities undertaken for the purposes of protecting or enhancing the natural environment, may be remitted where cases of genuine hardship are proved.

3. Application Fees

3.1 Introduction

This part of the document deals with application charges in respect of two areas:

- applications for the preparation or change of a policy statement or plan;
- applications for resource consents, for the review of resource consent conditions, building consents and project information memoranda.

Amended or New Charges

4. Resource Consent Holder Charges

The council has reviewed the following sections within Resource Consent Holder Charges:

4.2 Introduction

Under Section 36(1)(c) of the Resource Management Act, the Council may charge for costs associated with the:

- (a) administration, supervision and monitoring of resource consents; and
- (b) for carrying out its resource management functions under Section 35 of the Act.

Administration covers how the Council records and manages the information it has on the resource consents it grants. The Council is obliged to keep "records of each resource consent granted by it" under Section 35(5)(g) of the Act, which must be "reasonably available [to the public] at its principal office" [Section 35(3)] of the Act. The Council keeps this information on hard copy files and electronic databases. The costs of operating and maintaining these systems are substantial.

The minimum fee recovers some of the costs of the administration of resource consents.

Supervision covers functions that the Council may need to carry out in relation to the ongoing management of resource consents. This can include the granting of approvals to plans and other documentation, review and assessment of self monitoring results provided by the Consent Holder, provision of monitoring information and reports to consent holders, meetings with consent holders relating to consent compliance and monitoring, and participation in liaison and/or peer review groups established under consent conditions or to address issues relating to the exercise of resource consents.

Monitoring is the gathering of information to check consent compliance and to ascertain the environmental effects that arise from the exercise of the resource consents. The Council is obliged to monitor "the exercise of the resource consents that have effect in its region" under Section 35(2)(d) of the Act.

In determining charges under Section 36 of the Resource Management Act, the Council has given consideration to the purpose of the charges and the Council's functions under the Act. It is considered that consent holders have both the privilege of using resources and responsibilities for any related effects on the environment. It is the Council's role to ensure that the level of effects is managed, monitored and is acceptable, in terms of sustainable management and the community's values. The annual charges for the administration, monitoring and supervision of resource consents are based on the assumption

that those consents will be complied with and exercised in a responsible manner.

Annual resource consent management charges will be based on a set minimum fee plus, charges for consent supervision and/or monitoring undertaken by Council staff, and where appropriate a portion of costs associated with State of The Environment monitoring of resources used by consent holders, e.g., the costs of running Council's hydrological sites, water quality monitoring networks and associated surveys such as macroinvertebrate and fish monitoring. This particularly applies to water take consents both surface and groundwater and marine farms.

4.2 Annual Charges

4.2.1 Basis of Charges

The charges reflect the nature and scale of consented activities. In general, those activities having greater actual or potential effects on the environment require greater supervision and monitoring from the Council. In setting these charges, the Council has duly considered that their purpose is to recover the reasonable costs in relation to the Council's administration, supervision and monitoring of resource consents and for undertaking its functions under Section 35 of the Resource Management Act. The estimated full costs of the Council's supervision role and planned monitoring of consents will be recovered.

In respect of the Council's administration role a standard minimum annual charge will apply to cover some of the costs of operating and maintaining its consents-related information systems.

Where appropriate, a proportion of the costs of **monitoring the state of the environment** (Section 35(2)(a)) is incorporated in the charge to the Consent Holder. In such cases, the Council has had particular regard to Section 36(4)(b)(iii), i.e., the extent that the monitoring relates to the likely effects of consent holder's activities or the extent that the likely benefit to consent holders exceeds the likely benefit of the monitoring to the community. The costs to the Council associated with this activity may be shared between consent holders and the community. This recognises that there is value and benefit to the community of work the Council undertakes with respect to monitoring the state of the environment. In the Council's judgement this is a fair and equitable division.

In relation to swing/pile moorings within the Marine 4 Management Areas which meet the permitted activity criteria, the costs of providing Council services will be recovered through the Navigation and Safety Bylaw Charges outlined in Section 10.

In relation to swing/pile moorings outside the Marine 4 Management Areas without consent (non-consented), costs will be recovered through the Navigation and Safety Bylaw until consent is gained. Application for consent must be in accordance with Council's programme for applications.

Under Section 36(1), charges "shall be either specific amounts or determined by reference to scales of charges or other formulae fixed by the (Council)". The Council has fixed charges by all these methods in the past.

Specific amount fees are not often charged for larger activities and the preferred method is to apply the formulae specified in Section 4.2.3 to determine the expected costs of both scale fees and the expected costs of monitoring larger consents as outlined in the appendices.

4.2.3 Large Scale Activities

Consents that do not fall into the classes listed in Section 4.2.2 will be for larger scale activities or activities with high potential adverse effects (estimated monitoring costs of \$1,000 and over per year inclusive of GST). In most cases these consents will generally be subject to comprehensive monitoring programmes, regular inspections and involve routine sampling and testing or audit monitoring functions or contribute towards the costs of the Councils State of the Environment Monitoring as is the case for many of the larger water take consents. Large scale activities may require more monitoring inspections. As the sampling and testing requirements for these consents will vary so will the costs incurred by the Council to carry out those monitoring programmes.

Annual charging for the monitoring of these consents is calculated using the following formulae and/or the actual and reasonable historical costs:

Labour (staff time) + Sampling and Testing Costs + Monitoring Equipment Costs + Administration Fee = Annual Charge

Labour (standard charge rates includes mileage) **per Hour**

▪ Monitoring Officer Scale 1	\$65.00
▪ Monitoring Officer Scale 2	\$75.00
▪ Senior Monitoring Officer	\$85.00
▪ Manager/Harbourmaster/On-Scene Commander	\$135.00

Sampling and Testing Costs

▪ Internal Costs	per Clause 2.1-2.7
▪ External Costs	at cost

Monitoring Equipment Costs

Generally applied to consents where special equipment has been installed to monitor those consents. For example, hydrometric stations on rivers from which water is taken for irrigation purposes, water quality monitoring sondes and/or automatic sampling equipment.

Administration Fee

Per consent or consent "package"	\$68.00
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State of the Environment Costs

Where appropriate the addition of a specified amount contributing towards the recovery of costs incurred by Council as part of its State of the Environment monitoring.

The estimated monitoring costs are then rounded to an appropriate sum which becomes the expected annual charge. These formulae and the historical cost data of monitoring like consents provides a reasonable estimate of the actual costs of monitoring consents each year and will be used to provide the expected costs of monitoring in the forthcoming years. These expected costs of monitoring are itemised in the fee schedules included in appendices outlined below:

- Major Industries (Appendix 9)
- Timber Treatment Plants (Appendix 10)
- Major Effluent Discharges (Appendix 11)
- Refuse Landfills (Appendix 12)
- Large Scale Discharges to Air (Appendix 13)
- Major Coastal Activities (Appendix 14)
- Large Scale Water Takes (Appendix 15)

4.2.4 Additional Supervision Charges

Introduction

The annual consent charges outlined in Section 4 above are based on the assumption that the consents they relate to will be complied with and exercised in a responsible manner, and recover the cost of work undertaken each year by the Council in the administration, monitoring and supervision of those consents.

The purpose of additional supervision charges is to recover costs of additional supervisory work that is required to be undertaken by Council when people, including consent holders, do not act in accordance with consents or Councils rules relating to resource use.

Additional supervision charges relate to those situations where:

- consent conditions are not being met or adverse effects are resulting from the exercise of a consent; or
- unauthorised activities are being carried out.

Procedure

When consent non-compliance or an unauthorised activity is found, the person is, if possible, given the opportunity to remedy the situation and is informed that costs of additional supervision will be recovered. Such activity may also be subject to abatement notices, infringement notices, enforcement orders or prosecutions.

Calculation

Charges for additional supervision will be calculated on an actual and reasonable basis.

The costs that make up the charge will include:

- labour costs; officers' actual recorded time spent, including travel time, in following up the non-compliance matter or unauthorised activity (charged at the appropriate hourly rate listed in Section 4.2.3); plus
- any sampling and testing costs incurred; plus
- any equipment costs (excluding vehicle running costs) associated with the monitoring of the non-compliance; plus
- any external costs incurred (e.g., external consultants, hire of clean-up equipment).

For consent holders only, no additional supervision charge will be applied where the annual charges for their consents are sufficient to cover the costs incurred in following up their consent non-compliance.

In the case of water takes annual charges are estimated on the basis of normal summer flows and consequently during drier than normal years further monitoring may be required in the form of flow or water level measurements. The costs of this further work will be charged to

the Consent Holder in the form of additionally supervision charges as outlined above.

4.2.5 Invoicing – Non-scale Fees

The majority of large scale activities or activities with high potential adverse effects (where annual monitoring costs exceed \$1,000, GST inclusive) and certain small scale activities such as short term earthworks consents, will be monitored, the results recorded/reported and subsequently invoiced to the consent holder on a cost recoverable basis.

Invoices will be generated once the costs of any work have exceeded a prescribed sum. This will be determined by the scale of the activity. Costs will be invoiced in a timely manner during the progress of the work to ensure that large amounts of costs do not accrue.

In the case of significant water takes charges will generally be invoiced in line with section 4.5 and any further supervisions charges will be invoiced on a regular basis as costs are incurred by Council.

4.4 Change in Resource Consent Status

Where any resource consent is approved during the year, and will be liable for future annual charges, the actual costs of monitoring activities will be charged to the applicant. The annual minimum fee will continue to apply per the Council's general policy 2.8(vi).

For large scale activities where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not on-going, then the associated annual charge will be based on actual and reasonable costs incurred to the date of expiry or surrender, including costs incurred as a result of monitoring and administration activities associated with the expiry or surrender of the consent. The annual minimum fee will continue to apply.

Where a resource consent expires during the course of the year but the activity or use continues and is subject to a replacement process, then the annual charges will continue to apply.

4.5 Timing

Invoicing of consent annual charges will be in the quarter following the adoption of the Long Term Council Community Plan or Annual Plan by the Council or until after monitoring of the consent has been undertaken (post billing).

In some cases, invoicing of charges may be deferred until after the Council has completed all, or a significant portion of its planned monitoring of a consent.

5. Biosecurity Act 1993

6. Local Government Act Charges

The council has reviewed the following sections within Resource Consent Holder Charges:

6.2 Permitted Activity Dairy Shed Effluent Systems – Fees

These charges are made to recover the costs of inspecting farm dairy effluent systems, wintering barns or pad discharges to determine compliance with the permitted activity rules in the Regional Water and Soil Plan. The inspections are conducted in order that the Council adequately carries out its functions and responsibilities pursuant to Sections 30(1)(f), 35(2)(a) and 332 of the Resource Management Act. The fees are set according to Section 150 of the Local Government Act.

The charges are as follows:

- (i) Annual inspection and monitoring fee (all grades), fixed fee \$113.00
- (ii) Second and subsequent visits and inspections, (for non-complying or inadequately treated discharges, grades 4 and 5) *depending which technical officer assigned per charge out rates in Section 6.1. (per hour) \$65.00

* minimum

plus the actual and reasonable cost of any specific water quality testing (see Appendix 16).

Note: For annual charges for consented farm dairy effluent discharge consents, refer to Appendix 5.

7. Charges set by Regional Rules

8. Provision of Information and Technical Advice

9. Fee to consent lessee to transfer a lease and fee to consent lessee to enter into a sublease

The council has introduced the following sections within Fee to consent lessee to a transfer a lease and fee to consent lessee to enter into a sublease:

Pursuant to the general provisions in section 12 of the Local Government Act and section 227 (2) of the Property Law Act 2007, Council can require a charge to cover reasonable legal or other expense of the lessor in giving consent.

The charges are as follows:

- (i) transfer or assign the lease \$135.00
- (ii) enter into a sublease \$135.00

10. Standard Charges under the Building Act 2004

11. Navigation, Water Transport and Maritime Safety Bylaw Charges 2008

These bylaws shall be known as the Northland Regional Council **Navigation, Water Transport and Maritime Safety Bylaw Charges 2008:**

The Council has reviewed the following clauses within the Navigation, Water Transport and Maritime Safety Bylaws:

7.	(a) Pilotage	GST Exclusive
	(i) Inwards/outwards to wharf, Opuia	\$3,250.00
	(ii) Ships to anchor in Bay of Islands	\$3,250.00
	(b) Shipping – Navigation and Safety Services Fee	
	Per ship visiting the Bay of Islands regardless of which pilotage organisation or company actually services the vessel.	\$3,000.00
	(c) Shipping – Navigation and Safety Services Fee	
	Per ship visiting the Bay of Islands when the Master is exempt from compulsory pilotage.	\$3,000.00
	(d) Shipping – Navigation and Safety Services Fee	
	Per ship visiting Whangaroa Harbour except when the ship is also visiting the Bay of Islands during the same voyage.	\$1,000.00

10. Hatea River Channel Fees

User charges to assist with the funding of ongoing navigation safety activities on the Hatea River between Victoria Bridge and Main 4. The activities include the provision of additional aids to navigation and dredging but exclude the Town Basin Marina consented area.

(a)	Individual berths in the Town Basin and Riverside Drive Marinas as defined by consent number in Appendix 17, level one charges.	\$95.00
(b)	Individual boatsheds and other berths as defined by consent number in Appendix 17, level one charges.	\$95.00
(c)	Individual marina berths at Kissing Point as defined by consent number in Appendix 17, level one charges.	\$95.00
(d)	Large businesses that derive a direct benefit through improved access to their facility; as defined by consent number in Appendix 17, level two charges.	\$950.00
(e)	Small businesses that derive a direct benefit through improved access to their facility; as defined by consent number in Appendix 17, level three charges	\$450.00
(f)	Mooring Holders in the Whangarei Harbour, including Marsden Cove Marine;	\$12.50

12. These bylaw fees shall apply for the period 1 July 2008 to 30 June 2009 and will continue to apply until superseded by a subsequent bylaw charge fixed by resolution and publicly notified or by the review required by Section 158 of the Local Government Act 2002.

These bylaws were made at a meeting of the Council held on 18 June 2008, sealed, and publicly notified pursuant to Sections 83 and 147 of the Local Government Act 2002.

Appendix 1: Resource Consent Minimum Application Fees/Deposits and Consents Staff Hourly Processing Rates

Appendix 2: Standard Charges under the Building Act 2004

Council has removed clauses relating to building consents, where these applications will now be administered by Waikato Regional Council. Council has added clauses enabling infringement offence notices, enforcement orders or prosecutions to be undertaken as provided for under the Building Act 2007, Building (infringement Offences, Fees and Forms) Regulations 2007.

Charges fixed under the Building Act 2004 are resolved by the Council and fixed pursuant to the Local Government Act 2002 process until subsequently amended.

1. Project and Land Information Memoranda (PIM/LIM)

Estimated Value of Work	Minimum Estimated Charge (MEC) \$ GST Excl.	(MEC) \$ GST Incl.
All Applications	1000.00	1112.50

- Notes:**
- MEC is payable upon application for a PIM/LIM.
 - Final actual and reasonable costs are payable upon uplifting the PIM/LIM.

2. Building Consents and Certificates of Approval

Incorporating receipt of a building consent application, the issue of a building consent, including project information memorandum, payment of a Building Research Levy and/or Department of Building and Housing Levy (where applicable) and the issue of a code compliance certificate (where applicable).

Under section 244 of the Building Act 2004, Council has decided to transfer the Building Act functions for consenting dams to the Waikato Regional Council (WRC). Fees will be charged in accordance with the Fees and Charges policy set by WRC. All fees and charges for consent processing will be invoiced directly to the applicant by WRC.

3. Requests for Information on Building Consents

Charges will be the actual and reasonable costs.

Note: Payable on uplifting the information.

4. Issue of a Notice to Fix

Minimum Estimated Charge	95.00	106.88
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Note: All inspections and other actions necessary to confirm compliance with notice charged at cost and payable on invoice.

5. Action to be Taken in Respect of Buildings Deemed to be Dangerous or Insanitary

Charged at cost.

Note: Payable upon invoice.

6. Inspections

Inspections carried out by Council officers (per hour) 95.00 106.88

Inspections by specialist consultants: charged at cost to Council + 5%

Note: Payable upon completion of inspection and/or prior to the issue of a code compliance certificate.

7. Technical Processing and the exercising of other functions, powers and duties under the Building Act 2004

Carried out by Council officers (per hour) 95.00 106.88

Carried out by specialist consultants Charged at cost to Council + 5%

Note: Payable upon the exercise of the function, power or duty. Progressive charging may be used where costs are greater than \$500 (excluding GST).

When building consent non-compliance or an unauthorised activity is found, the person is, if possible, given the opportunity to remedy the situation and is informed that costs of additional supervision will be recovered. Such activity may also be subject to, infringement offence notices, enforcement orders or prosecutions.

An enforcement officer who observes a person committing an infringement offence or has reasonable cause to believe that an infringement offence is being or has been committed is authorised and warranted under section 229 of the Building Act 2004 to issue an infringement notice. The Building (Infringement Offences, Fees, and Forms) Regulations 2007 were made by Order-In-Council on 17 December 2007, and come into force on 1 July 2008. Fines are set per the Building regulation 2007 and range from \$250 to \$2000.

Appendix 3: Small to Moderate Scale Water Takes

Charges relating to the State of the Environment Charges have now been included:

Scale of Annual Charges for Consents for Small to Moderate Scale Water Takes

Fee Level	Description/Criteria	Charge \$\$ GST Excl.	Charge \$\$ GST Incl.
8	Negligible effect: minor abstraction in plentiful surface resource; low level allocation of a small surface resource; minor abstraction of groundwater; no monitoring (Minimum Fee)	68.00	76.50
10	Minor effect: minor abstraction; moderate level of allocation of a small surface resource; minor abstraction from a fully allocated surface resource with little potential demand; moderate abstraction from groundwater; water use returns	85.00	95.63
12	Moderate effect: minor abstraction from fully allocated surface resource with potential demand; moderate abstraction from a small resource with moderate levels of allocation; major abstraction from groundwater resource; water use returns; resource monitoring by Consent Holder; potential effect on other users; low level monitoring by the Council	110.00	123.75
15	Medium effect – short inspection time: moderate abstraction from a small resource with a high level of allocation; major abstraction from a large plentiful resource; water use returns, resource monitoring by Consent Holder; continuation flow condition(s) requiring occasional monitoring by the Council. Total estimated inspection/flow monitoring, water use record management and reporting of consent compliance between 1½ to < 2 hours	160.00	180.00

Fee Level	Description/Criteria	Charge \$ GST Excl.	Charge \$ GST Incl.
19	Medium effect – moderate inspection time: same criteria as Category 4, but total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance between 2 to < 3 hours	210.00	236.25
22	Medium effect – significant inspection time: Total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance between 3 to < 4 hours. Some contribution to Councils hydrometric network where appropriate	260.00	292.50
24	Medium– significant inspection time – SOE charges: significant total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance. Contribution to Councils hydrometric network where appropriate. Data benefits CH for management and/or replacement of consent	300.00	337.50
26	Medium to high potential effect – SOE charges: Large abstraction total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance is significant > 4 hours. Contribution to Councils hydrometric network data used for compliance purposes and or management of exercise of consent	350.00	393.75

Appendix 4: Minor to Moderate Discharges to Air, Water and Land, and Land Use Activities including Quarries

Appendix 5: Farm Dairy Effluent Charges

This is a fully revised scale of charges:

Scale of Charges for Consents for Farm Dairy Effluent Discharges

Sampling and testing required where indicated.

Fee Level	Description/Criteria	Charge \$ GST Excl.	Charge \$ GST Incl.
4	Single yearly inspection – (no sampling or testing)	180.00	202.50
4	Single yearly inspection – (single sample only)	222.00	249.75
4	Single yearly inspection – (two samples)	265.00	298.12
4	Single yearly inspection – (three samples)	308.00	346.50
4	Single yearly inspection – (four samples)	350.00	393.75
4	Single yearly inspection – (five samples)	394.00	443.25
4	Single yearly inspection – (six samples)	437.00	491.62

The charge for follow-up inspections for non-complying discharges will be at \$65.00 per hour plus GST, plus the actual and reasonable cost of any specific water quality testing and/or enforcement action required.

Note: For fees charged under the Local Government Act for the inspection of non-consented dairy effluent discharge systems, refer to Section 6.2.

Appendix 6: Coastal Structures (Post Construction or Installation)

The Cable and Pipes charge has been amended:

Fee Level	Description/Criteria	RMA \$ GST Excl.	Nav & Safety Service Fee \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
100	Swing moorings, pile moorings, jetty and marina berths (per berth) with consents	68.00		50.00	118.00	132.75
101	Swing/pile moorings (non-consented) outside of the Marine 4 Management Area		68.00	50.00	118.00	132.75
101	Swing/pile moorings within Marine 4 Management Area		68.00	50.00	118.00	132.75
1	Pile moorings and jetty berths owned by one organisation, comprising 25 berths or more, but no more than 75 berths (per berth). Note: No additional charge will be set for those structures which are an integral part of the mooring area, so long as those facilities and activities do not give rise to any significant adverse environmental effects	40.00		50.00	90.00	101.25
1	Marinas comprising more than 75 berths. Navigation fee reverts to \$50.00 if fees are not paid within 60 days (per berth)	–		40.00	40.00	45.00
1	Marinas comprising 24 or more, but less than 75 berths. Navigation fee reverts to \$50.00 if fees not paid within 60 days (per berth)	–		46.00	46.00	51.75
8	Dinghy pulls	68.00		–	68.00	76.50
8	Seawalls and reclamations	68.00		–	68.00	76.50
100	Boat ramps up to 15 m x 4.5 m	68.00		50.00	118.00	132.75
102	Boat ramps/slipways over 15 metres and grids	120.00		50.00	170.00	191.25
103	Boatsheds	205.00		50.00	255.00	286.88

Fee Level	Description/Criteria	RMA \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
104	Boatsheds with Additional Berth	235.00	50.00	285.00	320.62
13	Cables and Pipes	76.50	-	76.50	86.00
13	Private accommodation in the coastal marine area	125.00	-	125.00	140.63
100	Minor structures not more than 10 m ² in plan area within the coastal marine area (no more than minor environmental effects)	68.00	50.00	118.00	132.75
102	Minor structure and jetties: more than 10 m ² and up to 300 m ² in plan area	120.00	50.00	170.00	191.25
102	Community and boating club structures and jetties, and non-commercial public structures	120.00	50.00	170.00	191.25
105	Marine farms and offsite farms	260.00	50.00	310.00	348.75
18	High use structures and jetties not marine related	200.00	-	200.00	225.00

Fee Level	Description/Criteria	RMA \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
106	(a) High use structures and jetties, marine-related and not more than 300 m ² in plan area within the coastal marine area, and	200.00	300.00	500.00	562.50
	(b) Slipways with a maximum capacity of not more than 50 tonnes	200.00	300.00	500.00	562.50
115	High use structures and jetties, marine-related, more than 300 m ² but not more than 1,000 m ² in plan area within the coastal marine area	200.00	1,300.00	1,500.00	1,687.50
125	(a) High use structures and jetties, marine-related and not more than 1,000 m ² in plan area within the coastal marine area, and	200.00	2,300.00	2,500.00	2,812.50
	(b) Slipways with a maximum capacity of more than 50 tonnes	200.00	2,300.00	2,500.00	2,812.50

Note: All structures that are subject to a discharge permit may be subject to an additional charge that recovers the costs incurred by the Council for monitoring the discharge. Where the costs of monitoring the structure and discharge exceed the annual charge herein, the Council will recover the balance in accordance with Section 36(3) of the Resource Management Act 1991.

Consent Holders of multiple structures authorised under a single resource consent for contiguous facilities, will be charged one annual fee for the most significant structure authorised by that consent.

Appendix 7: Coastal Structures (Construction or Installation Phase)

Appendix 8: Land Use Consents for Boating-related Structures in Waters Upstream of the Coastal Marine Area (Post Construction)

This is a fully revised scale of charges:

Fee Level	Description/Criteria	RMA \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
100	Minor structures and jetties: not more than 10 m ² in plan area.	118.00		118.00	132.75
102	Jetties and other structures: more than 10 m ² in plan area.	170.00		170.00	191.25

- Note:**
- Consents for new boat-related structures or to alter boat related structures in waterbodies will be subject to an inspection charge of \$65.00 per hour (plus GST) per officer during their construction phase.
 - Refer to Section 4.2.2 for bases of charges.

Appendix 9: Major Industries**Appendix 10: Timber Treatment Plants****Appendix 11: Major Effluent Discharges or Discharges to Sensitive Receiving Environments****Appendix 12: Refuse Landfills****Appendix 13: Large Scale Discharges to Air****Appendix 14: Major Coastal Activities****Appendix 15: Large Scale Water Takes**

This is a fully revised scale of charges:

Water Takes

Consent Holder	Consent No(s)	Annual Charge \$ GST Excl.	Annual Charge \$ GST Incl.
Far North District Council	4369	2,000.00	2,250.00
Whangarei District Council	7398	1,000.00	1,125.00
Kaipara District Council	8032	600.00 ¹	675.00
Whangarei District Council	2960	2,000.00	2,250.00
Fonterra Kauri	3221	2,300.00 ²	2,587.50
Whangarei District Council	7404	2,500.00	2,812.50
Mangawhai Golf Club	2344	600.00 ¹	675.00
Kaipara District Council	7582	750.00 ²	843.75
Kaipara District Council	8134	700.00 ²	787.50
Omana Water Supply	3994	1000.00 ²	1125.00
Maungatapere Water Supply Co	4607	450.00 ²	506.00
Murphy Prosperity Trust	4715	450.00 ²	506.00
North Power	4845	750.00 ²	843.75
Kokich & Anderson	4965	600.00 ²	675.00
Northern Dairylands Ltd	5004	700.00 ²	787.50
A B Kevey & L J Christie	5014	450.00 ²	506.25
McBeth Farms Ltd	5021	450.00 ²	506.25
Brown Trust Partnership	5022	450.00 ²	506.25
Leeuwenburg J A & G M Leewenburg	5027	450.00 ²	506.25
The Robert Harding Family Trust	7330	700.00 ²	787.50
Whangarei District Council	7405	800.00 ²	900.00
Woodbury Farming Ltd	7411	800.00 ²	900.00
Burke Farms Ltd	7642	600.00 ²	675.00

¹ Includes a charge of \$500 pursuant to Section 36(1)(c) towards the costs of operating NRC SOE groundwater monitoring site (See Section 4.1).

² Includes a charge towards the costs of operating an NRC SOE flow monitoring site (see Section 4.1).

Note: For the bases of charging, refer Section 4.2.3.

Appendix 16: Miscellaneous Management Charges

The Council has reviewed the following clauses within Miscellaneous Management charges:

3.5 Floating Plant – Standard Rates

(a) Workboat Hire	\$ GST Excl.	\$ GST Incl.
Workboat – Waikare per hour	450.00	506.25
Standby - Waikare per hour	250.00	281.25

For significant commercial projects, the Council will negotiate hire, standby and total costs with contractors and other parties.

(b) Small Launch Hire	\$ GST Excl.	\$ GST Incl.
BOI Patrol Boat Gemini II per hour	150.00	168.75
Standby – Gemini II per hour	100.00	112.50
5 metre Lazercraft per hour	140.00	157.50
Standby – Lazercraft per hour	90.00	101.25
5.8 metre Inflatable (Tai Ao) per hour	170.00	191.25
Standby – Tai Ao per hour	120.00	135.00

All labour and transport costs incurred in the hire of vessels, are additional and charged at \$65.00 per hour per crew member.

Note: (Additional rates may apply in overtime hours).

Other Plant Not Specified Above

Each request to hire other Regional Council plant or equipment is to be referred to the appropriate Manager for approval, who shall apply a realistic charge-out rate and notify the Finance Manager so that an invoice can be raised.

7. Biosecurity – Sale of Pest Control Products

Northland landowners are entitled to a one off free issue of 2.5kg bag of Pestoff and 2kg bag of rabbit pindone. Landowners are also entitled to a one off free issue of a 5-gram sachet of herbicide to control wild ginger.

All other pest control products such as traps, pesticides, prefeed, bait stations, and associated equipment are resold at a 10% mark-up on the price they are purchased from the manufacturer. This 10% mark-up to cover the administrative costs of supplying these products.

Appendix 17: Whangarei Harbour Channel user charges

Council has established the following scale of charges:

Level 1 Fee Scale

Consent Number	Description	Annual Charge \$ GST Excl.	Annual Charge \$ GST Incl.
19990615002	Berth between sheds 19 & 20	\$80.00	\$90.000
20020993801	Boat ramp, Limeburners Creek	\$80.00	\$90.000
20050817101	Boat ramp, pontoon etc, Hatea River	\$80.00	\$90.000
20060963701	Boat shed, Pohe Island	\$80.00	\$90.000
20060617001	Boatshed # 1, Kissing Point	\$80.00	\$90.000
20060617701	Boatshed # 10, Kissing Point	\$80.00	\$90.000
20060617801	Boatshed # 11, Kissing Point	\$80.00	\$90.000
20050614801	Boatshed # 17, Riverside Drive	\$80.00	\$90.000
20060617101	Boatshed # 2, Kissing Point	\$80.00	\$90.000
20060617201	Boatshed # 3, Kissing Point	\$80.00	\$90.000
20070557601	Boatshed # 5 & 6, Kissing Point	\$80.00	\$90.000
20060617601	Boatshed # 9, Kissing Point	\$80.00	\$90.000
20020616403	Boatshed #1, Limeburners Creek	\$80.00	\$90.000
20060569601	Boatshed #12a, Kissing Point	\$80.00	\$90.000
20060618001	Boatshed #14, Kissing Point	\$80.00	\$90.000
20060672101	Boatshed #15, Kissing Point	\$80.00	\$90.000
20060672001	Boatshed #16, Kissing Point.	\$80.00	\$90.000
20060671901	Boatshed #17, Kissing Point	\$80.00	\$90.000
20060671801	Boatshed #18 & 18A, Kissing Point	\$80.00	\$90.000
19990615001	Boatshed #19, Riverside Drive	\$80.00	\$90.000
19600616501	Boatshed #2, Limeburners Creek	\$80.00	\$90.000
19600614901	Boatshed #2, Riverside Drive	\$80.00	\$90.000
20060671701	Boatshed #20, Kissing Point	\$80.00	\$90.000
20060671601	Boatshed #21 & 22, Kissing Point	\$80.00	\$90.000
20060671401	Boatshed #23, Kissing Point	\$80.00	\$90.000
20040615602	Boatshed #24, at Riverside Drive	\$80.00	\$90.000
20060671301	Boatshed #24, Kissing Point	\$80.00	\$90.000
20060671201	Boatshed #25, Kissing Point	\$80.00	\$90.000
20060671101	Boatshed #26, Kissing Point	\$80.00	\$90.000
20060671001	Boatshed #27, Kissing Point	\$80.00	\$90.000
20060670901	Boatshed #28, Kissing Point	\$80.00	\$90.000
20060670801	Boatshed #29, Kissing Point	\$80.00	\$90.000
19600616601	Boatshed #3, Limeburners Creek	\$80.00	\$90.000
20060670701	Boatshed #30, Kissing Point	\$80.00	\$90.000
20020615101	Boatshed #5, Riverside Drive	\$80.00	\$90.000
20010615201	Boatshed #6, Riverside Drive	\$80.00	\$90.000
20060617401	Boatshed #7, Kissing Point	\$80.00	\$90.000
20060617501	Boatshed #8, Kissing Point	\$80.00	\$90.000

Consent Number	Description	Annual Charge \$ GST Excl.	Annual Charge \$ GST Incl.
20070614701	Boatshed berth (jetty and piles), Port Road	\$80.00	\$90.000
20060614601	Boatshed, Pohe Island	\$80.00	\$90.000
20060615901	Boatshed, Pohe Island	\$80.00	\$90.000
20060616001	Boatshed, Pohe Island	\$80.00	\$90.000
20060616101	Boatshed, Pohe Island	\$80.00	\$90.000
20060616901	Boatshed, Pohe Island	\$80.00	\$90.000
2005 615401	Boatshed, Riverside Drive	\$80.00	\$90.000
20060615502	Boatshed, Riverside Drive	\$80.00	\$90.000
20010615301	Boatshed, Riverside Drive	\$80.00	\$90.000
20060615701	Boatshed, Riverside Drive	\$80.00	\$90.000
20060615801	Boatshed, Riverside Drive	\$80.00	\$90.000
19600557301	Gangway & pontoon & ramp	\$80.00	\$90.000
20050643801	Jetty and piles, Waiarohia River	\$80.00	\$90.000
19600563001	Jetty, Hatea River.	\$80.00	\$90.000
20010910901	Jetty, Hatea River	\$80.00	\$90.000
19601034201	Jetty, Hatea River	\$80.00	\$90.000
20060660102	Jetty, upper Hatea River	\$80.00	\$90.000
20000889802	Jetty, Upper Hatea River	\$80.00	\$90.000
20050644301	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644302	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644501	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644701	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050954401	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050643901	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644001	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644101	Jetty, Waiarohia Canal	\$80.00	\$90.000
20060644201	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050898701	Jetty, Waiarohia Canal	\$80.00	\$90.000
20070643701	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050809401	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050944101	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644901	Mooring piles, Waiarohia River	\$80.00	\$90.000
20050865901	Ticket office, deck, landing pontoon, Town Basin	\$80.00	\$90.000
19980527201	Various structures	\$80.00	\$90.000
19960795801	Marina - Whg Town Basin (264@ \$80)	\$21,120.00	\$23,760.000
20060792601	Marina, jetty, piles and associated consents (24@ \$80)	\$1,920.00	\$2,160.000

Level 2 Fee Scale

Consent Number	Description	Annual Charge	Annual Charge
		\$ GST Excl.	\$ GST Incl.
2004062991 2	Barge repair berth and boat ramp, Hatea River	\$800.00	\$900.00 0
2005086030 2	Dock facilities and a boat ramp	\$800.00	\$900.00 0
1995074680 1	Floating dock, Hatea River	\$800.00	\$900.00 0
2005055750 1	Slipway, Hatea River	\$800.00	\$900.00 0
1999062620 3	Slipway, Hatea River	\$800.00	\$900.00 0

Level 3 Fee Scale

Consent Number	Description	Annual Charge	Annual Charge
		\$ GST Excl.	\$ GST Incl.
20061639201	Pontoon, walkway and piles, Waiarohia Canal	\$400.00	\$450.000
19950770401	Kaituna barge canal	\$400.00	\$450.000
20010917502	Slipway	\$400.00	\$450.000
19600643101	Slipway & Jetty, Waiarohia Canal	\$400.00	\$450.000
19600659801	Slipway, Hatea River	\$400.00	\$450.000

Recommendation

That the proposed amendments to the Charging Policy be approved for including in the draft Annual Plan 2008/2009 for public consultation and subsequent adoption, subject to the submission process.

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

Statement of Proposal Regarding the Navigation, Water Transport and Maritime Safety Bylaw Charges 2007

Files 300.1, 220.6

Report from the Finance and Corporate Services Manager, Lisa Aubrey dated 10 March 2008.

INTRODUCTION

A Statement of Proposal and the special consultative procedure is required pursuant to Sections 83, 86 and 156 of the Local Government Act 2002 in order that several clauses of the **Navigation, Water Transport and Maritime Safety Bylaw Charges 2007**, adopted in June 2007, may be amended and the Bylaw Charges re-adopted.

Section 156 of the Act requires that a bylaw or an amendment to an existing bylaw be made pursuant to the special consultative procedure set out in Section 83. That section requires both a Statement of Proposal, and a summary of the information to be prepared, with the summary to be circulated widely and publicly notified. The full Statement of Proposal must be available for public inspection at all offices of the Council during the submission period.

Section 86 requires that a draft of the full bylaw to be amended be included in the Statement of Proposal, setting out the reasons for the proposal and whether a bylaw is an appropriate mechanism pursuant to Section 155.

(1) Reason for the bylaw amendment

Maritime costs associated with the regulation of navigation safety in Northland have exceeded the fees set during the last three years, resulting in fee increases in Clause 3 of the Bylaw. Operating cost increases result from the number of shipping incidents, pollution response call outs, investigations and harbour patrols attended by the Harbourmaster and specialist staff.

(2) Is a bylaw an appropriate procedure?

This bylaw amendment is made pursuant to the bylaw provisions of the Local Government Act for setting fees and charges as it is mandated by Section 684B(h)(i) of the Local Government Act 1974 (Part 39A Navigation) as saved in Schedule 18 of the Local Government Act 2002. It is the most cost-effective way of recovering the costs arising from the regulation of recreational maritime activities and commercial shipping as appropriate.

REASONS FOR THE PROPOSAL

It is proposed to increase the fees in Clause 7(a) **Pilotage** to reflect the increases in compliance, labour and fuel costs associated with the provision of a pilot service for ships visiting the Bay of Islands.

It is proposed to introduce a new clause 7(d) **Shipping - Navigation and Safety Services Fee** for ships visiting Whangaroa Harbour except when the ship is also visiting the Bay of Islands during the same voyage. This fee will be used to assist the Council to maintain and upgrade Whangaroa Harbour aids to Navigation. The proposed fee is \$1,000 (GST exclusive) per visit.

It is proposed that user charges, in the form of a new clause 10 **Hatea River Channel Fees**, be used to recover the \$100,000 allocated to the Hatea River Dredging project for the moving and upgrading of aids to navigation, being the beacons and lights. The fees recognise that berth and maritime facility operators will

obtain a direct benefit from the Hatea River channel dredging and upgrade project. It is proposed to recover the \$100,000 over a three-year period.

This bylaw amendment is made pursuant to the bylaw provisions of the Local Government Act for setting fees and charges as mandated by Section 684B(h)(i) of the Local Government Act 1974 (Part 39A Navigation), saved in Schedule 18 of the Local Government Act 2002. It is the most cost effective way of recovering the costs arising from the regulation of recreational maritime activities and commercial shipping as appropriate.

The draft bylaw is as follows:

Proposed Navigation, Water Transport and Maritime Safety Bylaw Charges 2008

These bylaws shall be known as the Northland Regional Council Navigation, Water Transport and Maritime Safety Bylaw Charges 2008:

1. These bylaws shall apply throughout the region of the Council.
2. In these bylaws, unless the context otherwise requires:

“**Maritime facility**” means any jetty, jetty berth, wharf, ramp, slipway, boatshed, marina berth, pontoon or pile or swing mooring, whether private, commercial or a recreational public facility.

“**Owner**” includes:

- (a) in relation to a vessel, the agent of the owner and also a charterer; or
- (b) in relation to any dock, wharf, quay, slipway or other maritime facility, means the owner, manager, occupier or lessee of the dock, wharf, quay, slipway or other maritime facility.

3. Navigation Safety Bylaw Fees

For the period specified hereunder and for each year thereafter until amended or superseded by a subsequent bylaw charge, the owner of every maritime facility in the region shall pay to the Council an annual navigation fee fixed herein.

GST Exclusive

- (a) The navigation fee shall be payable on the number of berths available at the maritime facility, whether or not all berths are used. The Council’s Harbourmaster shall determine the number of berths available at any maritime facility.
- (b)
 - (1) For every jetty, jetty berth, boatshed, ramp, minor slipway, private pontoon, pile and swing moorings and berths in marinas containing 24 berths or less. \$50.00
 - (2) For every berthholder not otherwise included herein a fee for the recovery of the cost of the navigation safety equipment in the upper Hatea River, per berth. \$50.00

GST Exclusive

- | | | |
|------|---|------------|
| (3) | (a) For every berth in marinas containing more than 75 berths provided that if the fee is not paid within 60 days of invoice, the fee shall revert to \$50.00 per berth. | \$40.00 |
| | (b) For every berth in marinas containing 24 or more, but less than 75 berths, provided that if the fee is not paid within 60 days of invoice, the fee shall revert to \$50.00 per berth. | \$46.00 |
| (4) | Boatsheds, per additional berth. | \$50.00 |
| (5) | Community and boating club structures, jetties and private accommodation in the coastal marine area. | \$50.00 |
| (6) | Marine farms. | \$50.00 |
| (7) | High use structures and jetties, marine-related, not more than 300m ² in plan area within the coastal marine area. | \$300.00 |
| (8) | High use commercial slipways with a maximum capacity of less than 50 tonnes. | \$300.00 |
| (9) | High use structures and jetties, marine-related and more than 300m ² but not more than 1000m ² in plan area within the coastal marine area. | \$1,300.00 |
| 10) | High use structures and jetties, marine-related and more than 1,000m ² in plan area within the coastal marine area. | \$2,300.00 |
| (11) | High use commercial slipways with a maximum capacity of more than 50 tonnes. | \$2,300.00 |
| (12) | Commercial vessels operating in Northland harbours not serviced by a port company, as defined in the Port Companies Act 1988. | |
| | (a) Intra harbour movements between harbours under control of the Council are to be charged half rate out and half rate in at each harbour. | |
| | (b) Butter, skim milk, buttermilk, whole milk powder casein per tonne. | \$0.53 |
| | (c) Cement, coal, coke, diatomaceous earth, fireclay, kaolin, gypsum glass (sheet or plate) per tonne. | \$1.23 |
| | (d) Phosphate rock, sulphur, potash per tonne. | \$1.23 |

GST Exclusive

(e)	Gravel, shingle, lime rock, lime, dolomite, serpentine rock, clinker, soda ash. Other manures and fertilisers, silica sand (<80% silica) per tonne or m3 as appropriate.	\$1.00
(f)	Meats and fish, fresh, frozen or chilled, other agriculture produce, vegetables, fresh fruit per tonne.	\$0.53
(g)	Timber (sawn hewn or in logs) per cubic metre.	\$1.16
(h)	Wood chips per BDU. Paper per tonne; wood pulp per tonne.	\$1.16
(i)	Bitumen, refining residues, crude oil, naphtha, syngas per 1,000 litres.	\$1.60
(j)	Motor spirits, diesel oil, jet fuel, kerosene per 1,000 litres.	\$1.54
(k)	Refined oil products for overseas export per 1,000 litres.	\$0.53
(l)	Other sand per tonne.	\$0.26
(m)	Empty containers.	\$13.18
(n)	Motor vehicles and trailers up to 4 tonnes per vehicle.	\$17.77
	Over 4 tonnes per vehicle.	\$31.11
(o)	Livestock per head.	\$1.00
(13)	Where any sum becomes due and owing to the Council pursuant to the provisions of bylaw clause (3)(b)(1) and remains unpaid for a period of one calendar month, the Council may remove and hold the facility until such time as the sum owing is paid, together with any expenses incurred in lifting any pile, mooring or movable facility.	
4.	Hot Work Permits For vessels alongside wharves or at anchor, per permit.	68.00
5.	Safe Operating Licences For all Northland harbours, unpowered craft not subject to a maritime rule and available for lease or hire, including: dinghies, kayaks, canoes, aqua-cycles, surf cats or similar commercially available craft, an inspection fee to verify the adequacy of flotation and safety equipment, up to one hour.	68.00

Where inspection time exceeds one hour, the charge shall be at the rate of \$65.00 per hour plus vehicle running costs at the rates approved from time to time by the Inland Revenue Department.

GST Exclusive

6. **Jet Ski Registration Fees**
As resolved and prescribed by the Auckland Regional Council which undertakes this function on behalf of the Northland Regional Council.
7. (a) **Pilotage**
- | | |
|---|------------|
| (i) Inwards/outwards to wharf, Opua. | \$3,250.00 |
| (ii) Ships to anchor in Bay of Islands. | \$3,250.00 |
- (b) **Shipping – Navigation and Safety Services Fee**
Per ship visiting the Bay of Islands regardless of which pilotage organisation or company actually services the vessel. \$3,000.00
- (c) **Shipping – Navigation and Safety Services Fee**
Per ship visiting the Bay of Islands when the Master is exempt from compulsory pilotage. \$3,000.00
- (d) **Pilotage – Navigation and Safety Services Fee**
Per ship visiting Whangaroa Harbour except when the ship is also visiting the Bay of Islands during the same voyage. \$1,000.00
8. **Navigation and Safety Services Fee**
- | | |
|---|--------------|
| (a) North Port Ltd. | \$110,000.00 |
| (b) Swing/pile moorings (non consented) outside Marine 4 Management Areas (in addition to the navigation fee). | \$68.00 |
| (c) Swing/pile moorings within Marine 4 Management Areas which meet the permitted activity criteria (in addition to the navigation fee). | \$68.00 |
| (d) For water transport operators not serviced by a port company, at actual time and cost. | |
| (e) Where the actual costs on a labour time and plant recovery basis exceed the annual fee, the Council will recover any balance on an actual cost basis. | |
9. **Special Events**
Clause 3.10 of the Navigation Safety Bylaw 2007 states that any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which the Bylaw applies may apply in writing to the Harbourmaster to:

GST Exclusive

- (a) temporarily suspend the application of Clause 3.2 (Speed of Vessels) in that area during the conduct of the race, speed trial, competition or other organised water activity; and
- (b) temporarily reserve the area for the purpose of that activity,
- Special Event processing fee. \$120.00

The Council shall recover from the applicant all actual and reasonable costs incurred in arranging for the publication of a public notice. These costs are additional to the above fee.

10. **Hatea River Channel Fees**

User charges to assist with the funding of ongoing navigation safety activities on the Hatea River between Victoria Bridge and Main 4. These activities include the provision of additional aids to navigation and dredging of the Hatea Channel, but do not include dredging the Town Basin Marina consented area.

- (a) Individual berths in the Town Basin and Riverside Drive Marinas \$80.00
- (b) Individual boatsheds and other structures \$80.00
- (c) Individual marina berths at Kissing Point \$80.00
- (d) All other individual moorings and marina berths in Whangarei Harbour. \$10.00
- (e) Large businesses that derive a direct benefit through improved access to their facility. These are consent numbers; 20040629912, 20050860302, 19950746801, 20050557501 and 19990626203. \$800.00
- (f) Small businesses that derive a direct benefit through improved access to their facility. These are consent numbers; 20061639201, 19950770401, 20010917502, 19600643101 and 19600659801. \$400.00

11. All navigation and other fees specified herein are exclusive of Goods and Services Tax.

12. These bylaw fees shall apply for the period 1 July 2008 to 30 June 2009 and will continue to apply until superseded by a subsequent bylaw charge fixed by resolution and publicly notified or by the review required by Section 158 of the Local Government Act 2002.

The bylaws will be sealed, publicly notified pursuant to the Local Government Act 2002 and confirmed at a meeting of the Council on 18 June 2008. Following confirmation, the bylaws will come into force on 1 July 2008.

These bylaws will be sealed, publicly notified pursuant to the Local Government Act 2002 and confirmed at a meeting of the Council on 18 June 2008. Following confirmation, the bylaws will come into force on 1 July 2007.

Recommendation

That the draft Statement of Proposal regarding the Navigation, Water Transport and Maritime Safety Bylaw Charges 2008 be approved.

COMPLIANCE WITH DECISION-MAKING PROCESS

That the procedures for amending and adopting a bylaw follow the requirements of Sections 83,86 and 156 of the Local Government Act 2002 and accordingly comply with the decision making requirements of the said Act.

Bylaw Charges Made Pursuant to Section 684B(i) of the Local Government Act 1974

Files 300.1, 220.6

Report from the Finance and Corporate Services Manager Lisa Aubrey dated 10 March 2008.

The Local Government Act 2002 requires that the following draft Bylaw be resolved in total, as set out in the Council's Statement of Proposal contained in the previous item for the amendment of the following bylaw:

Recommendation

A. Navigation, Water Transport and Maritime Safety Bylaw Charges 2007

That the Council's Bylaw Charges made pursuant to Section 684B(i) of the Local Government Act 1974 be amended as follows:

1. The **NORTHLAND REGIONAL COUNCIL** under and in exercise of the powers conferred upon it by Sections 650A-H, 650J and 684B-F of the Local Government Act 1974 as inserted by Section 7 of the Local Government Amendment Act (No. 2) 1999, Schedule 18 of the Local Government Act 2002 and all other Acts, amendment Acts and powers vested in it, **hereby makes and passes** the following bylaw amendment.

B. That the revised bylaw shall be as follows:

THE NAVIGATION, WATER TRANSPORT AND MARITIME SAFETY BYLAW CHARGES 2007:

These bylaws shall be known as the Northland Regional Council Navigation, Water Transport and Maritime Safety Bylaw Charges 2008:

1. These bylaws shall apply throughout the region of the Council.
2. In these bylaws, unless the context otherwise requires:

"Maritime facility" means any jetty, jetty berth, wharf, ramp, slipway, boatshed, marina berth, pontoon or pile or swing mooring, whether private, commercial or a recreational public facility.

"Owner" includes:

- (a) in relation to a vessel, the agent of the owner and also a charterer; or
 - (b) in relation to any dock, wharf, quay, slipway or other maritime facility, means the owner, manager, occupier or lessee of the dock, wharf, quay, slipway or other maritime facility.
3. **Navigation Safety Bylaw Fees**
For the period specified hereunder and for each year thereafter until amended or superseded by a subsequent bylaw charge, the owner of every maritime facility in the region shall pay to the Council an annual navigation fee fixed herein.

GST Exclusive

- (a) The navigation fee shall be payable on the number of berths available at the maritime facility, whether or not all berths are used. The Council's Harbourmaster shall determine the number of berths available at any maritime facility.
- (b) (1) For every jetty, jetty berth, boatshed, ramp, minor slipway, private pontoon, pile and swing moorings and berths in marinas containing 24 berths or less. \$50.00
- (2) For every berthholder not otherwise included herein a fee for the recovery of the cost of the navigation safety equipment in the upper Hatea River, per berth. \$50.00
- (3) (a) For every berth in marinas containing more than 75 berths provided that if the fee is not paid within 60 days of invoice, the fee shall revert to \$50.00 per berth. \$40.00
- (b) For every berth in marinas containing 24 or more, but less than 75 berths, provided that if the fee is not paid within 60 days of invoice, the fee shall revert to \$50.00 per berth. \$46.00
- (4) Boatsheds, per additional berth. \$50.00
- (5) Community and boating club structures, jetties and private accommodation in the coastal marine area. \$50.00
- (6) Marine farms \$50.00
- (7) High use structures and jetties, marine-related, not more than 300m² in plan area within the coastal marine area. \$300.00
- (8) High use commercial slipways with a maximum capacity of less than 50 tonnes. \$300.00
- (9) High use structures and jetties, marine-related and more than 300m² but not more than 1000m² in plan area within the coastal marine area. \$1,300.00
- 10) High use structures and jetties, marine-related and more than 1,000m² in plan area within the coastal marine area. \$2,300.00
- (11) High use commercial slipways with a maximum capacity of more than 50 tonnes. \$2,300.00
- (12) Commercial vessels operating in Northland harbours not serviced by a port company, as defined in the Port Companies Act 1988.

GST Exclusive

- | | |
|--|---------|
| (a) Intra harbour movements between harbours under control of the Council are to be charged half rate out and half rate in at each harbour. | |
| b) Butter, skim milk, buttermilk, whole milk powder casein per tonne | \$0.53 |
| (c) Cement, coal, coke, diatomaceous earth, fireclay, kaolin, gypsum glass (sheet or plate) per tonne. | \$1.23 |
| (d) Phosphate rock, sulphur, potash per tonne. | \$1.23 |
| (e) Gravel, shingle, lime rock, lime, dolomite, serpentine rock, clinker, soda ash. Other manures and fertilisers, silica sand (<80% silica) per tonne or m3 as appropriate. | \$1.00 |
| (f) Meats and fish, fresh, frozen or chilled, other agriculture produce, vegetables, fresh fruit per tonne. | \$0.53 |
| (g) Timber (sawn hewn or in logs) per cubic metre. | \$1.16 |
| (h) Wood chips per BDU. Paper per tonne; wood pulp per tonne. | \$1.16 |
| (i) Bitumen, refining residues, crude oil, naphtha, syngas per 1,000 litres. | \$1.60 |
| (j) Motor spirits, diesel oil, jet fuel, kerosene per 1,000 litres. | \$1.54 |
| (k) Refined oil products for overseas export per 1,000 litres. | \$0.53 |
| (l) Other sand per tonne. | \$0.26 |
| (m) Empty containers. | \$13.18 |
| (n) Motor vehicles and trailers up to 4 tonnes per vehicle. | \$17.77 |
| Over 4 tonnes per vehicle. | \$31.11 |
| (o) Livestock per head. | \$1.00 |
- (13) Where any sum becomes due and owing to the Council pursuant to the provisions of bylaw clause (3)(b)(1) and remains unpaid for a period of one calendar month, the Council may remove and hold the facility until such time as the sum owing is paid, together with any expenses incurred in lifting any pile, mooring or movable facility.

		GST Exclusive
4.	Hot Work Permits For vessels alongside wharves or at anchor, per permit	68.00
5.	Safe Operating Licences For all Northland harbours, unpowered craft not subject to a maritime rule and available for lease or hire, including: dinghies, kayaks, canoes, aqua-cycles, surf cats or similar commercially available craft, an inspection fee to verify the adequacy of flotation and safety equipment, up to one hour.	68.00
<p>Where inspection time exceeds one hour, the charge shall be at the rate of \$65.00 per hour plus vehicle running costs at the rates approved from time to time by the Inland Revenue Department.</p>		
6.	Jet Ski Registration Fees As resolved and prescribed by the Auckland Regional Council which undertakes this function on behalf of the Northland Regional Council.	
7.	(a) Pilotage	
	(i) Inwards/outwards to wharf, Opua	\$3,250.00
	(ii) Ships to anchor in Bay of Islands	\$3,250.00
	(b) Shipping – Navigation and Safety Services Fee Per ship visiting the Bay of Islands regardless of which pilotage organisation or company actually services the vessel	\$3,000.00
	(c) Shipping – Navigation and Safety Services Fee Per ship visiting the Bay of Islands when the Master is exempt from compulsory pilotage	\$3,000.00
	(d) Pilotage – Navigation and Safety Services Fee Per ship visiting Whangaroa Harbour except when the ship is also visiting the Bay of Islands during the same voyage.	\$1,000.00
8.	Navigation and Safety Services Fee	
	(a) North Port Ltd	\$110,000.00
	(b) Swing/pile moorings (non consented) outside Marine 4 Management Areas (in addition to the navigation fee)	\$68.00
	(c) Swing/pile moorings within Marine 4 Management Areas which meet the permitted activity criteria (in addition to the navigation fee)	\$68.00
	(d) For water transport operators not serviced by a port company, at actual time and cost.	

GST Exclusive

- (e) Where the actual costs on a labour time and plant recovery basis exceed the annual fee, the Council will recover any balance on an actual cost basis.

9. Special Events

Clause 3.10 of the Navigation Safety Bylaw 2007 states that any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which the Bylaw applies may apply in writing to the Harbourmaster to:

- (a) temporarily suspend the application of Clause 3.2 (Speed of Vessels) in that area during the conduct of the race, speed trial, competition or other organised water activity; and
- (b) temporarily reserve the area for the purpose of that activity,

Special Event processing fee	\$120.00
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The Council shall recover from the applicant all actual and reasonable costs incurred in arranging for the publication of a public notice. These costs are additional to the above fee.

10. Hatea River Channel Fees

User charges to assist with the funding of ongoing navigation safety activities on the Hatea River between Victoria Bridge and Main 4. These activities include the provision of additional aids to navigation and dredging of the Hatea Channel, but do not include dredging the Town Basin Marina consented area.

- | | |
|--|----------|
| (a) Individual berths in the Town Basin and Riverside Drive Marinas | \$80.00 |
| (b) Individual boatsheds and other structures | \$80.00 |
| (c) Individual marina berths at Kissing Point | \$80.00 |
| (d) All other individual moorings and marina berths in Whangarei Harbour | \$10.00 |
| (e) Large businesses that derive a direct benefit through improved access to their facility. These are consent numbers; 20040629912, 20050860302, 19950746801, 20050557501 and 19990626203 | \$800.00 |
| (f) Small businesses that derive a direct benefit through improved access to their facility. These are consent numbers; 20061639201, 19950770401, 20010917502, 19600643101 and 19600659801 | \$400.00 |

11. All navigation and other fees specified herein are exclusive of Goods and Services Tax.

12. These bylaw fees shall apply for the period 1 July 2008 to 30 June 2009 and will continue to apply until superseded by a subsequent bylaw charge fixed by resolution and publicly notified or by the review required by Section 158 of the Local Government Act 2002.

The bylaws will be sealed, publicly notified pursuant to the Local Government Act 2002 and confirmed at a meeting of the Council on 18 June 2008. Following confirmation, the bylaws will come into force on 1 July 2008.

COMPLIANCE WITH DECISION MAKING PROCESS

The procedures for amending and adopting the foregoing bylaw followed the requirements of Section 86 of the Local Government Act 2002 and accordingly comply with the decision making requirements of the said Act.

E:\Temporary Work Area\2008 Agendas\March 2008\Bylaw Changes Made Pursuant to Section 684b (i) of the LGA Act 1974 2008-09.doc
G:\FINANCE\WORDDATA\Charging Policy\Bylaw 2005-06.doc

Draft Annual Plan 2008/2009

File 318.2

Report from Strategic Development Manager, Linda Stansfield dated 10 March 2008.

The Northland Regional Council's Draft Annual Plan 2008/2009 is enclosed separately for consideration at this meeting.

Under the Local Government Act (LGA) 2002, the main purpose of the Annual Plan is to provide updated financial information and the proposed budget for the 2008/2009 year, and to offer the community an opportunity to comment. The Plan focuses on identifying changes or additions to the Northland Community Plan 2006-2016 rather than repeating detailed information.

Representatives of Audit NZ have given verbal approval of the Draft in terms of legislative compliance.

In accordance with the current project timeline, following adoption by the Council, it is intended that the Draft Plan will be printed and publicly notified on 12 April 2008, with submissions closing on 13 May 2008. It is planned to listen to and debate submissions on 26 to 28 May. It is expected that there will be sufficient submissions to warrant one day of the hearings to take place in Kaeo. It is proposed that the Plan be adopted at the Council meeting on 18 June 2008. Media releases and advertisements will be used to encourage public participation in the process.

In addition, as required by the LGA 2002, a summary Draft Annual Plan must also be prepared and will be distributed to all Northland residents via a mailbox drop. People will be able to make a submission directly from the summary if they wish, or request a copy of the Draft Plan.

As in the past, staff advise all interested individuals and organisations that Council representatives are available to speak on issues, should they so request.

Recommendation

That the Draft Annual Plan Statement of Proposal 2008/2009 as amended at this meeting be released for public comment, and that the Chief Executive Officer and Chairman be authorised to make any changes to the Plan that they deem necessary arising from its final editing.

COMPLIANCE WITH DECISION MAKING PROCESS

This Draft Annual Plan has been developed in accordance with the requirements of the Local Government Act 2002, and will be adopted using the special consultative procedure detailed in Sections 83 and 84 of the Act.

Draft Summary Financial Plan 2008/2009

File 318.1

Report from, Finance and Corporate Services Manager Lisa Aubrey dated 10 March 2008.

Attached for the consideration of Councillors is a summary of the Draft Financial Plan for the 2008/09 financial year. The financial plan underpins the cost of activities reported in the draft Annual Plan. The detailed financial plan is available to Councillors on request.

The financial overview of the 2008/09 budget is illustrated on the first page entitled "Council Summary", with the rates calculation at the foot of the page. The second page entitled "Management Summary" details the 2008/09 budget by department.

REVENUE

Total forecast revenue, excluding rates, has increased to \$12.19M (+8%) in the 2009 year, compared to \$11.3M in the previous year. The majority of this increase is attributed to interest from the proposed JV between Council and ONTRACK of \$465K, increased subsidies for the proposed expansion the bus service and for the preparation of the Regional Land Transport Strategy and increased fees and charges for pilotage and other Navigation, Water Transport and Maritime Safety Bylaw charges.

EXPENDITURE

The Council's ordinary operating expenditure has decreased by 36% to \$20.6M in the 2009 year; the decrease is a result of the Regional Events Centre being put on hold pending the outcome of a final scoping study.

As agreed, expenditure and revenue are largely unchanged from what was indicated in the 2006-2016 Long Term Council Community Plan apart from the introduction of the new Regional Infrastructure Rate to contribute to the funding of the Marsden Point rail link corridor designation, the introduction of the Kaeo River Management Rate and the increase in the Land Management Rate.

RATES

It is proposed that the Northland Regional Council introduce a Kaeo River Management rate of \$123,750 to fund Kaeo River maintenance.

The targeted infrastructure rate of \$610,059 rate will be introduced in the 2008/09 year. The rate is to be used to towards regional infrastructure development projects will provide funding to the Joint Venture set up with ONTRACK for the designation of the Oakleigh to Marsden Point rail link corridor.

It is proposed to increase the Land Management rate to provide an additional \$800,000 funding to enable the development of river management plans on priority rivers in Northland that carry the highest level of flood risk.

With the inclusion of the Regional infrastructure rate (\$610,059 GST inclusive in 2008/09), and the Kaeo River Management rate (\$123,750 GST inclusive in the 2008/09) the net increase in rates revenue amounts to \$2.3M (including GST) which represents an 24% rate increase over the 2009 year.

Recommendation

That the draft Summary Financial Plan be approved as the budget estimates supporting the 2008/09 Draft Annual Plan.

COMPLIANCE WITH DECISION-MAKING PROCESS

This plan is in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

MANAGEMENT SUMMARY : ALL DEPTS

FINANCIAL PLAN - 1 JULY 2008 - 30 JUNE 2009

Council & Strategic	Consents	Land Operations	Finance & Information	Environmental Monitoring	Planning & Policy	2008-2009 TOTAL	2007-2008 TOTAL
EXPENDITURE (GST Exclusive)							
Labour	707,869	995,287	1,538,154	1,376,254	2,459,737	1,230,839	8,308,141
Council Members & Committees	464,774	68,597	10,185	10,964	5,065	33,356	592,941
Operating Costs	1,345,915	369,703	2,028,059	652,469	1,170,645	1,400,076	6,966,866
Repairs & maintenance	12,000	0	1,090,777	43,117	162,811	0	1,308,705
General administration costs	289,849	11,627	211,679	1,239,044	4,710	74,605	1,831,514
Fixed Costs	28,104	6,738	8,982	263,388	39,150	0	346,362
Depreciation	19,101	11,001	78,000	881,701	265,599	9,350	1,264,752
							0
GROSS EXPENDITURE	2,867,612	1,462,953	4,965,836	4,466,938	4,107,715	2,748,225	20,619,280
Add Finance/Admin Overheads	491566	577992	930047	-4466938	1792648	669166	(5,519)
GROSS COST OF SERVICES	3,359,178	2,040,945	5,895,883	0	5,900,363	3,417,391	20,613,760
LESS REVENUE							
User Fees and charges	31,500	680,869	280,685	7,591	1,782,312	321,331	3,104,288
Grants & subsidies	0	0	0	0	119,827	500,000	619,827
Investment property income	2,855,651	0	0	0	13,770	0	2,869,421
Investment interest income	0	0	0	2,984,976	0	0	2,984,976
Interest - JV	465,000	0	0	0	0	0	465,000
Dividend	0	0	0	1,700,000	0	0	1,700,000
Forestry	450,000	0	0	0	0	0	450,000
Targeted Fixed Environmental Rate	1,217,308	471,216	0	0	681,020	1,649,255	4,018,798
Land Management Rate	0	0	3,747,721	0	0	0	3,747,721
Awanui River Rate	0	0	433,440	0	0	0	433,440
Kaihu River Rate	0	0	73,340	0	0	0	73,340
Kaeo River Rate	0	0	110,000	0	0	0	110,000
Regional Infrastructure Rate	542,275	0	0	0	0	0	542,275
Recreational Facilities Rate	1,746,793	0	0	0	0	0	1,746,793
TOTAL REVENUE	7,308,527	1,152,085	4,645,187	4,692,568	2,596,929	2,470,586	22,865,881
NET COST OF SERVICES TO FUND, or (NET SURPLUS)	(3,949,349)	888,861	1,250,696	(4,692,568)	3,303,434	946,805	(2,252,120)

Cost Drivers for Overhead allocation to Activities:							
% Gross external expenditure	13.91	7.10	24.08	21.66	19.92	13.33	100.00
% Gross expend after overhead transfer	16.30	9.90	28.60	0.00	28.62	16.58	100.00
% invoice transactions	6.92	15.57	2.58	2.58	70.31	1.62	99.58
No. of Fulltime Staff	7.50	16.77	26.00	20.10	41.25	21.63	133.25
% TOTAL STAFF	5.63	12.59	19.51	15.08	30.95	16.24	100.00
% of Gross Labour Costs	8.52	11.98	18.51	16.57	29.61	14.81	100.00
Average factors % for overhead allocation	9.80	12.32	19.88	12.67	36.78	14.03	105.47
Allocation rate grossed up for Fin/Admin	10.55	13.27	21.42		39.63	15.12	99.99
Overhead allocation rate (rounded):	11.00	13.00	21.00		40.00	15.00	100.00

COUNCIL SUMMARY

FINANCIAL PLAN - 1 JULY 2008 - 30 JUNE 2009

EXPENDITURE (GST Exclusive)	2008-2009 TOTAL	2007-2008 TOTAL	% change between years	LTCCP 08-09	% change to Annual Plan
Labour	8,308,141	7,973,998		7,774,805	
Council Members & Committees	592,941	673,605		540,676	
Operating Costs	6,966,866	19,215,982		6,511,493	
Repairs & maintenance	1,308,705	358,569		345,300	
General administration costs	1,831,514	2,431,780		2,483,035	
Fixed Costs	346,362	311,571		291,116	
Depreciation	1,264,752	1,204,750		1,264,750	
Other	-5,515	0		538,323	
TOTAL EXPENDITURE	20,613,760	32,170,254	-36%	19,749,498	4%
User Fees and charges	3,104,288	2,965,400		2,401,100	
Forestry	450,000	578,053		0	
Investment property income	2,869,421	3,248,375		3,801,974	
Grants and Subsidies	619,827	546,386		451,200	
Interest Income	3,449,976	2,343,861		1,629,471	
Dividend	1,700,000	1,595,664		1,711,411	
Sundry	0	0		451,000	
Sale of Asset / Gain (loss)	0	0		0	
TOTAL REVENUE	12,193,513	11,277,739	8%	10,446,156	17%
NET COST OF SERVICES TO FUND	8,420,248	20,892,515	-60%	9,303,342	-9%

District Valuation Rolls				
As at District:	Capital Val	Land Value		
	17-Feb-08	17-Feb-08	CV %	LV %
District:	\$000s	\$000s		
Far North	15,650,318.3	10,427,298.0	41.9%	46.1%
Kaipara	4,890,316.0	3,126,972.0	13.1%	13.8%
Whangarei	16,802,002.9	9,040,513.5	45.0%	40.0%
Total	37,342,637.2	22,594,783.5	100.0%	100.0%

0.000187 Land value rate in \$

Avg Allocation Table:	Fixed Env Rate	Recreational	Land Mgmt
	CV %	Net	LV %
Far North	37.6%	\$10.00	39.3%
Kaipara	15.3%	\$10.00	17.9%
Whangarei	47.0%	\$35.00	42.8%
	1.00		1.00

Reconciliation of Rating Required:	
Net Operating Expenditure	8,420,248
Plus Transfers to reserves	
Targeted Rate - Rec Facilities	1,746,793
Targeted Rate - Infrastructure	100,000
Land Management Rate Reserve	100,000
Environmental Rate - Hatea	240,000
Awanui River Rate (to fund capital exp)	225,000
Forest Income Equalisation Reserve	
Plus Transfers from reserves	
Hatea River	-(18,040)
Recreational Facilities	-(75,000)
Net Funding Requirement	10,739,001
Balance to/(from) General Revenue	-66,633

Reconciliation of Total Rates						Total						
	Net	Gst	Total 2008-09	Last Year	% Incr/Decr	Commentary	Number of SUIP's:	34,260			82,818	
								Far North	Kaipara	Whangarei	Rate \$	
Fixed Environmental Rate	4,018,798	502,350	4,521,148	4,145,652	9.1%		Fixed Enviro	1,663,207	676,442	2,181,498	4,521,148	
Land Management Rate LV	3,747,721	468,465	4,216,187	3,121,994	35.0%		Land Mgt LV	1,945,734	583,493	1,686,960	4,216,187	
Subtotal - Regional Rates	7,766,520	970,815	8,737,335	7,267,646	20.2%						8,737,335	
Awanui River Rate	433,440	54,180	487,620	472,500	3.2%		Awanui	487,620			487,620	
Recreational facilities rate	1,746,793	218,349	1,965,142	1,892,144	3.9%		Recreational Facilities	385,425	132,975	1,446,742	1,965,142	
Kaihu River Rate	73,340	9,167	82,507	79,946	3.2%		Kaihu		82,507		82,507	
Kaeo River Rate	110,000	13,750	123,750				Kaeo	123,750			123,750	
Infrastructure Rate	542,275	67,784	610,059				Infrastructure	281,537	84,428	244,094	610,059	
TOTAL RATES	10,672,368	1,334,046	12,006,414	9,712,236	23.6			4,887,273	1,559,846	5,559,294	12,006,414	
								Fixed rate per property	\$48.55	\$57.23	\$59.38	
								Round:	\$48.55	\$57.23	\$59.38	
								Land management rate per rating valuation (LV)	0.0001866	0.0001866	0.0001866	(c per \$ LV)
								Regional infrastructure rate per rating valuation (LV)	0.000027	0.000027	0.000027	(c per \$ LV)

Financial Report – 29 February 2008

File 350.4

Report from Acting Financial Accountant Nuku Jones dated 10 March 2008.

The **Summary Council Cost of Services Statement** and **Cost of Service Statements by Activity** for the month ended 29 February and the **Balance Sheet** as at 29 February 2008 are presented for Councillors' information.

OPERATING RESULTS

The Summary Cost of Service Statement shows a surplus of \$147k for February compared to a budgeted surplus of \$164k. The variance for the month is not large, at \$17k.

A net operating surplus for the eight months of \$5.4m is a favourable result compared with a budgeted surplus of \$1.7m. After allowing for committed expenditure of \$449k, the surplus reduces to \$5m. A significant factor in this result is the special dividend received from Northland Port Corporation in November, of \$2.3m.

REVENUE

Revenue at \$16m is ahead of budget by 21% for the eight months, with dividends providing a major contribution to this result at \$2.8m (357%) ahead of budget.

Investment interest income for the eight months at \$1.9m is ahead of budget by \$294k (18.7%).

Net forestry revenue has been deferred to 2008/09 and as a result shows a \$434k negative variance against budget.

EXPENDITURE

Savings in interest due to the delay in the payment of the grant for the Regional Events Centre have been excluded from the results for the eight months. These savings of \$814k will be recognised in period 12. The Regional Events Centre grant is being treated in the same way. Savings against budget from this of \$12.6m will be recognised in period 12. In doing this, a more accurate view of the Council's operating results will be presented during the year.

Expenditure incurred in the eight months to the end of February (including committed expenditure) is \$11m and is 3.6% lower than budget. Some of the key costs contributing to this result are highlighted below.

Total consents expenditure is \$1m and is 21% lower than budget. Major projects have not come on stream as forecasted, and costs have consequently been lower than budget. At this stage it is anticipated that expenditure in this area will pick up during the year as major consent applications are received.

Additional work on river management of \$573k has been spent over the eight months. This includes \$350k unbudgeted storm damage repair works. Expenditure on the Awanui River Management Plan is currently under review. Monthly expenditure in this area will reduce over the coming months.

CAPITAL EXPENDITURE

Capital expenditure for the eight months is \$1.2m, and is significantly lower than the budgeted \$4m. Some of the Information Technology projects included in the Cost of Service Statement for Finance & Information Services will be transferred from the 2007/08 year to the 2008/09 year. The capital programme currently includes a provision for the re-development of a site which will be dependent on the proposal/s presented to Council.

Recommendation

That the financial report to 29 February 2008 be received.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2007/2008 Annual Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

The Summary Cost of Services Statement is outlined below:

Monthly Report for		February 08							
Total Council	February 08				YEAR TO DATE				Annual
	Actual	Budget	Variance	Var %	YTD Actual	YTD Budget	Variance	Var %	Budget
Revenue									
User Fees & Sundry	251,404	190,009	61,395	32.3%	2,261,606	2,208,454	53,152	2.4%	2,988,400
Grants & Subsidies	23,689	36,000	(12,311)	(34.2%)	289,442	345,193	(55,751)	(16.2%)	556,386
Investment Property Income	191,544	256,510	(64,966)	(25.3%)	2,015,448	2,100,176	(84,728)	(4.0%)	3,206,375
Investment Interest Income	224,494	196,072	28,422	14.5%	1,862,223	1,568,574	293,649	18.7%	2,352,861
Gain on Sale of Investment Property	4,444	0	4,444	100.0%	87,000	0	87,000	100.0%	0
Dividend Income	0	0	0	0.0%	3,647,232	797,832	2,849,400	357.1%	1,595,664
Net Forestry Revenue	0	144,513	(144,513)	(100.0%)	0	433,540	(433,540)	(100.0%)	578,053
Targeted Fixed Environmental Rate	338,802	307,085	31,717	10.3%	2,488,400	2,456,683	31,717	1.3%	3,685,024
Land Management Rate	251,306	231,259	20,047	8.7%	1,870,118	1,850,065	20,053	1.1%	2,775,105
Awanui River Rate	68,348	35,000	33,348	95.3%	313,348	280,000	33,348	11.9%	420,000
Kaihu River Rate	(119)	5,922	(6,041)	(102.0%)	41,335	47,375	(6,041)	(12.8%)	71,063
Regional Recreational Facilities Rate	164,661	140,159	24,502	17.5%	1,145,773	1,121,271	24,502	2.2%	1,681,906
	1,518,574	1,542,529	(23,955)	(1.6%)	16,021,924	13,209,162	2,812,762	21.3%	19,910,837
Expenditure									
Council & Strategic Development ²	225,503	213,373	(12,130)	(5.7%)	1,577,051	1,652,618	75,567	4.6%	3,250,012
Consents	113,214	160,062	46,848	29.3%	1,037,589	1,318,157	280,569	21.3%	1,997,485
Land Operations	446,223	376,812	(69,411)	(18.4%)	3,046,796	2,727,301	(319,495)	(11.7%)	5,146,064
Environmental Monitoring	389,581	439,615	50,034	11.4%	3,403,377	3,613,708	210,331	5.8%	5,577,951
Planning and Policy	197,091	254,721	57,631	22.6%	1,894,243	2,070,484	176,241	8.5%	3,154,810
Finance & Information Services	0	(65,714)	(65,714)	100.0%	78,619	74,494	(4,125)	(5.5%)	1
	1,371,612	1,378,870	7,258	0.5%	11,037,675	11,456,761	419,086	3.7%	19,126,323
Regional Events Centre/ Strategy Grants ²	0	0	0	0.0%	26,580	25,000	(1,580)	(6.3%)	13,043,932
	1,371,612	1,378,870	7,258	0.5%	11,064,255	11,481,761	417,506	3.6%	32,170,255
Net Cost of Service¹									
	146,962	163,659	(16,697)	10.2%	4,957,669	1,727,400	3,230,269	187.0%	(12,259,418)
Committed expenditure									
					449,459		449,459		
Actual Net Cost of Service									
	146,962	163,659	(16,697)	10.2%	5,407,128	1,727,400	3,679,728	213.0%	(12,259,418)
Capital									
					1,186,126	4,809,984	3,623,858	75.3%	7,214,976
Note									
1. Net Cost of Service including committed expenditure									
2. Refer to notes on Summary Cost of Service Statement by Activity for Council & Strategic Development in Appendix One.									

Summary Cost of Service Statements by Activity are attached in Appendix One.

NORTHLAND REGIONAL COUNCIL

Balance Sheet As at 29 February 2008

<u>COMMUNITY PLAN</u> <u>Year Ended June 08</u>	<u>THIS YEAR</u> <u>YTD</u>	<u>ANNUAL REPORT</u> <u>JUNE 2007</u>
<u>PUBLIC EQUITY</u>		
112,168,610 Accumulated Funds	85,921,477	85,921,477
2,844,167 Reserves & Funds	35,285,595	28,264,654
(12,259,418) Current Year Surplus / (Deficit)	5,407,128	7,020,942
-----	-----	-----
102,753,359 TOTAL EQUITY & RESERVES	126,614,200	121,207,072
=====	=====	=====
<u>REPRESENTED BY</u>		
7,678,034 Cash & Deposits	20,359,205	18,535,217
3,834,780 Debtors	2,839,293	2,227,822
Prepayments	36,286	132,821
130,962 Stock/Materials	138,994	138,994
-----	-----	-----
11,643,776 TOTAL CURRENT ASSETS	23,373,778	21,034,855
=====	=====	=====
85,341,627 Investments	79,779,771	83,079,771
-----	-----	-----
85,341,627 TOTAL INVESTMENTS & RECEIVABLES	79,779,771	83,079,771
=====	=====	=====
14,678,213 Fixed Assets	27,214,136	27,415,787
Less Accumulated Depreciation	7,540,424	6,737,254
-----	-----	-----
14,678,213 FIXED ASSETS AT BOOK VALUE	19,673,712	20,678,534
=====	=====	=====
7,214,975 Capital Projects in Progress	5,586,828	354,858
-----	-----	-----
118,878,591 GROSS ASSETS	128,414,089	125,148,018
=====	=====	=====
4,433,501 Creditors	454,418	2,669,369
Provisions and Accruals	1,345,471	1,271,577
-----	-----	-----
4,433,501 CURRENT LIABILITIES	1,799,889	3,940,945
-----	-----	-----
11,691,731 Term and Other Liabilities		
-----	-----	-----
16,125,232 TOTAL LIABILITIES	1,799,889	3,940,945
-----	-----	-----
102,753,359 NET ASSETS	126,614,200	121,207,072
=====	=====	=====

Appendix One: Summary Cost of Service Statement by Activity Monthly Report for

February 08

Council & Strategic Development

	February 08					YEAR TO DATE				
	Actual	Budget	Variance	Var %	Explanation	YTD Actual	YTD Budget	Variance	Var %	Explanation
Revenue										
User Fees & Sundry	15,897	4,625	11,272	243.7%		35,750	37,000	(1,250)	(3.4%)	
Investment Property Income	191,544	256,510	(64,966)	(25.3%)	A	2,015,448	2,100,176	(84,728)	(4.0%)	A
Gain on Sale of Investment Property	4,444	0	4,444	100.0%		87,000	0	87,000	100.0%	B
Net Forestry Revenue		144,513	(144,513)	(100.0%)	C	0	433,540	(433,540)	(100.0%)	C
Targeted Fixed Environmental Rate	115,419	104,614	10,805	0.0%		847,718	836,913	10,805	0.0%	
Regional Recreational Facilities Rate	164,661	140,159	24,502	14.9%		1,145,773	1,121,271	24,502	2.2%	
	491,965	650,421	(158,456)	(32.2%)		4,131,689	4,528,899	(397,210)	(8.8%)	
Expenditure										
Community Representation & Strategic Planning	127,369	117,259	(10,110)	(8.6%)		880,141	902,699	22,558	2.5%	D
Regional Economic Development	71,515	65,839	(5,676)	(8.6%)		494,182	506,848	12,666	2.5%	D
Commercial	26,619	30,276	3,656	12.1%		202,728	243,071	40,343	16.6%	
	225,503	213,373	(12,130)	(5.7%)		1,577,051	1,652,618	75,567	4.6%	
Regional Events Centre/ Strategy Grants	0	0	(0)	(100.0%)		26,580	25,000	(1,580)	(6.3%)	E
	225,503	213,373	(12,130)	(5.7%)		1,603,631	1,677,618	73,987	4.4%	
Net Cost of Service	266,462	437,048	(170,586)	(39.0%)		2,528,058	2,851,281	(323,223)	(11.3%)	
Capital						574,407	2,261,627	1,687,219	74.6%	

Explanation

Revenue

A. Investment Property Income Rental income from rental property in Commerce Street lower than budgeted Rental income from rental property in Commerce Street lower than budgeted

B. Gain on Sale of Investment Property Gain on sale of investment property held for sale from previous year.

C. Net Forestry Revenue Forest Revenue forecasted from Forest Harvests has been deferred to 08/09. Forest Revenue forecasted from Forest Harvests has been deferred to 08/09.

Expenditure

D. Community Representation & Strategic Planning Savings on interest for the budgeted Regional Events Centre loan have been rephased to period 12. The savings on interest in period 12 is expected to be \$814k.

D. Regional Economic Development Savings on interest for the budgeted Regional Events Centre loan have been rephased to period 12. The savings on interest in period 12 is expected to be \$814k.

E. Regional Events Centre/ Strategy Grants The budgeted Regional Events Centre grant and events centre operating deficit have been phased to period 12. With the deferral of the project this year, savings of \$12.6m will be recognised in period 12.

Monthly Report for

February 08

Consents	February 08					YEAR TO DATE					Annual Budget
	Actual	Budget	Variance	Var %	Explanation	YTD Actual	YTD Budget	Variance	Var %	Explanation	
Revenue											
User Fees & Sundry	49,936	56,833	(6,897)	(12.1%)		289,698	454,667	(164,969)	(36.3%)	A	682,000
Targeted Fixed Environmental Rate	31,439	28,495	2,943	0.0%		230,906	227,963	2,943	0.0%		346,360
	81,375	85,329	(3,954)	(4.9%)		520,604	682,630	(162,026)	(23.7%)		1,028,360
Expenditure											
Consents Applications	66,118	93,478	27,360	29.3%	B	605,958	769,812	163,854	21.3%	B	1,166,544
Consents Advice & Information	47,096	66,585	19,489	29.3%	B	431,630	548,345	116,715	21.3%	B	830,941
	113,214	160,062	46,848	29.3%		1,037,589	1,318,157	280,569	21.3%		1,997,485
Net Cost of Service	(31,839)	(74,734)	42,894	57.4%		(516,985)	(635,527)	118,543	(18.7%)		(969,125)
Capital						0	0	0			

Explanation

Revenue
 A. User Fees & Sundry Major projects have not come on stream as forecasted

Expenditure
 B. Consents Applications Major projects have not come on stream as forecasted, and costs have consequently been lower than budget Major projects have not come on stream as forecasted, and costs have consequently been lower than budget

Monthly Report for

February 08

Land Operations	February 08					YEAR TO DATE					Annual Budget
	Actual	Budget	Variance	Var %	Explanation	YTD Actual	YTD Budget	Variance	Var %	Explanation	
Revenue											
User Fees & Sundry	9,889	24,708	(14,819)	(60.0%)		119,017	197,667	(78,650)	(39.8%)		296,500
Grants & Subsidies	0	0	0	0.0%		0	0	0	0.0%		10,000
Land Management Rate	251,306	231,259	20,047	8.7%		1,870,118	1,850,065	20,053	1.1%		2,775,105
Awanui River Rate	68,348	35,000	33,348	95.3%		313,348	280,000	33,348	11.9%		420,000
Kaihu River Rate	(119)	5,922	(6,041)	(102.0%)		41,335	47,375	(6,041)	(12.8%)		71,063
	329,424	296,889	32,535	11.0%		2,343,817	2,375,107	(31,290)	(1.3%)		3,572,668
Expenditure											
Hazard & Emergency Management	61,238	88,568	27,330	30.9%		689,222	730,142	40,920	5.6%		1,221,094
River Management Works	178,455	52,917	(125,538)	(237.2%)	A	752,641	179,583	(573,058)	(319.1%)	A	508,722
Sustainable Land Management	65,686	95,002	29,315	30.9%		739,286	783,179	43,892	5.6%		1,309,794
Biosecurity Management	140,844	140,326	(518)	(0.4%)		865,648	1,034,398	168,750	16.3%	B	2,106,454
	446,223	376,812	(69,411)	(18.4%)		3,046,796	2,727,301	(319,495)	(11.7%)		5,146,064
Net Cost of Service	(116,799)	(79,923)	(36,876)	(46.1%)		(702,980)	(352,194)	(350,786)	99.6%		(1,573,396)
Capital							121,000	121,000	100.0%		181,500

Explanation

Expenditure

A. River Management Works

Awanui River Plan expenditure is currently under review. Expenditure will reduce over the coming months.

Awanui River Plan expenditure is currently under review. Expenditure includes \$350k storm damage repair work. Monthly expenditure will reduce over the coming months.

B Biosecurity Management

Seasonal expenditure. Underspend on consultants, contractors, poisons and field work will be offset over the next few months as work is undertaken on projects.

Monthly Report for

February 08

Environmental Monitoring	February 08					YEAR TO DATE					Annual Budget
	Actual	Budget	Variance	Var %	Explanation	YTD Actual	YTD Budget	Variance	Var %	Explanation	
Revenue											
User Fees & Sundry	136,586	75,176	61,411	81.7%	A	1,442,277	1,289,787	152,491	11.8%	A	1,610,400
Grants & Subsidies	0	0	0	0.0%		25,454	57,193	(31,739)	(55.5%)		114,386
Targeted Fixed Environmental Rate	72,616	65,818	6,798	10.3%		533,341	526,543	6,798	1.3%		800,011
	209,202	140,993	68,209	48.4%		2,001,072	1,873,523	127,549	6.8%		2,524,797
Expenditure											
State of the Environment Monitoring	120,125	131,865	11,740	8.9%		1,038,870	1,087,361	48,491	4.5%		1,648,995
Resource Consent Compliance	94,240	103,451	9,210	8.9%		815,015	853,057	38,042	4.5%		1,293,670
Environmental Incidents Response	49,461	54,295	4,834	8.9%		427,753	447,719	19,966	4.5%		678,971
Hazardous Substances & Contaminated Sites	29,621	32,516	2,895	8.9%		256,173	268,131	11,957	4.5%		406,623
Oil Pollution Response	15,885	19,414	3,529	18.2%		143,024	158,206	15,181	9.6%		256,068
Harbour Safety & Navigation	80,248	98,075	17,827	18.2%		722,542	799,235	76,694	9.6%		1,293,624
	389,581	439,615	50,034	11.4%		3,403,377	3,613,708	210,331	5.8%		5,577,951
Net Cost of Service	(180,379)	(298,622)	118,243	(39.6%)		(1,402,305)	(1,740,185)	337,880	(19.4%)		(3,053,154)
Capital						467,986	319,533	(148,452)	(46.5%)		479,300

Explanation

Revenue

A User Fees & Sundry

Includes fees for 2 large claims relating to monitoring and discharges.

Catch up on invoicing done in previous months

Monthly Report for

February 08

Planning & Policy	February 08					YEAR TO DATE					Annual Budget
	Actual	Budget	Variance	Var %	Explanation	YTD Actual February 08	YTD Budget February 08	Variance	Var %	Explanation	
Revenue											
User Fees & Sundry	26,788	28,667	(1,879)	(6.6%)		362,556	229,333	133,223	58.1%	A	344,000
Grants & Subsidies	23,689	36,000	(12,311)	(34.2%)		263,988	288,000	(24,012)	(8.3%)		432,000
Targeted Fixed Environmental Rate	119,329	108,158	11,171	10.3%		876,435	865,264	11,171	1.3%		1,314,653
	169,806	172,825	(3,019)	(1.7%)		1,502,979	1,382,597	120,382	8.7%		2,090,653
Expenditure											
Resource Management Planning	71,965	93,009	21,043	22.6%		668,293	756,014	87,721	11.6%		1,151,943
Public Communication & Education	43,352	56,028	12,676	22.6%		402,579	455,422	52,843	11.6%		693,930
Regional Transport Management	18,742	24,223	5,480	22.6%		238,047	196,892	(41,154)	(20.9%)	B	300,006
Passenger Services Administration	63,031	81,462	18,431	22.6%		585,325	662,156	76,831	11.6%		1,008,931
	197,091	254,721	57,631	22.6%		1,894,243	2,070,484	176,241	8.5%		3,154,810
Net Cost of Service	(27,285)	(81,896)	54,611	66.7%		(391,264)	(687,887)	296,623	(43.1%)		(1,064,157)
Capital						6,177	674,900	668,723	99.1%		1,012,350

Explanation

Revenue

A. User Fees & Sundry

Funding from the Ministry for the Environment to cover aquaculture planning expenditure incurred during the period Oct 06 - Nov 07 in changing the regional coastal plan.

B. Regional Transport Management

Includes Northland Transport Network Study expenditure \$64k.

Monthly Report for

February 08

Finance & Information Services	February 08				YEAR TO DATE					Annual Budget	
	Actual February 08	Budget	Variance	var %	Explanation	YTD Actual	YTD Budget	Variance	Var %		Explanation
Revenue											
User Fees & Sundry	12,308	0	12,308	100.0%		12,308	0	12,308	100.0%		0
Investment Interest Income	224,494	196,072	28,422	14.5%		1,862,223	1,568,574	293,649	18.7%		2,352,861
Dividend Income	0	0	0	0.0%		3,647,232	797,832	2,849,400	357.1%	A	1,595,664
Targeted Fixed Environmental Rate	0	(0)	0	0.0%		0	(0)	0	0.0%		(47,576)
	236,802	196,072	40,730	20.8%		5,521,764	2,366,406	3,155,358	133.3%		3,900,949
Expenditure											
Finance & Information Services	246,064	289,440	43,377	15.0%		2,736,166	2,915,739	179,572	6.2%		4,261,867
Internal recharges	(246,064)	(355,154)	(109,090)	(30.7%)		(2,657,547)	(2,841,245)	(183,698)	6.5%		(4,261,866)
	0	(65,714)	(65,714)	100.0%		78,619	74,494	(4,125)	(5.5%)		1
			0					0			
Net Cost of Service	236,802	261,785	(24,983)	(9.5%)		5,443,145	2,291,912	3,151,232	137.5%		3,900,948
Capital						137,556	1,432,924	1,295,368	90.4%		2,149,386

Explanation

Revenue

A Investment Interest Income

Final dividend received Sept 07 of \$1.3m higher than forecast,
Special dividend of \$2.8m received in Nov not budgeted till Mar 08

Investment Schedule and Performance – Financial Report 28 February 2008

File 350.4

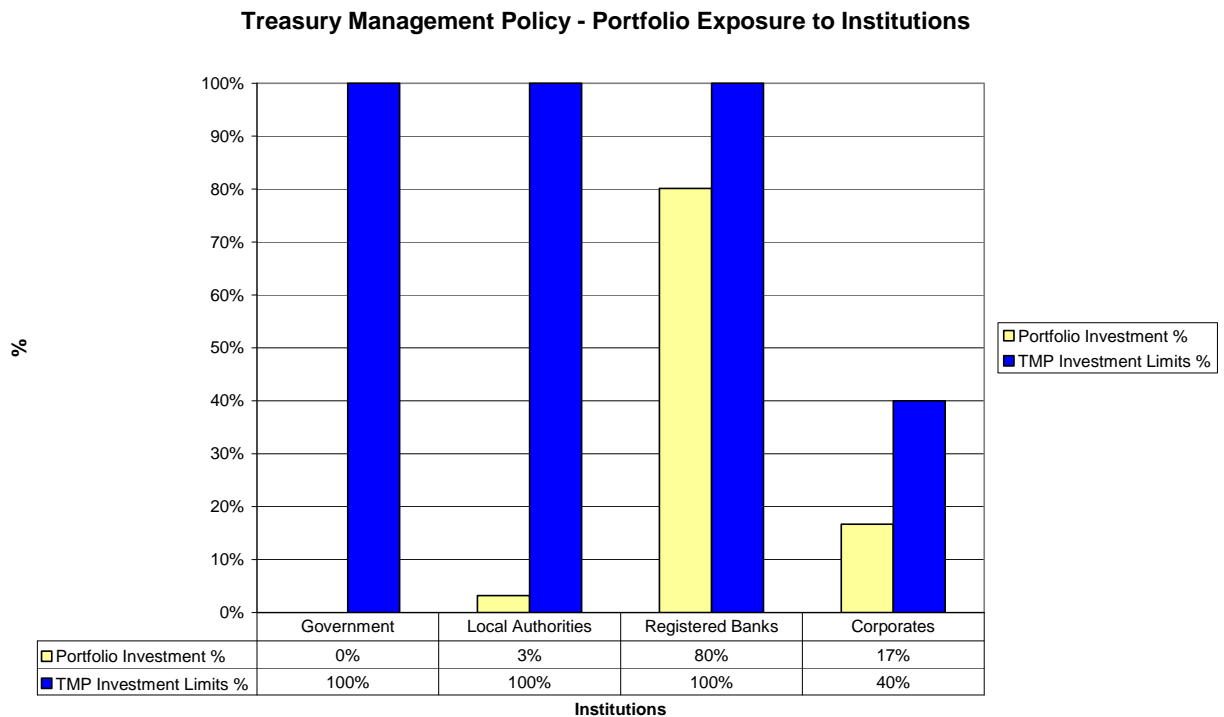
Report from Finance and Corporate Services Manager, Lisa Aubrey dated 29 February 2008.

PURPOSE

This report aims to provide a summary of investment performance for the eight month period ending 28 February 2008 and to report compliance against the Investment Policy. The investment policy is a requirement of Section 102(4)(a) of the Local Government Act. The investment policy was adopted as part of the 2006-2016 Long Term Council Community Plan.

INVESTMENT OF CASH AND STOCK/BONDS

The graph below graphically illustrates Council's investment of cash and stock/bonds against the limits set out in the Investment Policy. Council's investment complies with the Investment Policy.



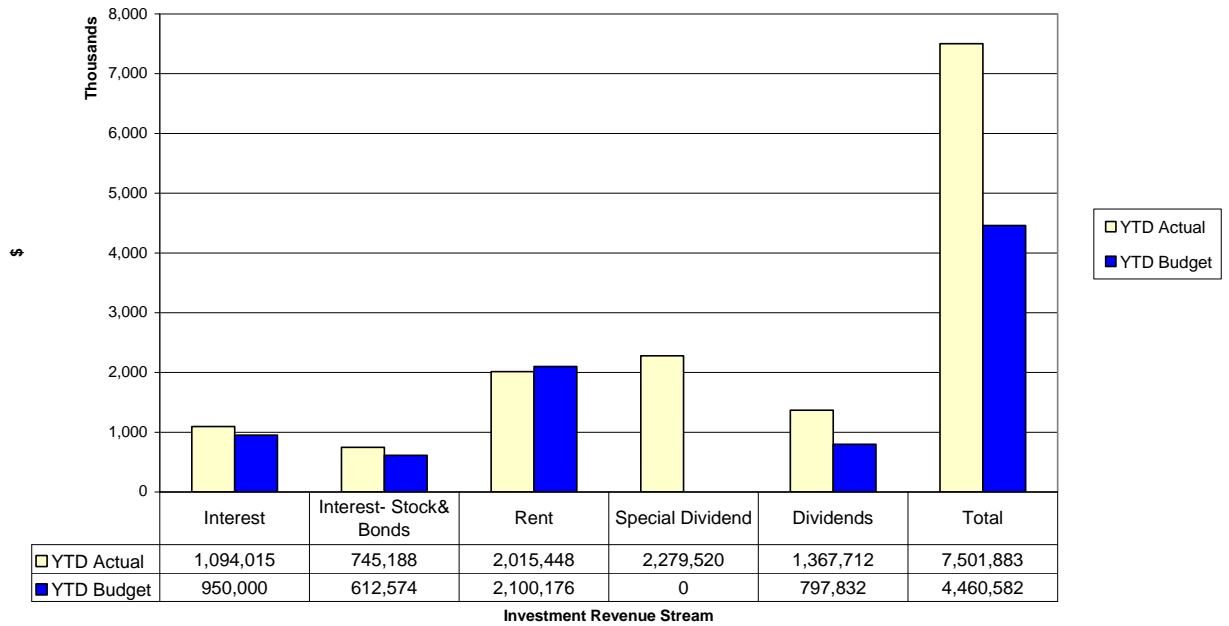
FINANCIAL YEAR TO DATE PERFORMANCE

Year to date, the investment portfolio has made a return of \$7,501,883 against a budgeted return of \$4,460,582. The increase over budgeted revenue is the result of:

- The special dividend from Northland Port Corporation of \$2,279,520 received in November and;
- The increased interest received where the budgeted interest rate has increased. On call funds are currently earning a return of 8.25% and short term deposits between 8.74 and 9.00%.

The breakdown of the year to date return by investment revenue stream is as follows:

Fund Performance against Budget



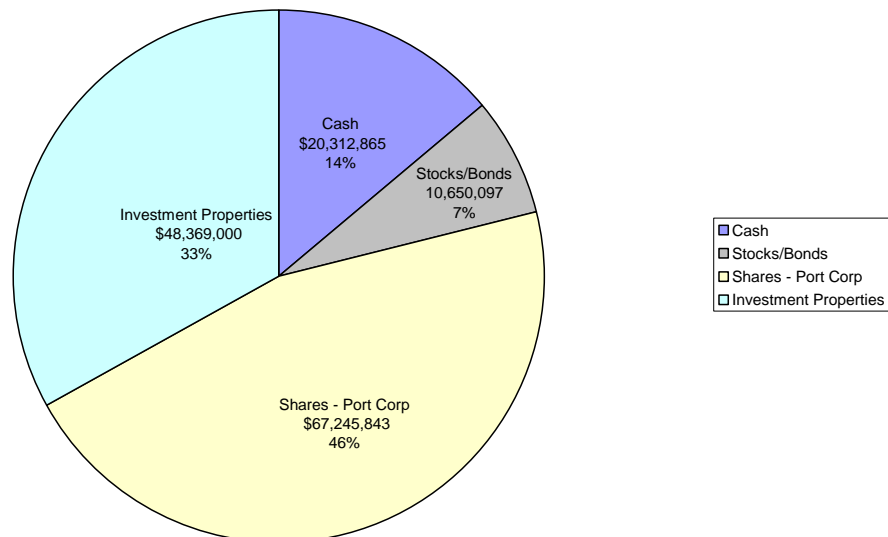
Portfolio of Total Funds

The total value of the investment portfolio as at 29 February 2008 is \$90,675,455 and is comprised of:

- Cash \$20,312,208
- Stocks/bonds \$10,650,097
- Shares – Port Corp* \$67,245,843
- Investment Properties \$48,369,000

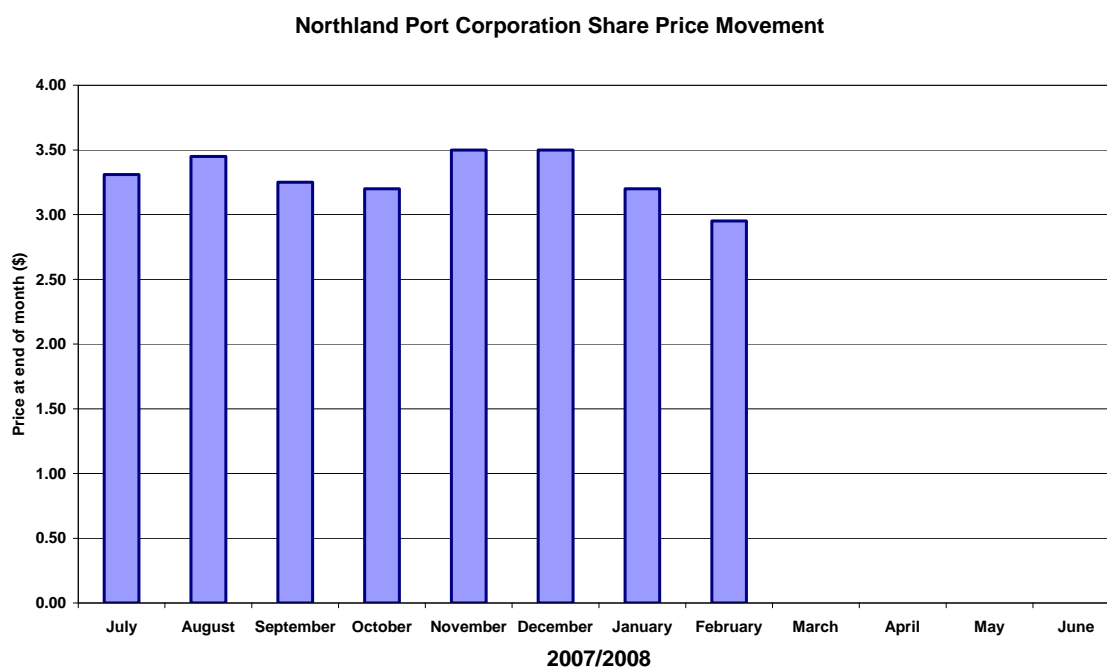
* Northland Regional Council holds 22,795,201 shares in Northland Port Corporation (NZ) Limited. The cost value of these shares is \$8,058,150. As at 30 June 2007, the market price of these shares was \$3.40. As at 29 February 2008, the market price is \$2.95.

Portfolio of Total Funds



Northland Port Corporation Share Price Movement

The graph below graphically illustrates the movement in the Northland Port Corporation's share price in the current financial year:



A fully imputed dividend of 3 cents per share (5 cents for the corresponding period last year) will be paid on 7 March 2008.

Recommendation

That the Investment Schedule and Performance Report to 29 February 2008 be received.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2007/2008 Annual Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

Paid Accounts for Approval

File 350.9

Report from Payments Officer Rachel Hills dated 29 February 2008.

Set out below is the summary of expenditure that was approved and paid during February 2008.

Northland Regional Council General Account

Direct Debits	vouchers 100845 - 100859	\$10,520,424.18
Computer Cheques	vouchers 19446 - 19472	\$14,653.11
Direct Credits	vouchers 1017944 - 1018186	\$818,748.57
Payroll Transactions		\$597,967.13
Total		\$11,951,792.99

Analyses of Expenditure Classes

Labour costs	\$597,967.13
Operating costs	\$3,638,572.16
Capital Expenditure	\$20,253.70
Call/Term deposits/Investments	\$7,695,000.00
Total	\$11,951,792.99

The vouchers are available for inspection if required.

This report is tabled in terms of the Council's delegation policy made pursuant to the Public Bodies Contracts Act 1959.

Recommendation

That the payments for February 2008, as detailed in the report from the Payments Officer, Rachel Hills dated 29 February 2008, be approved.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Northland Community Plan 2006-2016, and as such are in accordance with the Council's decision making process and Sections 76-82 of the Local Government Act 2002, and the requirements of the Public Bodies Contracts Act 1959.

Land Management Rate 2008/2009

File 318.1

Report from Finance and Corporate Services Manager Lisa Aubrey dated 12 March 2008.

The Northland Regional Council currently levies a land management rate used for land and river management planning and biosecurity activities.

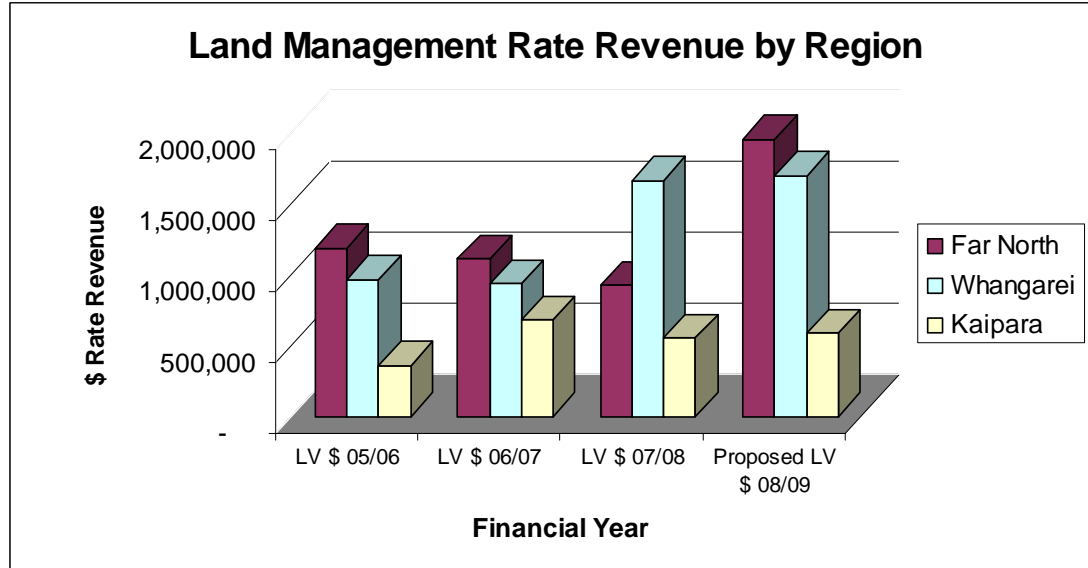
Council sets the rate annually based on property values as independently assessed by Quotable Value. In the current financial year, this rate is assessed at \$18.50 per \$100,000 of land value and Council is proposing to increase this rate to \$18.66 (+0.86%) for the 12 months from 1 July.

Currently Northland properties are revalued every three years, one District per year.

However, rapid growth in property prices in recent years has led to large 'spikes' in average property values as each District has been revalued. This in turn has influenced the amount of land management rates revenue gathered from that District.

Typically, those in the most recently revalued District will pay a larger share of the Council's overall land management rate, that share then decreasing over the following two years as the other Districts are revalued. Since mid-2006 land values in the Kaipara, Whangarei and Far North have increased by 99%, 119% and 111% respectively.

The graph below shows this trend.



In a bid to offer ratepayers more certainty and smooth out the peaks and troughs created by the current system, Northland's local authorities have begun investigating the possibility of Quotable Value revaluing the entire region in one hit every three years. It's suggested Council work with the region's three District Councils and Quotable Value to determine if this is feasible.

Recommendation

That the Council staff pursue discussions with Quotable Value Limited and the District Councils, with a view to all districts being revalued in a single year.

COMPLIANCE WITH DECISION-MAKING PROCESS

The details in this report are provided for in the Council's Long Term Council Community Plan 2006-2016 and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

Regional Air Quality Plan - Notification of Decisions for Plan Change 2 (Backyard Burning)

File 990.6.5

Report from Resource Policy Team Leader Vaughan Cooper, dated 7 March 2008.

BACKGROUND

Plan Change 2 makes these changes to the rules for open burning from places other than industrial or trade premises in the Regional Air Quality Plan for Northland (RAQP):

- Open burning a prohibited activity in the Whangarei Airshed.
- Open burning a permitted activity elsewhere in Northland, subject to conditions.

Plan Change 2 was notified on 2 August 2007. A total of 53 submissions were received which varied from complete support for the proposed plan change to complete opposition.

The Hearing Committee was delegated under resolution by Council on 21 November 2007 to hear and decide on all submissions made in respect of Plan Change 2 to the RAQP. The Committee consisted of Councillor Joe Carr and Jeff Bluett (Independent Commissioner).

The hearing of submissions and further submissions on Plan Change 2 was held on 17 December 2007. Ten submitters were heard for Plan Change 2 and three submitters tabled evidence at the hearing.

The purpose of this report is to present the Hearing Committee Decisions for approval for public notification. The minutes of the hearing and full copies of the Hearing Committee Decisions will be available at the meeting or by request.

PROGRESS REPORT ON PLAN CHANGE 2

Following the Hearing, the Hearing Committee deliberated on Plan Change 2 submissions on 18 December 2007. An agenda item was presented to the February Council meeting setting out the Hearing Committee's decision. This item was withdrawn following concern that the Decision Report did not fully encompass the concerns and decision of the Hearing Committee. Further clarification and direction has been sought from the Hearing Committee and the Decisions Report has been finalised and signed by each member of the Hearing Committee.

The principal decision of the Hearings Committee is to abandon the prohibited activity approach to control backyard burning in the Whangarei Airshed, and instead adopt a combined permitted and restricted discretionary activity approach. Open burning will be permitted, subject to certain conditions, on properties greater than 10,000m² (1ha). Properties smaller than 10,000m² (1ha) must first obtain a restricted discretionary resource consent.

This decision reflects the need to provide for larger lots and rural land uses within the Whangarei Airshed whilst also recognising the need to deal with urban smoke nuisance issues and discharges on smaller lots.

The proposed permitted activity rules for areas outside the Whangarei Airshed remain the same except for some minor amendments. These include:

- The proviso that other alternatives have been considered before undertaking open burning.
- That a suitably qualified and experienced enforcement officer of the NRC determines what are offensive or objectionable effects.
- The omission of animal waste from materials not allowed to be burnt under the permitted activity rules.
- Replacing that *“the discharge shall not result in any smoke that adversely affects traffic safety or reduces visibility within a height of 5m above ground level”* to that *“the discharge shall not result in any smoke that adversely affects traffic safety (i.e. interferes with normal driving task)...”*

These permitted activity rules also apply to areas over 10,000m² within the Whangarei Airshed, except for during the months of June, July and August. It is during these months that the National Environmental Standards for Air Quality threshold for PM₁₀ is most likely to be breached.

The matters of discretion to be considered before resource consent is granted to burn on a property under 10,000m² within the Whangarei Airshed are restricted to:

- The adequacy of the assessment of alternative methods of disposal and whether or not disposal by burning is the best practicable option; and
- The method of disposal (open burning or incineration or other); and
- The nature of the receiving environment and proximity to any sensitive areas; and
- The timing, frequency and duration of the disposal activity; and
- The wind speed, wind direction and atmospheric conditions that are likely to prevail during burning; and
- The type and quantity and proportions of different types of material to be disposed and its moisture content; and
- The nature and design specifications of any incineration device; and
- The likely combustion temperature of waste material; and
- Location of the fire, including setbacks from property boundaries; and
- Whether the material to be disposed can be extinguished once lit in the event of a change in wind conditions; and
- Whether the activity is proposed to occur during the months of June to August; and
- Whether the activity has the potential to result in adverse environmental effects. Specifically effects on human health and amenity (odour, particulate and visibility) values will be considered; and
- The potential for smoke and/or odour and/or particulate material to be offensive or objectionable at or beyond the property boundary; and
- The nature of the surrounding topography, including proximity to hills, low lying areas etc; and

- Whether consultation has occurred with, and written consent has been obtained from, all immediately adjoining neighbours and those within 100m of the boundary of the property on which the activity is proposed; and
- The current status of the Fire Season managed by the WDC or any Bylaw developed by the WDC.

SUBSEQUENT PROCESS

If the Hearing Committee's decisions are approved by the full Council, the submitters and further submitters will each be sent a written notification of the decision on every submission and/or further submission lodged by them. The release of the decisions will also be publicly notified in local newspapers on 5 April 2008.

Submitters and further submitters will then have a period of 30 working days from receipt of this advice in which to lodge an appeal with the Environment Court over any decision they are unhappy with. A further report on appeals lodged will be provided to the 21 May 2008 Environmental Management Committee Meeting where, if necessary, a process for negotiation will also be outlined.

Recommendation:

1. That the decisions on submissions to the RAQP: Proposed Plan Change 2 (Backyard Burning), be approved for public notification.
2. That the date of public notification of decisions is made on 5 April 2008.

COMPLIANCE WITH DECISION MAKING PROCESS

The decisions detailed in this report are associated with a change to the Regional Air Quality Plan for Northland which will be progressed in accordance with the processes set out in the First Schedule of the Resource Management Act 1991. Pursuant to section 76(5) of the Local Government Act 2002, the requirements of the Resource Management Act 1991 take precedence.

Consents Decisions and Applications in Process

File: 430.1

Report from Consents Manager, David Roke dated 5 March 2008.

The Consents Manager's report on resource consent decisions made since 1 February 2008 is circulated to Councillors under separate cover. Progress on notified applications is as set out in the following table:

NOTIFIED APPLICATIONS

Publicly Notified

Applicant	Proposal	Notification Period	Comment
Whangarei District Council CON20031137501	Replacement consents for Hikurangi Swamp flood control drainage scheme	12 December 2006 to 1 March 2007	Extended notification period by one month on 1 February 2007. Fifty submissions received; 28 against, 16 for, 35 wish to be heard. Pre-hearing resolution of some submissions being attempted by Applicant.
Far North District Council CON20060478901	Replacement consents for Russell landfill	7 February 2007 to 7 March 2007	One submission only (in support). Draft recommendations to applicant for agreement. Delegated authority decision issued on 26 February 2008.
Far North District Council. Bay of Islands Community Wastewater Scheme CON20060110804	Expansion of Paihia WWTP to receive and treat additional wastewater from Kerikeri, Waipapa, Waitangi, and Russell if necessary	30 May 2007 to 28 June 2007	Fifty-one submissions received, 42 opposed. Change to designation submission period closed 11 July (re-notified). Processing on hold under Section 92 for consultation with iwi. Meeting with applicant on 14 February 2008. NRC staff to now prepare draft recommendations and consent conditions. Cultural effects assessment still awaited.
M Te Whata & Others and R Graham CON200616124	Rock seawall at Omapere	24 May 2007 to 21 June 2007	Need for pre-hearing awaits outcome of applicant's discussions with the remaining opposing submitter who wishes to be heard.
Far North Holdings Ltd CON20071835101	Placement of fill, Paihia Road, Opuia	11 July 2007 to 7 August 2007	Processing placed 'on hold' at applicant's request.
Far North District Council CON20060116801	Kawakawa WWTP Section 128 review of monitoring programme	13 June 2007 to 12 July 2007	Viral monitoring rounds completed – final results received. Awaiting response from experts on viability of progressing with Section 128 review of current indicator.
Far North District Council CON20070283501 CON20070283601 CON20071912101	Kaitiā Public Water Supply	9 August 2007 to 7 September 2007	Processing placed on hold at Applicant's request to allow further consultation.

Applicant	Proposal	Notification Period	Comment
Crest Energy Limited CON20061607602	New application with proposed cable landfall at Pouto instead of Glorit	24 August 2007 to 21 September 2007	To be heard together with consent CON20061607601 for generation array (previously notified).
K Māori & Far North District Council CON20071804801	Seawall in Taipa Estuary	13 November 2007 to 11 December 2007	Applicants attempting to resolve issues with the three opposing submitters.
Director-General of Conservation CON20082006901	Aerial application of Brodifacoum on Eastern Bay of Islands (Rat eradication)	13 February 2008 to 12 March 2008	
Waitangi National Trust CON20071957801	New visitors centre at Waitangi	5 March to 4 April 2008	Jointly notified with FNDC.
Whangarei District Council CON20080191601	New discharge of process wastewater from Ruakaka Water Treatment Plant into Ruakaka River	13 March 2008 to 14 April 2008	
Far North District Council CON20070263501	Replacement application for Rangiputa WWTP	19 February 2008 to 19 March 2008	
Far North District Council CON20071950201	Upgrade of Kaitaia Resource Recovery Park	11 December 2007 to 30 January 2008	One submission in support and wishing to be heard. Draft recommendations being formulated. Intention of NRC to gain agreement of submitter to the draft conditions and therefore avoid a hearing.

Limited Notified

Applicant	Proposal	Notification Period	Comment
Mr J Keith CON20061752701	Discharge to private land of sewage from WDC Ruakaka WWTP via spray irrigation	10 July 2007 to 8 August 2007	Four submissions received, all heard. Two in support and two in opposition. Application on hold pending outcome of appeals on Ruakaka WWTP decision.
Fonterra Co-op Ltd CON20060437319	Condensate discharges to Wairua River	4 October 2007 to 7 November 2007	One submission received against proposal. Applicant requested a time extension to attempt resolution of issues raised by sole submitter.

Applicant	Proposal	Notification Period	Comment
B M & C A Kokich and D G & L S Anderson CON20080496501	Replacement water take from Mangere Stream	28 February 2008 to 31 March 2008	

PRE-HEARING MEETINGS

Applicant	Proposal	Held	Outcome
Whangarei District Council CON20060257601	Replacement Ngunguru sewerage discharge consents	Pre-hearing held 13 December 2006	Applicant has requested that application be placed on hold for at least a year so that they can monitor performance of upgraded plant and appropriate consent conditions formulated based on the results, particularly with regard to ammonia concentrations.
Far North District Council CON20070266701	Replacement consents for Omapere/Opononi WWTP discharges		Pre-hearing meeting held on 21 August 2007. Additional information regarding land disposal options sought by appellant. Draft recommendations to be formulated and circulated for further discussion.
Far North Holdings Ltd CON20060545411	Paihia Waterfront Re-development	27-28 November and 19 April 2007 (3)	CIA now being prepared by applicant's consultant.
Explore NZ (2004) Limited CON20071904701	Proposed jetty in Hahangarua Bay, Moturua Island	31 October 2007	Applicant commissioning Historic Values Assessment and conducting further discussions with Ngati Kuta hapu.
AFFCO Moerewa CON20070738112	Activities resulting from inclusion of a proposed milk powder plant at Moerewa	20 November 2007	Forty-four submissions, 41 opposed. Applicant to now meet with submitter/s absent from a previous pre-hearing meeting. Draft consent conditions currently being considered by the applicant prior to distribution to submitters.
Whangarei District Council CON20070993303	Proposed public pontoon jetty and gangway at Oakleigh	18 December 2007	Opposing submitter has withdrawn its submission, given the realigned rail route, so consent can now issue as delegated authority decision.
Carter Holt Harvey Woodproducts New Zealand CON20070841702	Discharge contaminants to air	19 December 2007	Two of the four heard submitters have provided written approval of the draft conditions of consent. Await agreement of the remaining two submitters, otherwise require a hearing.
The Rotary Club of Maungaturoto and Districts Incorporated CON20071215401	Proposed swimming pontoon at Bullet Point, Mangawhai Harbour	28 February 2008	Parts of the application clarified, but no resolution. Applicant to consider possible revisions to activity and circulate to submitters by the end of March.

Applicant	Proposal	Held	Outcome
Kaipara District Council CON20010111501	Replacement consents for Maungaturoto WWTP	29 January 2008	Meeting with two heard submitters. General agreement in principle to applicant's proposal. Draft recommendations formulated and now with applicant for comment.

HEARINGS

Applicant	Proposal	Date of Hearing	Decision Issued/Comment
J C W Robinson CON20060788201	Section 128 Review of quarrying consent conditions	Postponed to allow Consent Holder to review technical report	Further survey information received, awaiting review by consultant.
Far North District Council CON200404369 (01-02) CON200407356 (01-08)	Consents associated with water supply for Omapere/Opononi. Existing water takes from Waiotemarama Stream and dam on Waiarohia Stream	24 and 25 September 2007	Hearing adjourned to allow the applicant to provide the results of consultation with Iwi.
D C Schmuck CON20060791410	Replacement consents for various discharges to land, air and water at Doug's Opu Boatyard	11 March 2008	
Ocean View Olives CON20041209901	Earthworks for subdivision at Tokerau Beach	Joint hearing with Far North District Council on 10 December 2007.	Decision issued 23 January 2008, no appeals lodged.
Northern Dairylands Limited CON20071792701	Causeway across a flood plain of the Waitaua Stream, a tributary of the Kaihu River, for the purpose of stock movement	12 March 2008	Hearing set for 12 March.
Far North Holdings Limited CON20071835101	Placement of clean fill and dredge disposal for site formation at Opu	Joint hearing set for 17 March 2008	
O B Holdings Ltd CON20041213701	Earthworks for 4.5 km access road for 44 lot subdivision at Cove Road, Langs Beach	Joint hearing proposed for 9 to 11 April 2008	WDC is lead agency.

APPEALS/OBJECTIONS

Applicant	Proposal	Progress
Advance Developments Ltd CON20061540301	Subdivision earthworks at Tutukaka	Appeals have been lodged by five parties to the hearing against the Regional and District Council decisions following a hearing in October-November. Applicant now re-designing proposal. A Court-directed timetable for circulation of evidence and further consultation with parties is now underway.

Applicant	Proposal	Progress
Far North District Council CON19940739901	Replacement Hihi Beach sewerage discharge consents	Agreement in principle reached and Memorandum and Draft Consent Orders being finalised to resolve Appeals on both NRC decision and FNDC designation decisions.
Whangarei District Council CON20040415501	Replacement consents for Ruakaka Sewage discharges	Two appeals against decision (Applicant and adjoining neighbour), and four Section 274 parties. Date set for Environment Court hearing in July 2008. However, Memorandum and Draft Consent Order has since been signed by all parties and the Court will now be requested to grant consents. .
Far North District Council & Far North Holdings Limited CON20051368901	Exclusive occupation of coastal marine area at various locations	One appeal lodged relating to one occupation area only (Waitangi). Court assisted mediation/or hearing now proposed.
Goldpine Limited CON20061698001	Roundwood production and treatment plant, Flyers Road	Four appeals received against NRC decision and one against WDC decision. Four Section 274 parties on appeal against NRC decision and five on appeal against WDC decision. The Court has set a timetable for exchange of evidence in preparation for a full Hearing in June 2008.
Northland Regional Council CON20041257401	Awanui flood management scheme	Four appeals received. Informal resolution of appeals being attempted. NRC requested that the Environment Court. A Court-appointed mediation was held on 14 February to attempt resolution of outstanding issues. While there was an indication of agreements being possible, these were not reached on the day, but a period of six weeks has been given for settlement documents to be filed in the Court.

Recommendation

That the information on resource consent decisions and applications in process be received.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006/2016 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

Appointment of Hearings Committees

File: 110.8

Report from the Consents Manager, David Roke dated 6 March 2008.

DELEGATION TO HEAR AND DECIDE CONSENT APPLICATIONS

Members for Hearings Committees are required to be appointed to hear and decide applications. In discussion with the Chairperson of the Hearings Committee, the following recommendations are made:

Director-General of Conservation – CON20082006901 – Aerial Application of Brodifacoum on Eastern Bay of Islands for Rat Eradication

A Hearings Committee comprising Cr Walker (Chair) and Cr Carr is suggested to hear and decide the application.

The Rotary Club of Maungaturoto and Districts Incorporated – CON20071215401 – Proposed Swimming Pontoon at Bullet Point, Mangawhai Harbour

A Hearings Committee comprising Cr Hill (Chair) and Cr Brown is suggested to hear and decide the application.

Recommendations

1. That Cr Walker (Chair) and Cr Carr be appointed to hear and decide the applications by **Director-General of Conservation – CON20082006901** for aerial application of Brodifacoum on Eastern Bay of Islands for rat eradication.
2. That Cr Hill (Chair) and Cr Brown be appointed to hear and decide on the applications by **The Rotary Club of Maungaturoto and Districts Incorporated – CON20071215401** for a proposed swimming pontoon at Bullet Point, Mangawhai Harbour.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006/2016 LTCCP, and in accordance with the Council's statutory delegations approved in July 2004. As such they are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

Warrants of Appointment

File: 100.2, 220.4.6 & 990.1

Report from Water Quality Monitoring Team Leader dated 21 February 2008.

The following appointments have recently been made in the Monitoring Department:

Rochelle Carter Environmental Monitoring Officer (Hydrology/
Groundwater)

Richard James Griffiths Environmental Monitoring Officer (Coastal)

The duties of these officers requires them to enforce the provisions of the Resource Management Act and to enter onto private property from time to time, to undertake required investigations, and to issue abatement notices under the provisions of Section 322 of the Act.

In accordance with Council Policy, new staff are required to be with Council at least six months prior to them being delegated the authority to issue abatement notices. Consequently only powers to seek information and for entry onto property are being recommended.

The Council is asked to issue the above officers with a warrant of appointment evidencing their authorities under the following sections of the Resource Management Act 1991:

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

In accordance with Council Policy, Mike David Churcher (Environmental Monitoring Officer - Coastal) has now completed six months with Council and has received training in relation to the issue of abatement notices.

The duties of this officer require him to enforce the provisions of the Resource Management Act, including the issue and cancellation of abatement notices under the provisions of Section 322 and 325(a) of the Act.

The Council is asked to issue Mike David Churcher with a warrant of appointment evidencing his further authorities under the following sections of the Resource Management Act 1991.

- 322** Power to issue abatement notices.
- 325 (a)** Cancellation of abatement notices.

Recommendation

1. That the following officers be appointed as Enforcement Officers under Section 38 of the Resource Management Act 1991 and be delegated powers and authorities under Sections 22, 332, and 333 of the Resource Management Act 1991 as specified above.

Richard James Griffiths	Environmental Monitoring Officer (Coastal)
Rochelle Carter	Environmental Monitoring Officer (Hydrology/Groundwater)

2. That the following officer be delegated with further powers and authorities under Sections 322 and 325(a) of the Resource Management Act 1991.

Mike David Churcher	Environmental Monitoring Officer - Coastal
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3. That they be issued with the appropriate Warrants of Appointment under seal of the Council evidencing their appointments.

COMPLIANCE WITH DECISION MAKING PROCESS

The decisions made by this resolution are authorised by Section 38 of the Resource Management Act 2002 and by virtue of Section 76(5) of the Local Government Act 2002 meet the decision making requirements of Sections 76 to 82 of that Act.

Business with the Public Excluded

Recommendation

That pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the remainder of the meeting to consider:

Confirmation of the Confidential section of the Minutes of the Council meeting held on 20 February 2008.

The reason for excluding the public is as stated in the Minutes of that meeting.