



# AGENDA

RĀRANGI TAKE

NOTICE OF AN ORDINARY MEETING OF

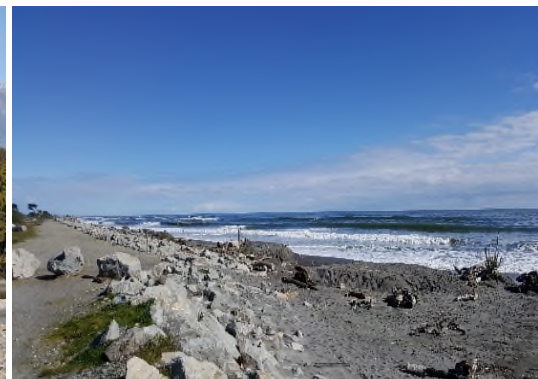
## COUNCIL

to be held on **Thursday, 24 June 2021** commencing at **1.00pm** in the Council Chambers, 36 Weld Street, Hokitika and via Zoom

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Chairperson:	His Worship the Mayor	
Members:	Cr Carruthers (Deputy)	Cr Davidson
	Cr Hart	Cr Hartshorne
	Cr Kennedy	Cr Keogan
	Cr Martin	Cr Neale
	Kw Tumahai	Kw Madgwick

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In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members may attend the meeting by audio or audiovisual link.

## **Council Vision:**

*We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.*

## **Purpose:**

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

### **1. KARAKIA TĪMATANGA**

#### **OPENING KARAKIA**

### **2. NGĀ WHAKAPAAHA**

#### **APOLOGIES**

### **3. WHAKAPUAKITANGA WHAIPĀNGA**

#### **DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager: Corporate Services (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

### **4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE**

#### **URGENT ITEMS NOT ON THE AGENDA**

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
  - (a) the local authority by resolution so decides, and
  - (b) the presiding member explains at the meeting at a time when it is open to the public, -
    - (i) the reason why the item is not on the agenda; and
    - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting, -
  - (a) that item may be discussed at the meeting if –
    - (i) that item is a minor matter relating to the general business of the local authority; and
    - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the

public, that the item will be discussed at the meeting; but

(b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

## 5. **NGĀ MENETI O TE HUI KAUNIHERA** **MINUTES OF MEETINGS**

Minutes circulated separately via Microsoft Teams.

- **Ordinary Council Meeting Minutes - 27 May 2021**
- **Extraordinary Council Meeting Minutes - 15 June 2021**

## 6. **ACTION LIST** (Pages 7 - 9)

## 7. **NGĀ TĀPAETANGA** **PRESENTATIONS**

- NIL

## 8. **KAIMAHI** **REPORTS**

- **Westland Holdings Limited: Statement of Intent 1 July 2021** (Pages 10 - 32)  
Joanne Conroy, Director (Chair), Westland Holdings Limited  
Chris Gourley, Director, Westland Holdings Limited  
Chris Rea, Director, Westland Holdings Limited
- **Destination Westland Limited Longer Term Structure Review** (Pages 33 - 37)  
Joanne Conroy, Director (Chair), Westland Holdings Limited  
Chris Gourley, Director, Westland Holdings Limited  
Chris Rea, Director, Westland Holdings Limited
- **Financial Performance May 2021** (Pages 38 - 54)  
Prabath Jayawardana, Finance Manager, Westland District Council
- **Rates Write Offs and Remissions 2020 – 2021** (Pages 55 - 59)  
Lesley Crichton, Group Manager: Corporate Services, Westland District Council
- **Adoption of the Westland District Council Urban Berm Maintenance Policy** (Pages 60 - 64)  
Scott Baxendale, Group Manager: District Assets, Westland District Council
- **Adoption of Sale of Land Policy** (Pages 65 - 69)  
Fiona Scadden, Planning Manager, Westland District Council
- **Alignment of Franz Josef Strategy, Carparking Requirements and Signage Requirements with Te Tai O Poutini Plan Process** (Pages 70 - 72)  
Fiona Scadden, Planning Manager, Westland District Council

- **Revell Street Trial Stage 2 Update – Verbal Report**  
Fiona Scadden, Planning Manager, Westland District Council
- **Remits to Local Government New Zealand (Pages 73 - 151)**  
Simon Bastion, Chief Executive, Westland District Council

## 9. ADMINISTRATIVE RESOLUTION

<p><b>Hamish Gordan</b> <b>WEBSTER</b></p>	<p>Warrant of Appointment - Project Manager</p>	<p>To act in the Westland District as:</p> <ul style="list-style-type: none"> <li>• An Authorised Enforcement Officer pursuant to Sections 164, 168, 172, 174 &amp; 177 of the Local Government Act 2002; and</li> <li>• an Enforcement Officer under the Westland District Council Bylaws; and</li> <li>• a Litter Control Officer under Sections 5, 7 of the Litter Act 1979; and</li> <li>• an Enforcement Officer under Sections 38, 332 &amp; 333 (Including Powers of Entry and Search) of the Resource Management Act 1991; and</li> <li>• an Authorised Officer (General Powers) under Section 23 of the Health Act 1956; and</li> <li>• an Authorised Officer (Inspections) under Section 222 of the Building Act 2004; and</li> <li>• an Engineer under the Water Supplies Protection Regulations 1961; and</li> <li>• a Ranger under Sections 8, 10 of the Reserves Act 1977; and</li> <li>• an Authorised Person under Sections 110 &amp; 111 of the Public Works Act 1981; and</li> <li>• an Authorised Officer under Sections 355, 357 &amp; 468 of the Local Government Act 1974.</li> </ul>
<p><b>Kate Elle</b> <b>BAIRD</b></p>	<p>Warrant of Appointment - System Data Coordinator</p>	<p>To act in the Westland District as:</p> <ul style="list-style-type: none"> <li>• An Authorised Enforcement Officer pursuant to Sections 164, 168, 172, 174 &amp; 177 of the Local Government Act 2002; and</li> <li>• an Enforcement Officer under the Westland District Council Bylaws; and</li> <li>• an Enforcement Officer under Sections 38, 332 &amp; 333 (Including Powers of Entry and Search) of the Resource Management Act 1991; and</li> <li>• an Authorised Officer (General Powers) under Section 23 of the Health Act 1956; and</li> <li>• an Authorised Officer (Inspections) under Section 222 of the Building Act 2004; and</li> <li>• an Engineer under the Water Supplies Protection Regulations 1961; and</li> <li>• a Ranger under Sections 8, 10 of the Reserves Act 1977; and</li> <li>• an Authorised Person under Sections 110 &amp; 111 of the Public Works Act 1981; and</li> <li>• an Authorised Officer under Sections 355, 357 &amp; 468 of the Local Government Act 1974.</li> </ul>

**11. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI  
RESOLUTION TO GO INTO PUBLIC EXCLUDED**

(to consider and adopt confidential items)

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Minutes – 27 May 2021.	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists.  Section 48(1)(a)
2.	Time Extension for Roding Maintenance Contract and Endorsement of Waka Kotahi Approved Procurement Strategy.	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists.  Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1	Protect the privacy of natural persons, including that of deceased natural persons (Section 7(2)(a))
1	Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Section 7(2)(b))
1, 2	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. (Section 7 (2)(h))
1, 2	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Section 7(2)(i))
1, 2	Prevent the disclosure or use of official information for improper gain or improper advantage. (Section 7(2)(j))

**DATE OF NEXT ORDINARY COUNCIL MEETING – 29 JULY 2021.  
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

## 27.05.21 - Council Meeting - Action List

Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
28.06.18		Kaniere School Students – Cycle trail 1. Crossing Progress 2. Crossing Placement 3. Site Visit  (3 Actions merged 26.11.20 and updated)	Council staff to get back to the Kaniere School Students regarding the proposal.	Oct 2020	DA & CE	The site for the crossing has been revised based on a site visit my Mayor, CE & GM DA.  As part of the works planned at the crossing, additional footpaths are to be created and the road is to be realigned and changed to a T intersection.  Design work for the Intersection yet to be developed due to other work commitments. Will release once completed.  Awaiting pricing from Westroads to the work.
22.08.19		Fox Landfill	Council support staff in progressing their investigations into the engineering methodology, financial implications and funding mechanisms of the long-term options.	Completed.	GM & DA	Fox River Landfill dig out and transfer to Butlers is 100% completed and signed off by external consultants that all material has been removed. Rock wall remediation underway. Butler’s Landfill upgrade: tender award report in May council confidential meeting minutes.
28.11.19		Iwi representation around the Council table	Mayor to write to the Minister of Local Government seeking advice. 25.03 – Meeting to be scheduled with Cr Hart and Cr Martin	In progress	Mayor & CE	Response received from DIA. Further discussions to be completed on next steps. Meeting to be set to start the process. Cr Martin & Cr Hart to be involved.

Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
22.10.20		Hokitika Waste Water Treatment Plant	Provide monthly updates to Council	Completed.	CE & LS	<p>3 Waters Stimulus Funding Delivery Plan conditionally approved for the Hokitika WWTP feasibility work. More detailed milestones and costs to be submitted for approval. Stantec has been appointed to prepare a cost proposal and commence with the stakeholder engagement process. IWI workshop date to be confirmed.</p> <p>Meeting was held, report to Council to be presented today.</p> <p>Completed – Hokitika WWTP Oversight Committee Established.</p>
10.12.20		Speed Limit Register Review – Stage 2	Review of the speed limits on the below roads/areas: Kokatahi/Kowhitirangi Area Old Christchurch Road Kaniere Road Lake Kaniere Road and surrounding areas (Hans Bay, Sunny Bight, Lake Kaniere)	2021	KJ	ON HOLD - To be conducted post NZTA speed limits review.
10.12.20		Ross Chinese Gardens – Flooding issues	Update to Council on progress	Feb 2021	CE	<p>Second meeting held and agreed way forward.</p> <p>Site visit by Council staff, Community &amp; DoC in early June. Require some engineering input and RC.</p> <p>Cr Keogan to work on a Masterplan with the Community.</p>
25.03.21		Mark Davies, DOC to speak at an upcoming Council Meeting.	Invite Mark Davies to speak to Council as the Operations Director around the issues DOC are facing with the National Park Management Plan. How can council Help?	April 2021	MS	Suggest to wait for DoC to make a new date with council.



Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
			Update on Jobs for Nature.			
25.03.21		Workshop with WHL Directors and DW	To be scheduled to discuss pensioner housing strategy to report back to the Economic Development Committee.	Pre May Meeting	CE	WHL Draft SOI & Governance Structure to be presented at this meeting.
25.03.21		Kumara Gardens	Update to Council at the next meeting.	On going	CE	Council have advised the community of the process for applying for additional funding. Awaiting feedback.
27.05.21		National Bowel Screening Programme	Invite Manaia Cunningham, back to Council after the Programme has completed to update Council.	July – Aug 2021	CE	
27.05.21		Road Naming Policy	To be reviewed	July – Aug 2021	Group Manager: Regulatory and Community Services Manager	Draft has been completed and reviewed by the ELT and is currently being reviewed by Westland DC Iwi representatives prior to a report coming to Council in July or August.
15.06.21		LTP Submissions action point – Rates Remissions, Adverse Possession.	To contact the submitters who noted concerns on specific properties stated in the submissions.	July 2021	Group Manager: Corporate Services	Awaiting completion of LTP adoption.
15.06.21		LTP Submissions action point – Rates increase in Glacier Country	Staff to model changes to the differentials in Glacier Country to spread the rating across all sectors and provide to Council members.	30 June 2021	Group Manager: Corporate Services	Completed – identified no significant variation to make this change. Discussed with CE and Mayor.

# Report to Council



**DATE:** 24 June 2021  
**TO:** Mayor and Councillors  
**FROM:** Chair, Westland Holdings Ltd

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## WESTLAND HOLDINGS LIMITED: STATEMENT OF INTENT 1 JULY 2021

### 1. Summary

- 1.1. The purpose of this report is to present the Westland Holdings Ltd (WHL) Statement of Intent (SOI) for the 3 years commencing 1 July 2021.
- 1.2. This issue arises from Council seeking to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.3. This report concludes by recommending that Council approve Westland Holdings Ltd Statement of Intent (SOI) for the 3 years commencing 1 July 2021, and approve for public release, attached as **Appendix 1**.

### 2. Background

- 2.1. The statutory provisions concerning an SOI are contained in Schedule 8 of the Local Government Act 2002 (LGA 2002).
- 2.2. Sch. 8(1) outlines the purpose of the SOI, being to:
  - 2.2.1. State publicly the activities and intentions of a council-controlled organisation for the year and the objectives to which those activities will contribute; and
  - 2.2.2. Provide an opportunity for shareholders to influence the direction of the organisation; and
  - 2.2.3. Provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.
- 2.3. Sch. 8.3(b) requires that the board of a council-controlled organisation must deliver to its shareholders the completed statement of intent to the shareholders on or before 30 June each year.

### 3. Current Situation

3.1 The current situation is that the draft WHL SOI for the 3 years commencing 1 July 2021 was presented to Council at the meeting of 25 February 2021. It was discussed in depth by Councillors at a workshop on 16 March 2021.

3.2 The content of the SOI meets the requirements of the Act.

3.3 The SOIs will inform the Council Controlled Organisations' Annual Reports for the year ended 30 June 2022.

3.4 Both the draft and final SOI was received within the statutory timeframes as stated in the LGA 2002. Some changes have been made to the draft SOI previously presented to address some financial reporting improvements requested by Audit NZ and to review the financial forecasts based on reduced financial performance. Details are:

3.4.1 In the Performance Measurements on page 7, we have included;

- Gross Revenue
- Net profit
- Return on Shareholder Funds
- Return on Total Assets

3.4.2. Budget 2021-2022 page 12;

Cost of sales has increased as increased competition is predicted to reduce margins. In turn that will reduce net profit before tax by around \$300,000. Income tax will reduce slightly, so that the final result for the year is now \$585,000 compared to \$801,000 in the draft SOI.

3.4.3. Forecast for 2022-2023 page 12;

Revenue is predicted to be approximately \$200,000 lower than previously forecast, and finance costs will increase, meaning a reduction in Net Profit before tax from \$1,591,000 to \$1,191,000. The tax liability will reduce so that the final result will be \$674,000 compared to \$980,747 in the draft SOI.

3.4.4. Forecast for 2023-2024 page 12;

Revenue is predicted to be approximately \$200,000 lower than previously forecast, and finance costs will increase, meaning a reduction in Net Profit before tax from \$1,713,000 to \$1,346,000. The tax liability will reduce so that the final result will be \$808,000 compared to \$990,000 in the draft SOI.

### 4. Options

4.1 **Option 1:** Council approves the Westland Holdings Limited Statement of Intent for 3 years commencing 1 July 2021 and approves for public release.

4.2 **Option 2:** Council does not approve the Westland Holdings Statement of Intent and request that changes be made.

## **5. Risk Analysis**

5.1. Risk has been considered and the following risks have been identified, reputational risk of legislative compliance if adoption dates are missed.

## **6. Health and Safety**

6.1. Health and Safety has been considered and no items have been identified.

## **7. Significance and Engagement**

7.1. The level of significance has been assessed as low. The decision to approve the SOI is administrative and does not require consultation. The draft SOI is not a public document under the LGA 2002, only the final SOI is required under the act to be made publicly available within one month of receipt.

## **8. Assessment of Options (including Financial Considerations)**

8.1. Council approves the Westland Holdings Limited Statement of Intent for the 3 years commencing 1 July 2021 and approves for public release.

This option ensures that the statutory timeframes are met. The SOI represents the forecast financials as provided by the Directors of the Westland Holdings Limited group of companies, including Westroads Ltd and Destination Westland Limited based on the knowledge of the business.

The SOI represents the changes Council required and additional requests by Audit NZ to alter the financial forecasts down to realistic levels based on actual performance.

There are no financial implications to receiving the SOI.

8.2. Council does not approve the Westland Holdings Limited SOI and request that further changes are made.

Depending on any changes the statutory deadline may not be met. Any changes to the financial forecasts as required by Audit NZ may be unrealistic. These changes affect only the financial performance of the group of companies and do not materially affect the integrity of the draft SOI previously received by Council.

## **9. Preferred Option(s) and Reasons**

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that the financial forecasts represent the outcomes that the Directors of Westland Holdings Limited, Westroads Limited and Destination Westland Limited believe to be achievable in the current economic climate. The SOI meets statutory requirements under the LGA 2002 and includes the requests Council made after receiving the draft SOI.

## **10. Recommendation(s)**

- 10.1. That the report be received.
- 10.2. That Council approve the Westland Holdings Ltd Statement of Intent for the 3 years commencing 1 July 2021 and approve for public release.

**Joanne Conroy**  
**Chair, Westland Holdings Limited**

**Appendix 1:** Westland Holdings Limited Statement of Intention for the 3 years commencing 1 July 2021.



# Westland HOLDINGS

## **WESTLAND HOLDINGS LIMITED**

**Destination Westland Limited  
Westroads Limited**

**STATEMENT OF INTENT FOR THE THREE YEARS COMMENCING 1 JULY 2021**

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## 1. INTRODUCTION

This Statement of Intent (“SOI”) for Westland Holdings Limited (“WHL” or “the Company”) is prepared in accordance with Section 64 and Schedule 8 of the Local Government Act 2002.

This SOI specifies the objectives, the nature and scope of the activities to be undertaken, and the performance targets and other measures by which the performance of WHL and its subsidiaries Destination Westland Limited and Westroads Limited (collectively referred to as “the Group”) may be judged in relation to its objectives, amongst other requirements.

The negotiation and determination of an accepted SOI is a public and legally required expression of the accountability relationship between the Company and its sole shareholder, the Westland District Council (“WDC” or “the Council”). The SOI is reviewed annually with the Council and covers a three-year period commencing 1 July 2021.

WHL supports the vision of the Westland District Council, expressed as:

*“We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.”*

## 2. COMPANY MISSION

Westland Holdings Limited primary mission is to support the Council’s Vision for Westland as outlined above.

## 3 THE OBJECTIVES OF THE COMPANY

In addition to the requirements of section 59 of the Local Government Act 2002, the principal objectives of WHL are to:

- To ensure that the strategic plan of the Company is followed and that the plan is reviewed annually;
- Monitor the performance of each of its subsidiary companies;
- Ensure that each subsidiary company has in place active and effective health and safety policies and procedures which provide a safe operating environment for all employees, contractors and affected parties;
- Ensure that each subsidiary company operates economically and efficiently, in accordance with an agreed SOI, to optimize the returns from each subsidiary as well as the value of each subsidiary within the operating parameters determined by the Council;



- Ensure, within any legal or commercial constraints, that the SOI of each of the subsidiary companies reflect the policies and objectives of the Council;
- Keep the WDC informed of matters of substance affecting WHL and the subsidiary companies and, as much as is considered practical and reasonable in the opinion of the directors of WHL, to provide the WDC an opportunity for comment on such matters prior to taking any action;
- Ensure that there is regular and informative reporting of the financial and non-financial performance and risk exposures of WHL and the subsidiary companies;
- Report to WDC on establishment opportunities for the subsidiary companies, and other investment opportunities that have the potential to enhance the economic well-being of the region and to provide an adequate return;
- Maintain and improve good governance by regularly and constructively appraising the performance of the subsidiary company directorates, maintaining an appropriate monitoring framework and informing WDC prior to the appointment of new directors and,
- Support the Council in reviewing or creating policies relevant to the Company, or to the Group.

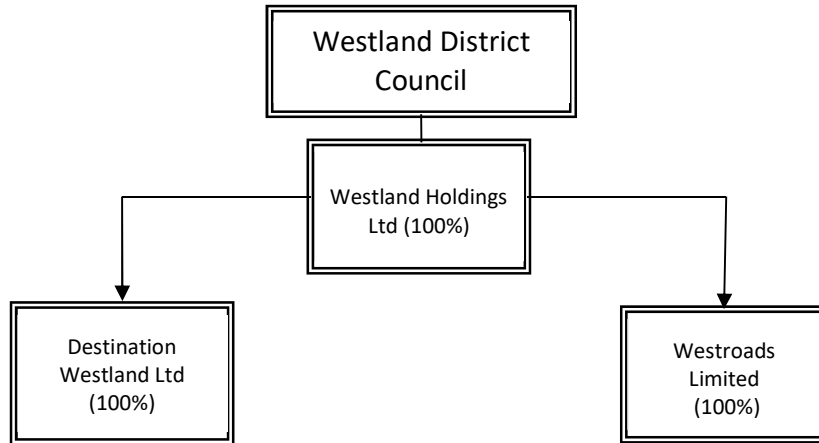
## 4. GOVERNANCE APPROACH

WHL seeks to govern the Group in a way that will ensure it:

- Achieves the objectives of its shareholder, both commercial and non-commercial, as detailed specifically in Section 3;
- Is a good employer in accordance with S:36(2) of schedule 7 of the Local Government Act 2002;
- Exhibits a sense of social responsibility by having regard to the interests of the community in which it operates; and
- Exhibits a sense of environmental responsibility by having regard to the interests of the community in which it operates.

## 5. NATURE AND SCOPE OF ACTIVITIES

WHL is a wholly-owned, council-controlled organization (“CCO”) of WDC, which was formed on 24 July 2002. WHL is the controlling entity that provides objective governance of the various operating subsidiaries on behalf of WDC. The Group structure is, as follows:



**The current Directors of WDHL are:**

- Joanne Conroy (Chair)
- Christopher Gourley
- Christopher Rea

## 6. SHAREHOLDING

WHL, on behalf of the Council, holds the following investments in the subsidiary companies:

- A shareholding investment in Destination Westland (DWL), representing 100% of DWL share capital; and
- A shareholding investment in Westroads Limited (“WRL”), representing 100% of WRL’s share capital.

### Ratio of Shareholders’ funds to total assets.

Shareholders’ funds are defined as the sum of the amount of share capital on issue, retained earnings/accumulated losses, revenue and capital reserves. Total assets are defined as the sum of the net book value of current assets, investments, fixed assets, and intangible assets as disclosed in the Company’s Statement of Financial Position, prepared in accordance with the accounting policies adopted by the Directors.

The target ratio of shareholders’ funds to total assets shall not be less than 50% for the period covered by this SOI. The appropriateness of this target ratio will be reviewed annually by the Directors.

## 7. ACCOUNTING POLICIES

The financial statements of the Company will be prepared in accordance with the requirements of the Local Government Act 2002, which includes the requirement to comply with New Zealand generally accepted accounting policies to the extent that is practicable without disclosing commercially sensitive information that, in the view of the Directors, would be of value to competitors. See Appendix A for Accounting Policy details.

## 8. PERFORMANCE TARGETS

The following performance targets have been set for the 2020/2021 financial year, and the two years following:

### Relationship with WDC/Other Governance Issues

Objective	Performance Target
1 To ensure that the financial targets and strategic direction of WHL are in line with WHL's strategic plan, which is developed in conjunction with the economic committee of the WDC	<p>A draft SOI for WHL will be submitted for approval to WDC by 1 March each year.</p> <p>A completed SOI will be submitted to WDC by 30 June each year.</p>
2 To ensure that WDC is kept informed of all significant matters relating to its subsidiaries on a "no surprises" basis	<p>Regular reporting of performance to the Economic Development Committee of the WDC will be done on a six monthly basis. With quarterly reports provided to council and full council updates for the Six monthly results and Annual Plan.</p> <p>Full year and half year reporting to WDC will be provided within 60 days after 31 December and 30 June of each year.</p> <p>Major matters of urgency are reported to the appropriate Council Committee or the Chief Executive of WDC within three days.</p>
3 To ensure that WHL directors add value to the Company and that their conduct is according to generally accepted standards.	<p>The Chair will initiate an independent formal evaluation of the WHL directorate every 2 years. The next such review will be undertaken in the 2021-2022 year.</p> <p>The Company will review the training needs of individual WHL directors, and ensure training is provided, where required.</p>

- |   |                                                                                                                       |                                                                                                                                                                                                                    |
|---|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | WHL's process for the selection and appointment of directors to the boards of subsidiaries is rigorous and impartial. | The process followed for each appointment to a subsidiary board is transparent, fully documented and reported to WDC. Any appointments will be made in accordance with the WDC's Policy for Director Appointments. |
| 5 | Begin appointment of independent Directors to the Board of Destination Westland as funds allow.                       | Gradually replace the Director on the DWL Board with as time, funds and good succession planning allows                                                                                                            |

### Financial Objectives and Performance Measures

- | Objective | Performance Target                                                                                               |                                                                                                                                                                                                                                                                                   |
|-----------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6         | To ensure that WHL returns a dividend to WDC in accordance with WDC's budgets and meets other financial targets. | WHL will agree with WDC on an achievable distribution for the 2020/21 financial year as part of the Council's requirement to approve the SOI for WHL. This estimated dividend receivable by WHL will be agreed with each CCO on an annual basis prior to finalising WDC's budget. |
| 7         | Gross Revenue: Combined revenue for the 21-22 year                                                               | Equal to or greater than \$34 million                                                                                                                                                                                                                                             |
| 8         | Net Profit before tax: Combined net profit for the 21-22 year                                                    | Equal to or greater than \$1 million                                                                                                                                                                                                                                              |
| 9         | Return on Shareholder Funds for each of the three years.                                                         | At least 8%                                                                                                                                                                                                                                                                       |
| 10        | Return on total assets                                                                                           | At least 6.5%                                                                                                                                                                                                                                                                     |

### Specific Subsidiary Management and Supervisory Functions

- | Objective | Performance Target                                           |                                                                                       |
|-----------|--------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 11        | To ensure that WHL's procedure for appointment to subsidiary | That the adopted WDC Directors Policy be followed for any director appointments made. |

directorates are open and in accordance with written policy.

12 To ensure that the draft subsidiary company SOI's are received on a timely basis for review and comment.

Draft SOI's are to be received by 14 February from the subsidiary companies, and finalised by 1 June for each year covered by this SOI.

13 To ensure that the final subsidiary company SOI's are appropriate, measurable, attainable and timely and Connected to their strategic plan.

Comment on the draft SOI's within the statutory timeframe of 30 April each year, and ensure specific and measurable targets are included as Performance Objectives.

WHL will direct the subsidiary companies to produce commercially focused SOI's that are consistent with their strategic plan and aligned to WDC's strategic direction.

14 To ensure that the subsidiary company reporting is relevant and timely.

Subsidiary company SOI's will incorporate specific reporting requirements in accordance with legislation and accepted practice.

Subsidiary companies will also be required to provide Monthly Management reports followed by quarterly briefings to WHL in sufficient detail to allow WHL to fulfill its reporting obligations to the WDC.

All activity reports and formal reporting will be done through the Chairperson of WHL and the Chief Executive of WDC.

## Risk Management Processes

### Objective

### Performance Target

15 To ensure that there are adequate processes for the identification, assessment and management of the risk exposures of the subsidiary companies.

Subsidiary company SOI's will incorporate specific statements regarding the processes for the management of risk exposures, including health and safety and

reputational risk, all companies will also maintain an up to date risk register.

- 16 To ensure that subsidiary companies do not make decisions that could have significant implications for future Council funding.

Long term investment assessment is carried out for any new projects of a size and nature that requires WHL approval. Significant projects and their sources of funding must also be assessed and approved by Council prior to initiating the projects.

### Specific Activities to be Undertaken by WHL

- Negotiation of the individual annual SOIs for the CCOs that it owns on behalf of the Westland District Council (the subsidiary companies).
- Negotiation of the annual SOI between WDC as shareholder and WHL.
- Monitoring the performance of the subsidiary companies that WHL owns.
- Advice to WDC regarding potential CCO establishment, disestablishment or development opportunities.
- Maintaining a Register of Potential Directors for WHL and the subsidiary companies, including public advertising, as required.
- Appointment and monitoring of the directors of the subsidiary companies.
- Hosting an annual shareholders' meeting.

### Specific Activities Not Permitted to WHL

- No subsidiary companies are to be formed by WHL without the prior approval of WDC.
- No shares are to be acquired by WHL or the subsidiaries without the prior approval of WDC.
- No shares held by WHL or the subsidiaries are to be sold or otherwise disposed of without the prior approval of WDC.

Over time, WDC may form other CCOs within the WHL structure. WHL is an obvious vehicle for holding the shares in these enterprises, however, the directors' approach to the holding of other shares will be determined on a case-by-case basis in consultation with Council. It is anticipated that WHL will assist WDC in the identification and assessment of such future opportunities.

## 9. DISTRIBUTION POLICY

Profit retention and dividend policy will be determined from year to year by the Directors in accordance with operational results, financial prospects, and the circumstances prevailing, with the objectives of ensuring that:

- The amount of the distribution does not limit WHL's ability to fund future capital expenditure requirements of subsidiary companies to both maintain and expand current operations, nor to address

issues relating to the Company's debt structure. In determining any distribution, the following must be considered:

- i. The Directors are satisfied that the requirements of section 4 of the Companies Act (the "solvency test") have been satisfied;
- ii. The amount of the distribution does not exceed the amount of the net profit after tax, plus cash held in reserves, in the year to which the distribution relates; and,
- iii. Total liabilities do not exceed 50% of the total assets.

WHL will endeavor to make distributions as agreed in annual budget discussions with council in the 2021/22 year.

## 10. REPORTING TO SHAREHOLDERS

WHL will provide the following information in order to enable the WDC, as the shareholder of WHL, to make an informed assessment of the Company's performance:

- a) An annual Draft SOI in accordance with Schedule 8 of the Local Government Act 2002, delivered by the 1st of March, with WDC comments returned by the 1st of May and a completed SOI after consideration of Shareholders comments delivered by 30 June. The Final Statement of Intent of WHL will be made available to the public one month following delivery to the WDC.
- b) A half-yearly financial and progress report or presentation to Council that details the financial performance and progress of the Company and its subsidiaries. This report shall be delivered to Council no later than 28th February.
- c) An annual report in accordance with Section 67 and 71 of the Local Government Act 2002 and the GAAP reporting requirements prescribed from time to time by the Institute of Chartered Accountant of New Zealand, and any other information that the Directors deem appropriate. The annual report is to be delivered to the WDC by the 30th of September and no later than 20 days prior to the Company's AGM
- d) An annual Shareholders meeting is to be held by the 31st of December each year with not less than 10 days' notice to the WDC.

## 11 ACQUISITION PROCEDURES

If the Directors believe they should invest in or otherwise acquire any interest in any other organisation, they shall obtain the prior approval of the WDC as shareholder by special resolution unless the total cost is less than \$500,000.

In this case prior approval is not required, but the Shareholder will be advised within 10 working days.

## 12 COMPENSATION

Currently there are no activities for which compensation will be sought from WDC

## 13 ESTIMATED COMMERCIAL VALUE OF WHL

The value of WHL has been defined as the estimated value of Shareholders' funds as at 30 June 2020.

This value is estimated to be \$14,919,000.

The value ascribed to shareholders' funds will be that stated in the annual Statement of Financial Position of the Company as at the end of the financial year preceding each SOI.


## 14 OTHER MATTERS

WHL's directors are appointed by the Shareholders to govern and direct WHL's activities, and to oversee the governance and performance of the WDC's council-controlled organisations. The Shareholders expect this responsibility to include such areas of stewardship as:

- Commercial performance
- Non-commercial performance
- Preparation and review of business plans and budgets
- Corporate policies
- Financial and distribution policies
- Management oversight and development
- Delegations or authority
- Identification and management of business risks
- Identification and management of business opportunities
- Internal control systems
- Integrity of management information systems
- Relationships with stakeholders and external parties
- Compliance with relevant law
- Reports to shareholder



## 15. FINANCIAL FORECASTS

<b>WESTLAND HOLDINGS LIMITED</b>				
		<b>Group Budget 2021/22 \$'000</b>	<b>Group Forecast 2022/23 \$'000</b>	<b>Group Forecast 2023/24 \$'000</b>
Revenue		34,938	35,542	36,031
Cost of Sales		25,611	25,864	26,120
<b>Gross Profit</b>		<b>9,327</b>	<b>9,678</b>	<b>9,911</b>
Other Income		1,559	1,559	1,576
Administrative (Inc Deprn) Expenses		6,905	7,133	7,171
<b>Results from operations</b>		<b>1,429</b>	<b>1,549</b>	<b>1,733</b>
Finance Costs		387	384	387
<b>Net finance costs</b>		<b>387</b>	<b>384</b>	<b>387</b>
Profit before Income Tax		1,042	1,165	1,346
Subvention Payment		230	230	230
Income tax expense		227	261	308
<b>Profit for the period</b>		<b>585</b>	<b>674</b>	<b>808</b>
<b>Total Comprehensive Income for the Year</b>		<b>585</b>	<b>674</b>	<b>808</b>
<b>Other Performance Targets</b>				
Dividends		0	245	245
Earnings Retained		585	429	563
Closing Shareholder's Funds		15,348	15,776	16,339

## APPENDIX A

# WESTLAND HOLDINGS LIMITED STATEMENT OF ACCOUNTING POLICIES



### REPORTING ENTITY

Westland Holdings Limited is registered under the Companies Act 1993 and is domiciled in New Zealand. Westland Holdings Limited is owned by Westland District Council.

The Company is a Council Controlled Trading Organisation as defined in Section 6(1) of the Local Government Act 2002.

The financial statements of the Company have been prepared in accordance with the requirements of the Companies Act 1993, and the Local Government Act 2002.

The Group consists of Westland Holdings Limited, Destination Westland Limited, Westroads Limited. All Group companies are incorporated in New Zealand.

The Company is a Tier 1 for-profit entity and has elected to report in accordance with Tier 1 for-profit Accounting Standards on the basis that it does not have public accountability.

### BASIS OF PREPARATION

#### Statement of Compliance

The Company has designated itself as a profit orientated entity for the purposes of New Zealand Equivalent to International Financial Reporting Standards (NZIFRS). The Financial Statements have been prepared in accordance with New Zealand Generally Accepted Accounting Practice ("NZ GAAP") and Tier 1 POE Accounting Standards. They comply with New Zealand equivalents to the International Financial Reporting Standards Reduced Disclosure Regime (NZIFRS RDR) and other applicable Financial Reporting Standards, as appropriate for profit-oriented entities.

#### Measurement Base

The financial statements have been prepared on a historical cost basis, except for the revaluation of investment properties which are revalued every year.

#### Functional and presentation currency

These financial statements are presented in New Zealand dollars (\$), which is the Group's functional currency. All financial information presented has been rounded to the nearest thousand.

#### Use of estimates and judgements

The preparation of financial statements requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results may differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised and in any future periods affected.

#### Going Concern

The financial statements will be prepared on a going concern basis.

### SIGNIFICANT ACCOUNTING POLICIES

Accounting policies set out below will be applied consistently to all periods presented in the financial statements. The following particular accounting policies which materially affect the measurement of financial results and financial position will be applied:

## **PROPERTY, PLANT and EQUIPMENT**

### **Recognition and measurement**

Land and buildings, items of property, plant and equipment are measured at cost less accumulated depreciation and impairment losses.

Cost includes expenditures that are directly attributable to the acquisition of the asset. The cost of self-constructed assets includes the cost of materials and direct labour, any other costs directly attributable to bringing the asset to a working condition for its intended use, and the costs of dismantling and removing the items and restoring the site on which they are located. Purchased software that is integral to the functionality of the related equipment is capitalised as part of that equipment.

When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

### **Subsequent costs**

The cost of replacing part of an item of property, plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Group and its cost can be measured reliably. The costs of the day-to-day servicing of property, plant and equipment are recognised in the profit or loss as incurred.

### **Depreciation**

Depreciation is recognised in the profit or loss on a straight-line basis over the estimated useful lives of each part of an item of property, plant and equipment. Leased assets are depreciated over the shorter of the lease term and their useful lives. Land is not depreciated.

The estimated useful lives for the current and comparative periods are as follows:

buildings	3-50 years
plant and equipment*	1.5-25 years
office furniture and equipment	2-15 years
runway infrastructure	2-50 years

\*includes motor vehicles

## **INVESTMENT PROPERTIES**

Properties leased to third parties under operating leases are classified as investment property.

Investment property is measured initially at its cost, including transaction costs. After initial recognition, all investment property is measured at fair value as determined annually by an independent valuer. Gains or losses arising from a change in the fair value of investment property are recognised in the surplus or deficit.

## **INTANGIBLE ASSETS**

Goodwill is allocated to cash generating units for the purposes of impairment testing. The allocation is made to those cash generating units or groups of cash generating units that are expected to benefit from the business combination, in which the goodwill arose. Goodwill is assessed for impairment on an annual basis. Any impairment losses are recognised immediately in the profit or loss.

## **INVENTORIES**

Inventories are measured at the lower of cost and net realisable value. The cost of inventories is based on the first-in first-out principle, and includes expenditure incurred in acquiring the inventories and bringing them to their existing location and condition.

In the case of metal inventories and work in progress, cost includes an appropriate share of production overheads based on normal operating capacity. Metal inventory cost is calculated on a discounted sale value basis, as an approximation of weighted average cost.

Inventories include development properties that are being developed for sale. These properties are measured at the lower of cost and net realisable value and the cost includes development costs to date.

Net realisable value is the estimated selling price in the ordinary course of business, less the estimated costs of completion and selling expenses.

## **CONTRACT ASSETS AND LIABILITIES**

The company will report contract asset and liabilities IFRS 15.

## **IMPAIRMENT**

The carrying amounts of the Company's assets are reviewed at each balance sheet date to determine whether there is any objective evidence of impairment.

An impairment loss is recognised whenever the carrying amount of an asset exceeds its recoverable amount. Impairment losses directly reduce the carrying amounts of assets and are recognised in the profit or loss.

### **Impairment of Receivables**

The Company applies the IFRS 9 simplified approach to measuring expected credit losses using a lifetime expected credit loss provision for trade receivables and contract assets. To measure expected credit losses on a collective basis, trade receivables and contract assets are grouped based on similar credit risk and aging. The contract assets have similar risk characteristics to the trade receivables for similar types of contracts. The expected loss rates are based on the Group's historical credit losses experienced over the three-year period prior to the period end. The historical loss rates are then adjusted for current and forward-looking information on economic factors affecting the Companies customers.

There is no impairment deemed necessary as the company are not expecting any credit losses.

### **Impairment of Contract assets and Contract liabilities**

Contract assets and contract liabilities were previously included within "trade and other receivables" and "trade and other payables" and disclosed separately as Work in Progress. Under IFRS15 these items are now combined and renamed as Contract assets

They arise from contracts enter that can span over the financial year and also reflect retention funds that are held by the client until such time as a certificate of completion has been signed off. It may take a up to 2 years to complete, because cumulative payments received from customers at each balance sheet date do not necessarily equal the amount of revenue recognised on the contracts.

There has been no Impairment of Contract Assets or Contract Liabilities

### **Impairment of Goodwill**

The Company is required to test, on an annual basis, whether goodwill has suffered any impairment. The recoverable amount is determined based on value in use calculations. The use of this method requires the estimation of future cash flows and the determination of a discount rate in order to calculate the present value of the cash flows. During

the year, with reference to all the competition in the Christchurch market the total carrying amount of Goodwill was impaired

This competitive market has had an adverse impact on the projected value in use of the operation concerned and consequently resulted in an impairment to goodwill of \$151,000.

## **FINANCIAL INSTRUMENTS**

The Company categorises its financial assets and its financial liabilities as being at amortised cost.

### **Financial Assets**

The company's financial assets comprise: cash and cash equivalents, and trade and other receivables. These are non-derivative financial assets with fixed or determinable payments that are not quoted on an active market.

Financial assets are initially measured at fair value and subsequently measured at amortised cost using the effective interest method, less impairment.

### **Financial liabilities**

Financial liabilities comprise: trade and other payables, borrowings, and advances. Borrowings are initially recognised at their fair value net of transaction costs, and subsequently measured at amortised cost using the effective interest method.

### **Interest-bearing borrowings**

Interest-bearing borrowings are classified as other non-derivative financial instruments.

### **Trade and other payables**

Trade and other payables are initially measured at fair value and subsequently measured at amortised cost using the effective interest method.

## **GOODS AND SERVICES TAX (GST)**

All items in the financial statements are exclusive of goods and services tax (GST) with the exception of receivables and payables which are stated with GST included. Where GST is irrecoverable as an input tax then it is recognised as part of the related asset or expense.

## **EMPLOYEE BENEFITS**

### **Defined contribution plans**

Obligations for contributions to defined contribution pension plans are recognised as an expense in profit or loss when they are due.

### **Other long-term employee benefits**

The Company's net obligation in respect of long-term employee benefits other than pension plans is the amount of future benefit that employees have earned in return for their service in the current and prior periods; that benefit is discounted to determine its present value, and the fair value of any related assets is deducted.

### **Termination benefits**

Termination benefits are recognised as an expense when the Company is demonstrably committed, without realistic possibility of withdrawal, to a formal detailed plan to terminate employment before the normal retirement date.

Termination benefits for voluntary redundancies are recognised if the Company has made an offer encouraging voluntary redundancy, it is probable that the offer will be accepted, and the number of acceptances can be estimated reliably.

### **Short-term benefits**

Short-term employee benefit obligations are measured on an undiscounted basis and are expensed as the related service is provided.

A provision is recognised for the amount expected to be paid under short-term cash bonus or profit-sharing plans if the Company has a present legal or constructive obligation to pay this amount as a result of past service provided by the employee and the obligation can be estimated reliably.

### **LEASED ASSETS**

Leases in terms of which the Company assumes substantially all the risks and rewards of ownership are classified as finance leases. Upon initial recognition, the leased asset is measured at an amount equal to the lower of its fair value and the present value of the minimum lease payments. Subsequent to initial recognition, the asset is accounted for in accordance with the accounting policy applicable to that asset.

Other leases are operating leases. The leased assets are not recognised on the Company's balance sheet.

### **PROVISIONS**

A provision is recognised if, as a result of a past event, the Company has a present legal or constructive obligation that can be estimated reliably, and it is probable that an outflow of economic benefits will be required to settle the obligation. Provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the liability.

### **REVENUE**

NZ IFRS 15 Revenue from Contracts with Customers introduced a new revenue recognition model that recognises revenue either at a point in time or over time. It is based on the principle that revenue is recognised when control of goods and services transfers to the customer and is based on the fulfilment of performance obligations.

The company has applied the modified approach on transitioning to NZ IFRS 15 and has applied the standard on initial application being 1 July 2018. No material impact on these financial statements has been recognised as a result of adopting this standard.

As the Company has the right to consider corresponding directly with the value of performance completed to date, customer contract revenue is recognised consistent with the amount that the Company has a right to invoice. The Company is therefore exercising the practical expedient not to explain transaction prices allocated to unsatisfied performance obligations at the end of the reporting period.

Note 8 sets out a numerical disaggregation of revenue in accordance with the disclosure requirements of the new standard.

The standard contains a single model that applies to contracts with customers and two approaches to recognising revenue: at a point in time or over time. The model features a contract-based five step analysis of transaction to determine whether, how much and when revenue is recognised.

### **Sale of Goods and Services – From 1 July 2018**

To determine whether to recognise revenue, the Company follows a 5-step process:

- 1 – Identifying the contract with a customer
- 2 – Identifying the performance obligations
- 3 – Determining the transaction price
- 4 – Allocating the transaction price
- 5 – Recognising revenue when/as performance obligation(s) are satisfied

Revenue is recognised either at a point in time or over time, when (or as) the Company satisfies performance obligations by transferring the promised goods or services to its customers.

If the company satisfies a performance obligation before it received the consideration, the company recognises a receivable in its statement of financial position, depending on whether something other than the passage of time is required before the consideration is due.

### Sale of Goods

Revenue from the sale of metal stock for the agreed price is recognised when the company transfers the control of the goods to the customers. The goods represent a single performance obligation over which the control is considered to transfer at a point in time.

#### Sale of Goods – Before 1 July 2018

Revenue from the sale of goods is recognised when the company has transferred to the buyer the significant risks and rewards of ownership and use of the goods. Risks and rewards are considered transferred to the buyer at the time of the delivery of the goods to the customer.

#### **Revenue contracts**

As soon as the outcome of a construction contract can be estimated reliably, contract revenue and expenses are recognised in the profit or loss in proportion to the stage of completion of the contract. Contract revenue includes the initial amount agreed in the contract plus any variations in contract work.

The stage of completion is assessed by reference to surveys of work performed. When the outcome of a contract cannot be estimated reliably, contract revenue is recognised only to the extent of contract costs incurred that are likely to be recoverable. An expected loss on a contract is recognised immediately in profit or loss.

#### **LEASE PAYMENTS**

Payments made under operating leases are recognised in the profit or loss on a straight-line basis over the term of the lease.

#### **INCOME TAX EXPENSE**

Income tax expense comprises current and deferred tax. Income tax expense is recognised in the profit or loss except to the extent that it relates to items recognised directly in other comprehensive income or equity, in which case it is recognised in other comprehensive income or equity.

Current tax is the expected tax payable on the taxable income for the year, using tax rates enacted or substantively enacted at the reporting date, and any adjustment to tax payable in respect of previous years.

Deferred tax is recognised using the balance sheet method, providing for temporary differences between the carrying amounts of assets and liabilities for financial reporting purposes and the amounts used for taxation purposes.

Deferred tax is not recognised for the following temporary differences: the initial recognition of goodwill, the initial recognition of assets or liabilities in a transaction that is not a business combination and that affects neither accounting nor taxable profit, and differences relating to investments in subsidiaries and jointly controlled entities to the extent that they probably will not reverse in the foreseeable future. Deferred tax is measured at the tax rates that are expected to be applied to the temporary differences when they reverse, based on the laws that have been enacted or substantively enacted by the reporting date.

A deferred tax asset is recognised to the extent that it is probable that future taxable profits will be available against which temporary difference can be utilised. Deferred tax assets are reviewed at each reporting date and are reduced to the extent that it is no longer probable that the related tax benefit will be realised.

#### **CASH & CASH EQUIVALENTS**

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short term-highly liquid investments with original maturities of three months or less, and bank overdrafts.

Bank overdrafts are shown in current liabilities in the statement of financial position.

#### **CONSOLIDATION**

The Company has two 100% owned subsidiary companies that are consolidated into the financial statements

The basis of consolidation: The purchase method is used to prepare the consolidated financial statements, which involves adding together like items of assets, liabilities, equity, income and expenses on a line-by-line basis.

The Company consolidates as subsidiaries in the Group financial statements all entities where the Company has the capacity to control their financing and operating policies so as to obtain benefits from the activities of the entity. This power exists where the Company controls the majority voting power on the governing body, or where such policies have been irreversibly predetermined by the Company, or where the determination of such policies is unable to materially impact the level of potential ownership benefits that arise from the activities of the subsidiary.

The Company measures the cost of a business combination as the aggregate of the fair values, at the date of exchange, of assets given, liabilities incurred or assumed, in exchange for control of the subsidiary plus any costs directly attributable to the business combination.

Any excess of the cost of the business combination over the Company's interest in the net fair value of the identifiable assets, liabilities and contingent liabilities is recognised as goodwill. If the Company's interest in the net fair value of the identifiable assets, liabilities, contingencies recognised exceeds the cost of the business combination, the difference will be recognised immediately in the profit or loss.

Investments in subsidiaries are carried at cost in the Company's own "parent entity" financial statements.

Intra-group balances, and any unrealised income and expenses arising from intra-group transactions, are eliminated in preparing the consolidated financial statements. Unrealised losses are eliminated in the same way as unrealised gains, but only to the extent that there is no evidence of impairment.



# Report to Council



**DATE:** 24 June 2021

**TO:** Mayor and Councillors

**FROM:** Westland Holdings Board

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## Destination Westland Limited Longer Term Structure Review

### 1. Summary

- 1.1. The purpose of this report is to provide Council with a series of options for the longer term governance structure of Destination Westland Limited (DWL) and provide a recommendation for the preferred option.
- 1.2. This issue arises from a commitment made during the council meeting held on the 25 June 2020, where Westland Holdings Limited (WHL) agreed to complete a review of DWL's governance structure and provide an update to council February 2021.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council support option 4.6 to establish a transitional independent board for Destination Westland Limited at a cost of remuneration of \$56,000 p.a. Attached as **Appendix 1**.

### 2. Background

- 2.1. At the council meeting held on the 25 June 2020, WHL agreed to complete a review of DWL's governance structure and present this review to council in February 2021.

### 3. Current Situation

- 3.1. The current situation for DWL is that the business has now stabilised, the business has set a new strategy to return to profitability quickly and all structural changes have been completed. The business is significantly smaller than it was but is showing strong positive signs of growth. The board of WHL has now completed the review of DWL's longer term governance structure based on the new strategy.

## 4. Options

Option	Description	Advantages	Disadvantages
4.1	Reinstate an independent board with 3-4 directors	<ul style="list-style-type: none"> <li>Creates independent governance from WHL and Council</li> <li>Directors solely focused on DWL</li> </ul>	<ul style="list-style-type: none"> <li>Increases DWL costs significantly</li> <li>Costs associated with recruitment</li> <li>Negative public perception based on changes completed June 2020</li> <li>Lack of continuity for DWL</li> </ul>
4.2	WHL Board to continue to as the shadow board for DWL	<ul style="list-style-type: none"> <li>Lower costs for DWL</li> <li>Consistent governance for the DW post changes</li> </ul>	<ul style="list-style-type: none"> <li>No independence from WHL</li> <li>No remuneration and increased workload for WHL directors</li> <li>Focus of WHL directors weighted towards DWL vs Westroads</li> </ul>
4.3	Amalgamate DWL into WHL	<ul style="list-style-type: none"> <li>Reduces costs (directors fees, reporting costs etc)</li> </ul>	<ul style="list-style-type: none"> <li>Issues with Airport, risks around ownership and connection to council</li> <li>Cost to change CAA certification.</li> <li>Reduced governance oversight</li> </ul>
4.4	WHL Board to continue with an extra Director (DWL Chair)	<ul style="list-style-type: none"> <li>Cheaper option</li> <li>Stronger focus on DWL and WHL</li> </ul>	<ul style="list-style-type: none"> <li>No independence from WHL</li> <li>Workload still increased for WHL Directors</li> </ul>
4.5	Appoint a Chairperson to DWL and three Directors of WHL to continue as board	<ul style="list-style-type: none"> <li>Cheaper than appointing a full Board.</li> <li>Chair will be able to learn about DWL with WHL Directors in place</li> <li>Reduce WHL workload</li> </ul>	<ul style="list-style-type: none"> <li>Still heavy workload for WHL directors</li> <li>Some independence from WHL, but still blurred</li> </ul>
4.6 Recommended option	2 to 3 year transitional board, bring on one new director at a time and release a WHL board member with a goal to replace all three WHL directors	<ul style="list-style-type: none"> <li>Continuity for the business and CE</li> <li>Creates stable governance as the business implements its new strategy</li> <li>Work towards achieving independence again</li> <li>Assists with WHL's desire to improve local governance as there would be an ability to initially bring on less experienced directors</li> </ul>	<ul style="list-style-type: none"> <li>Initial lack of independence year 1</li> <li>Cost for DWL as remuneration would need to be included for directors, albeit at a much smaller scale based on current DWL operation (Proposed remuneration presented in Analysis of options section 8)</li> </ul>

	over a 2 to 3 year period	supported by transitional board	
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## 5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified:

5.1.1. DWL's ability to fund increased directors' costs. A budget has been produced and attached as appendix 1 showing increased costs and DWL's ability to fund these costs.

5.1.2. Ability to attract quality directors at revised remuneration levels, the transitional board approach allows us to bring on less experienced and preferably locally based directors and build their experience over the transitional period.

## 6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

## 7. Significance and Engagement

7.1. The level of significance has been assessed as low as the governance structure of DWL is ultimately WHL's responsibility.

7.2. No public consultation is considered necessary.

## 8. Assessment of Options (including Financial Considerations)

Option	Description	Financial Impact
4.1	Reinstate an independent board with 4 directors	Director fees circa \$70,000 to \$90,000 Recruitment costs \$20,000 to \$30,000
4.2	WHL Board to continue to as the shadow board for DWL	No cost
4.3	Amalgamate DWL into WHL	Amalgamation costs circa \$20,000 to \$30,000
4.4	WHL Board to continue with an extra Director (DWL Chair)	New Director cost \$20,000
4.5	Appoint a Chairperson to DWL and three Directors of WHL to continue as board	New DWL Chair \$26,000
4.6	2 to 3 year transitional board, bring on one new director at a time and release a WHL board member with a goal to	Chair \$26,000 Directors x 2 \$15,000 <b>Total cost to DWL \$56,000</b>

Recommended option	replace all three WHL directors over a 2 to 3 year period	
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## 9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 4.6.

9.2. The reason that Option 4.6 has been identified as the preferred option is that it makes the most sense for a longer term solution for DWL. It provides stability for the business but at the same time starts the transition back to a realistic governance structure and aligns with Westroads Limited, leading to the focus for WHL to revert back to governance oversight.

9.3. The remuneration proposed would commence from the April 2021 quarter if supported. The directors fees have been assessed based on the current size of DWL, the risk associated for directors given the business includes an airport business and further market assessment completed, placing the level of remuneration at the lower quartile which would be appropriate at this time. The total remuneration is substantially less than prior to the structural changes, circa \$40,000pa less.

## 10. Recommendation(s)

10.1. That the report be received.

10.2. That Council supports option 4.6 to establish a transitional Independent board for Destination Westland Limited at a cost of \$56,000 p.a.

**Joanne Conroy**  
**Chair Westland Holdings Limited**

**Appendix 1:** Destination Westland Limited Budget inclusive of new directors.

**Appendix 1: Destination Westland Limited Budget inclusive of new directors.**

**Destination Westland Limited  
Profit & Loss Budget  
For the year ended 30 June 2022**



	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Total
Revenue	213,742	219,177	216,992	218,712	218,712	216,012	231,622	223,412	430,112	221,712	235,212	236,612	2,882,028
<b>Less Expenditure</b>													
Expenses	109,774	113,804	112,619	115,629	114,699	113,289	118,224	124,039	241,959	134,504	111,989	113,899	1,524,424
Repairs & Maintenance	15,515	16,015	14,515	15,515	16,015	16,265	15,515	16,015	14,515	15,515	16,015	14,515	185,930
Employment Costs	64,414	69,154	74,409	71,429	72,264	74,409	85,664	82,079	82,669	71,039	66,689	65,009	879,229
Depreciation	17,265	17,265	24,465	17,265	17,265	17,265	17,620	17,620	17,620	17,620	17,620	17,620	216,510
Finance Costs	4,465	4,460	4,455	4,445	4,440	4,425	4,420	4,415	4,410	4,405	4,400	4,395	53,135
	211,433	220,698	230,463	224,283	224,683	225,653	241,443	244,168	361,173	243,083	216,713	215,438	2,859,228
<b>Total Company Profit/(loss)</b>	<b>2,309</b>	<b>-1,521</b>	<b>-13,471</b>	<b>-5,571</b>	<b>-5,971</b>	<b>-9,641</b>	<b>-9,821</b>	<b>-20,756</b>	<b>68,939</b>	<b>-21,371</b>	<b>18,499</b>	<b>21,174</b>	<b>22,800</b>

**Notes & Assumptions:**

- 1 Assumed Management Fees in Draft Annual Plan accepted without change
- 2 Assumed Head Office Space continued
- 3 Includes Proposed Directors Fees at 100%
- 4 Assumes no increase to GCH Revenue for another 12 months due to boarder restriction
- 5 Wildfoods Budget included at breakeven
- 6 Assumes increase in Aged Care Rentals
- 7 Assumes continued management of Aged Care Housing
- 8 Assumes AirNZ schedule unchanged

# Report to Council



**DATE:** 24 June 2021  
**TO:** Mayor and Councillors  
**FROM:** Finance Manager

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## **FINANCIAL PERFORMANCE: MAY 2021**

### **1. Summary**

- 1.1. The purpose of this report is to provide an indication of Council's financial performance for eleven months to 31 May 2021.
- 1.2. This issue arises from a requirement for sound financial governance and stewardship with regards to the financial performance and sustainability of a local authority.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council receive the financial performance report to 31 May 2021.

### **2. Background**

- 2.1. Council receives monthly financial reporting so that it has current knowledge of its financial performance and position against budgets. A more detailed performance report is presented to the Audit and Risk Committee on a quarterly basis which includes non-financial information against KPI's adopted through the Long Term Plan.
- 2.2 The Audit and Risk Committee received a report to the end of March 2021 and did not find any issues of concern.

### **3. Current Situation**

- 3.1. The financial performance report has had some changes made to the format and the actual data presented.
- 3.2. The information in the report is now of a more summarised nature, with only permanent variances over \$25,000 having comments. Temporary differences which are mainly budget

phasing are not commented on as these will either approximate budget by the end of the financial year, or become a permanent variance which will be noted.

3.3. With the inclusion of the sustainability report, it is not necessary to include such detail to Council in the financial report, as the key business indicators are included in the sustainability report.

3.4. The financial performance report to 31 May 2021 is attached as **Appendix 1** and contains the following elements;

3.4.1. Sustainability report

3.4.2. Statement of Comprehensive Revenue and Expense

3.4.3. Notes to the Statement of Comprehensive Revenue and Expense

3.4.4. Statement of Financial Position

3.4.5. Revenue and Expenditure Graphs

3.4.6. Debtors

3.4.7. Debt position

3.4.8. Capital expenditure

#### **4. Options**

4.1. Option 1: The Council receives the Financial Performance Report to May 2021

4.2. Option 2: The Council does not receive the Financial Performance Report to May 2021

#### **5. Risk Analysis**

5.1. Risk has been considered and no risks have been identified.

#### **6. Health and Safety**

6.1. Health and Safety has been considered and no items have been identified.

#### **7. Significance and Engagement**

7.1. The level of significance has been assessed as being low as the report is for information purposes only.

7.2. No public consultation is considered necessary.

#### **8. Assessment of Options (including Financial Considerations)**

8.1. Option 1: The Council receives the report. This report is to inform Council on the monthly financial position and to encourage financial stewardship.

8.2. There are no financial implications to this option.

8.3. Option 2: If the Council does not receive the report there will be no oversight of the financial position of Council or whether the costs of Council are being managed in line with budgets.

8.4. There are no financial implications to this option.

#### **9. Preferred Option(s) and Reasons**

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that the report is administrative in nature and to do nothing would create a financial risk to Council. Council would be carrying out its administrative stewardship in receiving the report.

## **10. Recommendation(s)**

10.1. That the Financial Performance Report for May 2021 be received.

**Prabath Jayawardana**  
**Finance Manager**

**Appendix 1:** Financial Performance to May 2021



## Appendix 1.



# Financial Performance Year to May 2021

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## Sustainability Report

Total revenue	Total expenditure	Total surplus/(deficit)
<b>\$33.70M</b>	<b>\$24.32M</b>	<b>\$9.38M</b>
Is 52.76% more than the total budget of \$22.06M	Is 8.81% more than the total budget of \$22.35M	Against a budgeted deficit of \$(0.29M)

### SUSTAINABILITY

#### Rates to operating revenue 41.86%

Rates Revenue	\$14.11M
Operating Revenue	\$33.70M

41.86% of operating revenue is derived from rates revenue. Rates revenue includes penalties, water supply by meter and is gross of remissions. Operating revenue excludes vested assets, and asset revaluation gains.

#### Balanced budget ratio 138.57%

Operating revenue	\$33.70M
Operating expenditure	\$24.32M

Operating revenue should be equal or more than operating expenditure. Operating revenue excludes vested assets and asset revaluation gains. Operating expenditure includes depreciation and excludes landfill liability and loss on asset revaluations. Year to date revenue is 138.57% of operating expenditure.

#### Interest to rates revenue (LGFA Cov.) 3.57%

Net interest and finance costs	\$0.50M
Rates Revenue	\$14.11M

3.57% of rates revenue is paid in interest. Our set limit is 25% of rates revenue. Net interest is interest paid less interest received. Rates revenue includes penalties, water supply by meter and gross of remissions.

#### Interest to operating revenue 1.50%

Net Interest and finance costs	\$0.50M
Operating revenue	\$33.70M

1.50% of operating revenue is paid in interest. Our set limit is 10% of operating revenue. Net interest is interest paid less interest received.

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**Liquidity Risk (LGFA Cov.)****166%**

Gross debt	\$20.82M
Undrawn committed facilities	\$3.98M
Cash and cash equivalents	\$9.85M

The liquidity risk policy requires us to maintain a minimum ratio of 110% which is also an LGFA covenant. Council's current liquidity risk is 166%

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**Essential services ratio****142.73%**

Capital expenditure	\$7.63M
Depreciation	\$5.35M

Capital expenditure should be equal or more than depreciation for essential services. Year to date capex is 142.73% of depreciation. Essential Services are Water Supply, Wastewater, Stormwater, and Roading.

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## Statement of Comprehensive Revenue and Expense

Statement of Comprehensive Revenue and Expense							
For the period ended May 2021							
	Notes	Full Year Forecast (\$000)	Full Year Budget (\$000)	YTD Budget (\$000)	Actual YTD (\$000)	Variance YTD (\$000)	Var/Bud %
<b>Revenue</b>							
Rates	01	15,777	15,907	14,235	14,105	(130)	-0.92%
Grants and subsidies	02	9,742	5,593	5,087	16,203	11,116	218.51%
Interest Revenue		38	43	40	35	(5)	-12.35%
Fees and Charges	03	1,915	1,947	1,789	1,757	(32)	-1.80%
Other revenue	04	1,898	1,209	910	1,600	690	75.79%
<b>Total operating revenue</b>		<b>29,370</b>	<b>24,700</b>	<b>22,061</b>	<b>33,700</b>	<b>11,639</b>	<b>52.76%</b>
<b>Expenditure</b>							
Employee Benefit expenses	05	4,612	4,236	3,875	4,250	376	9.69%
Finance Costs	06	611	867	794	539	(256)	-32.20%
Depreciation	07	7,406	7,141	6,546	6,811	265	4.05%
Other expenses	08	13,957	12,373	11,135	12,720	1,585	14.23%
<b>Total operating expenditure</b>		<b>26,586</b>	<b>24,616</b>	<b>22,350</b>	<b>24,319</b>	<b>1,970</b>	<b>8.81%</b>
<b>Operating Surplus/(Deficit)</b>		<b>2,785</b>	<b>84</b>	<b>(289)</b>	<b>9,380</b>	<b>9,669</b>	

## Notes to the Statement of Comprehensive Revenue and Expense

*Comments were provided on permanent variances over \$25,000.*

### **01 Rates**

Rates income is lower than planned mainly due to decrease in metered water charges due to reduced tourism activities in the region.

### **02 Grants and subsidies**

The variance of \$11.12m is mainly due to unbudgeted grants received for below projects;

- \$3.550m for 3 Waters Reform projects
- \$2.56m for Old Christchurch Road project and Cron street extension project
- \$400k for Jackson Bay wharf project
- \$400k for Hokitika Swimming Pool
- \$539k for Community halls and War memorial renovation projects
- \$2.6m for Butlers new cell development project
- \$1.1m for Carnegie building project
- \$600k for Mayors task force job funding project
- \$128k for Waterfront development project
- \$73k received from NZ Libraries Partnership programme towards library staff cost
- \$122k for Haast potable water storage project

These favourable variances are partially offset by lower than planned variances from NZTA subsidy (\$601k), Responsible camping operational grants (\$215k) and grant received for Cass Square (\$275k). This is mainly due to operational reasons and budget phasing.

Although the YTD actual grant income is \$16.2m, only a portion of this will be recognized as income in this financial year based on spending and the remaining portion will be recognised in future years when grant conditions are met. This adjustment will be made at the year end and hence does not reflect in the YTD actual. However we have estimated that the forecast grant income for the year will be \$9.7m based on forecasted spending and adjusted the grant income under full year forecast column to indicate the end of year position.

### **03 Fees and charges**

Actual income is lower than planned mainly due to reduced refuse site fees (\$111k) and Trade waste fees (\$31k) due to low tourism activities in the region. This unfavourable variance is partially offset by the higher than expected LIM fees of \$41k and building processing fees of \$45k due to growing interest in the property market and unbudgeted parking site fees of \$26k charged to few customers in lieu of parking spaces.

### **04 Other Revenue**

Actual income is higher than planned mainly due to a gain on swaps (\$384k) as a result of movement in market forces such as interest rates, Civil defence recoveries on the 2019-20 flood events (\$210k) and 3W infrastructure stocktake & water connection recoveries income (\$69k) none of which were budgeted for.

**05 Employee benefit expenses**

Actual salary cost is higher than planned due to additional grant funded library roles, establishment of an In-house Human Resources function and transfer of museum staff to Council from Destination Westlands Limited during the year none of which were budgeted for.

**06 Finance costs**

This variance is mainly due to lower than expected interest rate prevailing in the market and efficient liquidity management.

**07 Depreciation and amortisation**

Actual depreciation is higher than anticipated due to capitalisation of some significant Roding assets and Franz Josef Wastewater assets in last (2019-20) Financial year.

**08 Other expenses**

The variance is mainly due to unbudgeted expenditure incurred on Mayors Task Force for Jobs programme (\$201k) which is fully grant funded, Waste levy charges incurred on relocating fox landfill waste to Butlers (\$141k) which will be refunded by the Ministry of Environment and unbudgeted roading expenditure such as; drainage maintenance is \$320k higher than planned due to effects of 2019 storm events, \$309k spent on additional bridge inspections, \$297k on special purpose road repairs and \$119k on storm damage emergency repairs. The roading expenditure is fully or partially subsidised by NZTA and therefore the true variance that is due to unbudgeted additional grant is \$258k.

## Statement of Financial Position

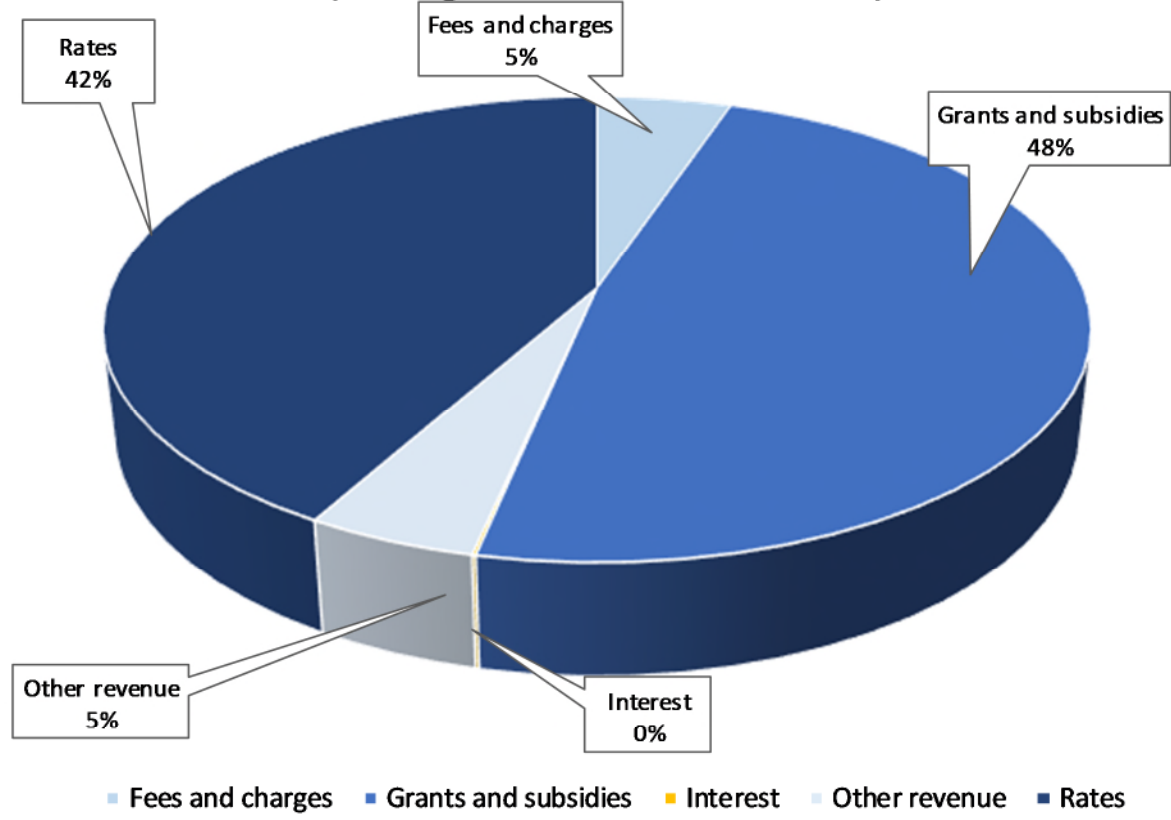
Statement of Financial Position			
For the period ended May 2021			
	May 2021 (\$000)	Annual Plan 20/21 (\$000)	Actual 19/20 (\$000)
<b>Current Assets</b>			
Cash & cash equivalents	9,696	3,689	5,123
Debtors & other receivables	4,096	5,251	4,211
Other financial assets	-	-	48
<b>Total Current Assets</b>	<b>13,792</b>	<b>8,941</b>	<b>9,382</b>
<b>Non-current Assets</b>			
Council Controlled Organisation	8,695	8,695	8,695
Intangible assets	54	329	74
Assets Under Construction	13,989	1,474	2,955
Other Financial Assets	417	366	314
Property, Plant and Equipment	399,107	407,540	405,665
<b>Total Non-current assets</b>	<b>422,262</b>	<b>418,405</b>	<b>417,703</b>
<b>Total Assets</b>	<b>436,055</b>	<b>427,346</b>	<b>427,085</b>
<b>Current Liabilities</b>			
Creditors & other payables	2,148	2,807	3,407
Employee benefit liabilities	544	374	476
Tax payable	3	3	3
Borrowings	-	-	3,000
Derivative financial instruments	-	-	34
Other	408	395	425
<b>Total Current Liabilities</b>	<b>3,103</b>	<b>3,579</b>	<b>7,345</b>
<b>Non-current Liabilities</b>			
Borrowings	20,818	25,626	16,618
Employee benefit liabilities	41	38	42
Provisions	2,040	2,222	2,040
Derivative financial instruments	642	673	1,097
Other Non-current liabilities	32	32	32
<b>Total Non-Current Liabilities</b>	<b>23,573</b>	<b>28,591</b>	<b>19,829</b>
<b>Total Liabilities</b>	<b>26,677</b>	<b>32,170</b>	<b>27,174</b>
<b>Net Assets</b>	<b>409,378</b>	<b>395,175</b>	<b>399,912</b>
<b>Equity</b>			
Retained earnings	160,552	142,381	151,089
Restricted Reserves	9,040	10,774	9,038
Revaluation reserves	239,721	241,956	239,721
Other comprehensive revenue and expense reserve	64	64	64
<b>Total Equity</b>	<b>409,378</b>	<b>395,175</b>	<b>399,912</b>

### Note:

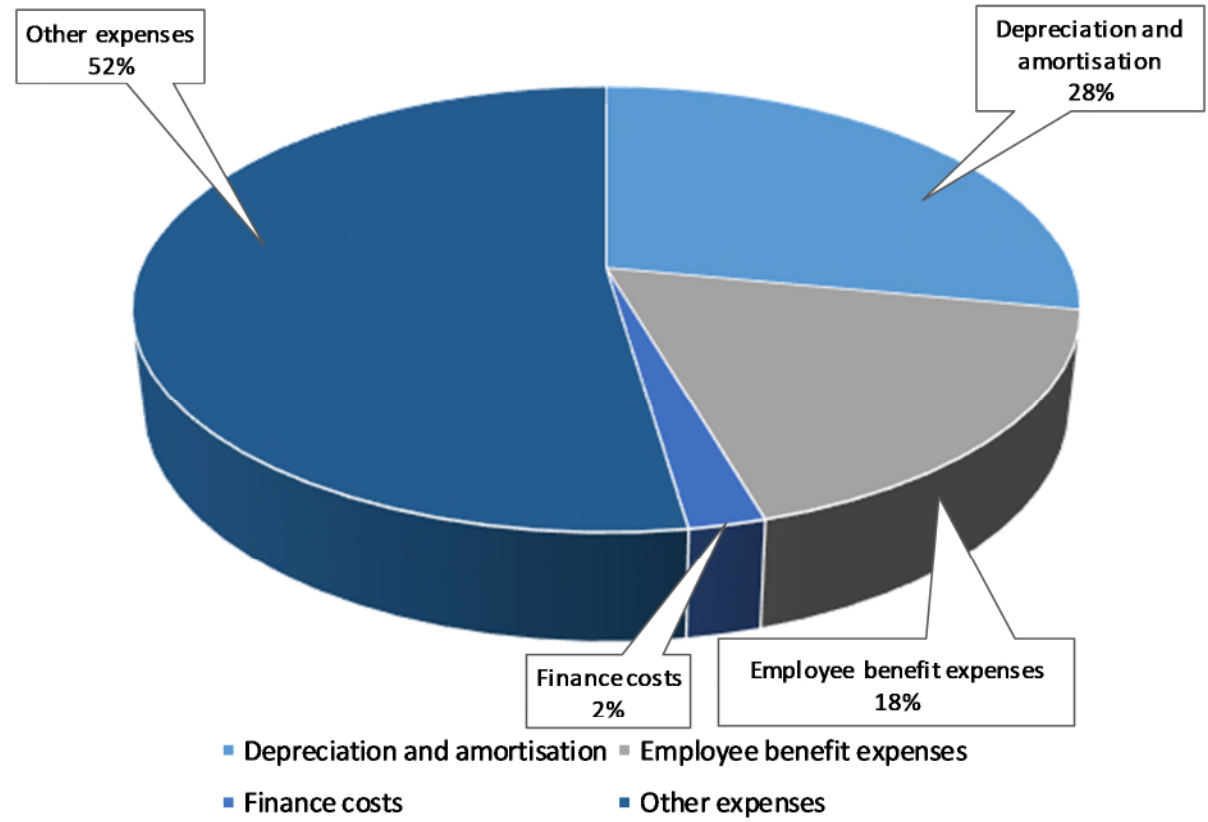
Cash & Cash Equivalents	\$
Unbudgeted Grants	6,865
Bank balance from operations	2,831
	<u>9,696</u>



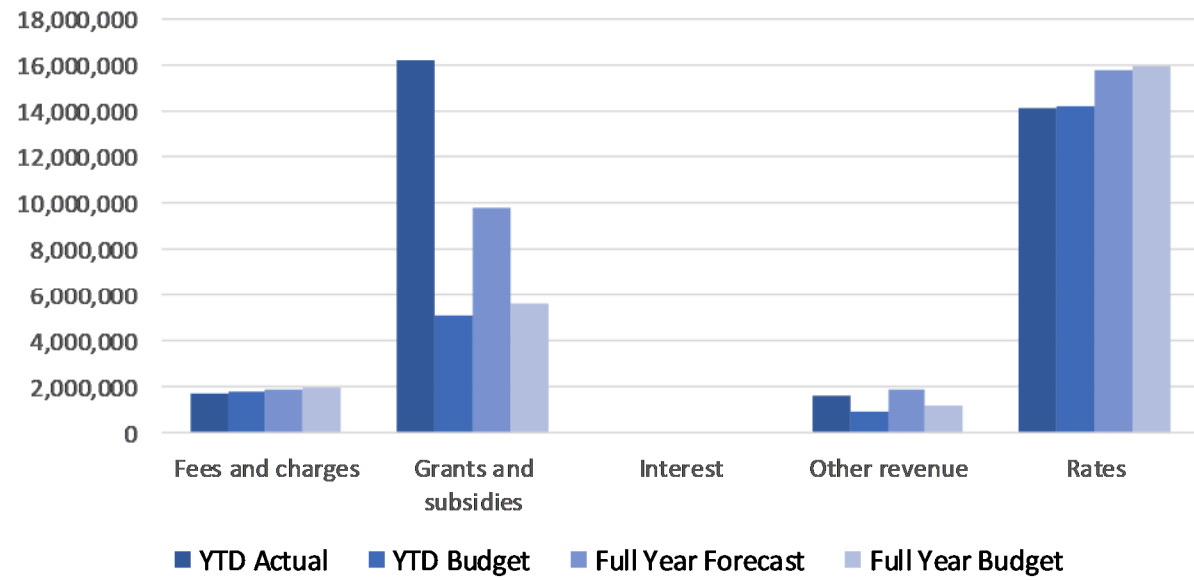
Operating Revenue Actual Year to May



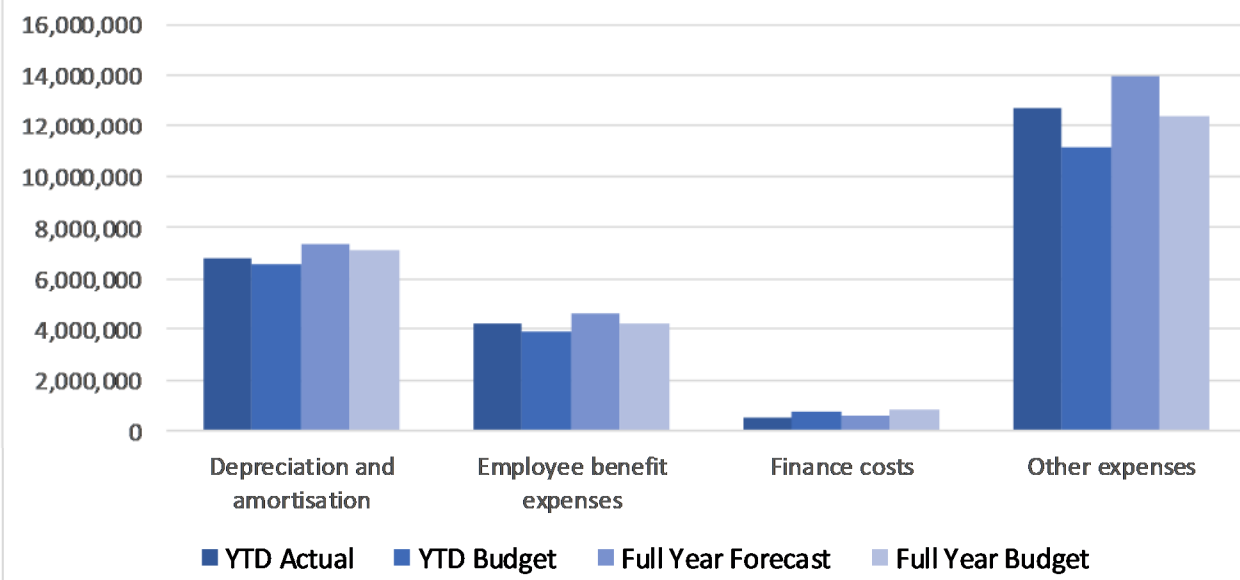
Operating Expenditure Actual Year to May



Operating revenue



Operating expenditure



## Debtors as at 31 May 2021

Type	Over 90 Days	60-90 Days	30-60 Days	Current	Total (\$)
Building Consents	30,934	1,311	5,201	6,968	44,413
Building Warrants	145	-	-	10	155
Resource Consents	-	26	1,000	(602)	424
Sundry Debtors	51,585	15,419	82,057	1,803,325	1,952,386
<b>Grand Total</b>	<b>82,665</b>	<b>16,756</b>	<b>88,258</b>	<b>1,809,701</b>	<b>1,997,379</b>

## Rates Debtors as at 31 May 2021

<b>Rates Debtors at 30 April 2021</b>		<b>3,087,687</b>
Rates instalment		
Less payments received	-2,308,072	
Paid in advance change	111,458	
Previous years write off's	-18,377	
Write off's	-48	
Penalties	-581	
Discounts	-125	
Court Cost	457	
		-2,215,287
<b>Total Rates Debtors at 31 May 2021</b>		<b>872,400</b>
Arrears included above at 31 May 2021	872,400	
Arrears at 31 May 2020	1,003,450	
<b>Increase/(decrease) in arrears</b>		<b>-131,050</b>

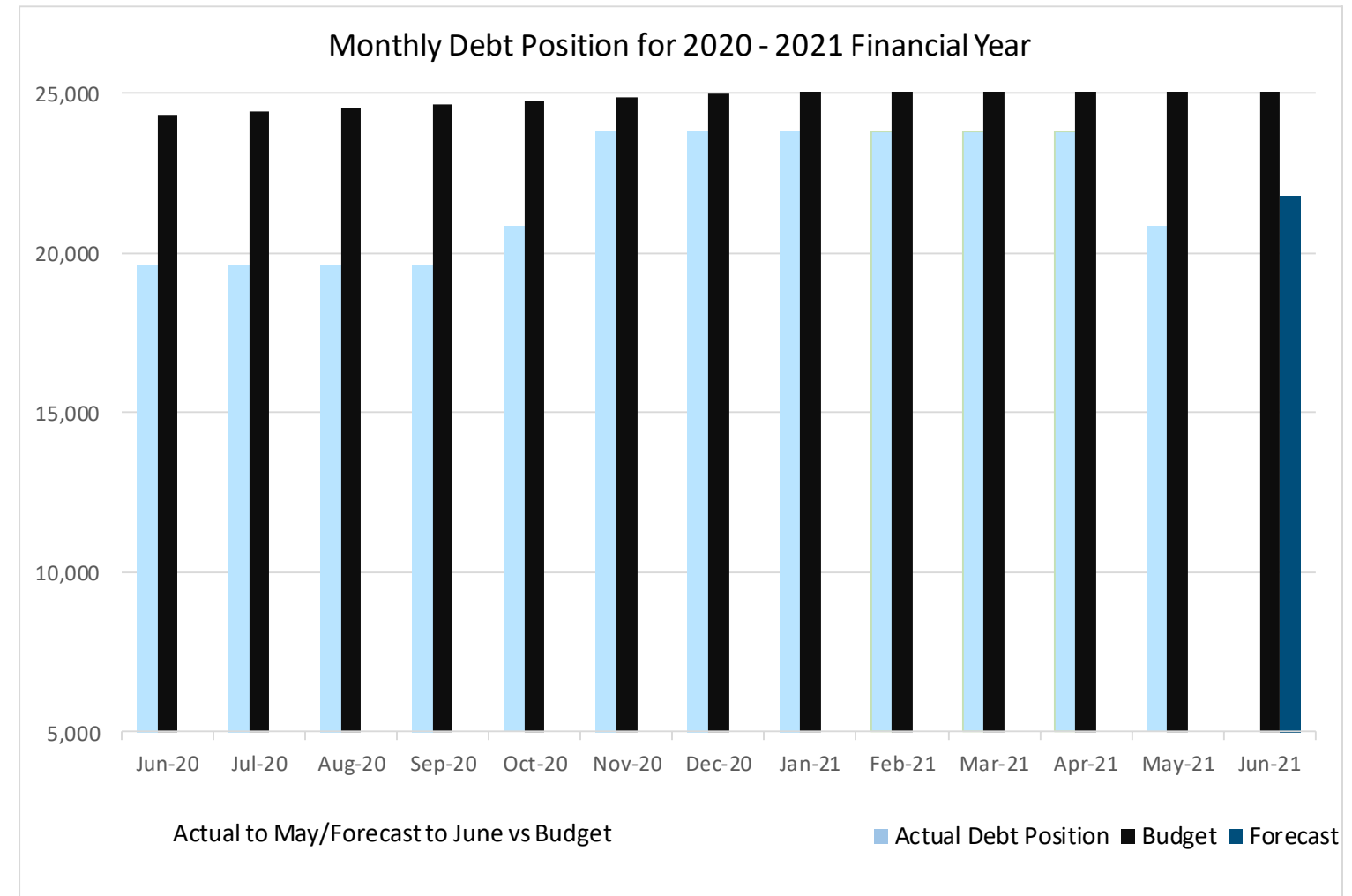
## Debt Position

### Debt Position 2020/2021 (\$000)

	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
Actual Debt Position	19,618	19,618	19,618	19,618	20,818	23,818	23,818	23,818	23,818	23,818	23,818	20,818	
Budget	24,339	24,446	24,554	24,661	24,768	24,875	24,983	25,090	25,197	25,304	25,412	25,519	25,626
Forecast													21,772

### Forecast Debt Position for 2020-2021 Financial Year

Forecast as at	<b>Jun-21</b>
Opening Balance	19,618
Loan funded capex forecast	6,354
Forecast repayments 2020-21	-4,200
<b>Forecast balance June 2021</b>	<b>21,772</b>



## Capital Expenditure

CAPITAL EXPENDITURE 2020-2021								
	Budgets		YTD Actual Expenditure	Budget Remaining	YTD Spent %	Notes	Commitments	Commitment as a % of Budget Remaining
	2019-2020 Carried Forward Budget	Full Year Annual Plan (AP)						
Leadership	51,810	371,112	290,352	194,662	69%	Main projects included in this section are Council HQ refurbishment project, Refurbishment of visitor area project, Council HQ generator project, Website development and teleconferencing equipment projects. All the projects are on track except for the refurbishment of the visitor centre area project which is on hold pending further discussions around the location of Council Chambers. Also included is the purchase of the motor vehicle for the CEO.	72,194	37%
Planning & Regulatory Services	-	6,000	-	6,000	0%	This is the Noise meter project which has been ordered in May.	7,740	129%
Facilities, and Leisure Services - Park & Reserves	102,278	847,710	29,463	929,948	3%	The main projects included in this section are Cass Square development projects (New Toilet, upgrade of playground equipment etc.), enhancement of WCWT project, Ross and Whataroa playground equipment upgrade projects. The Cass Square new toilets and the pavilion building improvements are now on hold as they are tied to the Masterplan for Cass Square and the race course. Apart from the proposed dog park which is not expected to be completed in this financial year, all projects are on track to be completed.	50	0%
Facilities, and Leisure Services - Other	1,815,857	1,291,395	1,851,986	1,668,987	60%	Some of the major projects included in this section are Pakiwaitara/Mountain Jade Building purchase project (Completed), Carnegie building project, Civil Defence emergency projects (Containers & Operations centre), Hokitika swimming pool and Hokitika and Franz Josef revitalization plan projects. The Hokitika swimming pool works will not commence until winter and are not expected to be completed in this financial year. Some minor museum works are on hold. All other projects with the exception of Jacksons Bay Wharf, are expected to be completed as planned in this financial year.	899,713	54%

Solid Waste	183,523	515,000	253,327	534,381	36%	The Butlers intermediate capping project has been postponed until 2022 due to post Covid stimulus funding received to transfer the Fox Landfill waste to Butlers Landfill. The Fox Glacier landfill armoring project has been cancelled also due to the stimulus funded programme. Franz Josef landfill armoring, Haast capping, Hari Hari and Neils Beach landfill are all on hold. The remaining projects have either been completed or are expected to be completed as planned.	12,845	2%
Stormwater	1,625,312	1,382,240	172,151	2,835,401	6%	The Hokitika stormwater mains replacement and new developments are on hold and the Jollie St extension has been deferred until 2021/22. The design and scope of the Livingstone St pump upgrade is in progress but this project is not likely to be completed in this financial year. The Hokitika pump upgrades at Rolleston and Hoffman have also been deferred.	50,345	2%
Transportation	-	2,776,940	1,938,227	1,204,730	70%	All capital projects will be completed before the year end as planned. Some of the major projects included here are Sealed Road Resurfacing (completed), Unsealed Road Metalling, Structures Component Replace project, Drainage Renewals, Sealed Road Pavement Rehabilitation project, Local and SPR Low Cost Low Risk resilience project (also completed).	24,929	2%
Wastewater	1,532,881	2,681,156	375,524	3,844,554	9%	All the projects are on track to complete in this financial year except for the Hokitika Outfall structure project which was cancelled due to change in project scope. However this has been replaced by the WWTP upgrade project which is being funded by post Covid stimulus funding. Other Major projects included in here are Franz Josef Pump Station Upgrade project which is now complete, Hokitika and Franz Josef Waste Water Mains Replacement projects.	92,965	2%

Water Supply	1,144,069	1,335,550	588,573	2,059,230	24%	The Fox Glacier Plant and mains upgrade projects had been awarded and is progressing but not expected to be completed this financial year. The Ross new intake project is currently under construction. Construction has commenced at the Arahura water treatment plant but is not expected to be completed in this financial year. Some projects have been deferred but all other projects, including the Ross alternative water source, are on track to be completed.	522,101	25%
<b>Total Capital Expenditure</b>	<b>6,455,730</b>	<b>11,207,103</b>	<b>5,499,603</b>	<b>13,277,893</b>	<b>31%</b>	Due to the lags in receiving invoices from some major contractors, the value of outstanding commitments are now incorporated to provide a better indication of progress.	<b>1,682,883</b>	<b>13%</b>
<b>Projects in WIP from 2019-2020</b>	<b>656,901</b>	<b>-</b>	<b>701,105</b>	<b>119,366</b>	<b>107%</b>	The main projects included in this section are Sunset point development project which is almost complete and Franz Josef - Mains upgrade programme. All projects are on track to be completed in this financial year.	<b>29,561</b>	<b>25%</b>
<b>Total Unbudgeted Capital Expenditure</b>	<b>18,168,712</b>	<b>-</b>	<b>4,956,337</b>	<b>13,952,163</b>	<b>27%</b>	The main projects included here are the sealing of Old Christchurch Road (\$1.5M PGF grant funded), Butlers new cell development project (\$3.3M) which is on track but not expected to be completed in this financial year and the Stimulus Funded 3Waters Reform projects (\$6.9M) which are commencing as contracts are being awarded.	<b>6,348,822</b>	<b>46%</b>
<b>Total Capital Expenditure</b>	<b>25,281,343</b>	<b>11,207,103</b>	<b>11,157,045</b>	<b>27,349,422</b>	<b>31%</b>		<b>8,061,266</b>	<b>29%</b>

# Report to Council



**DATE:** 24 June 2021  
**TO:** Mayor and Councillors  
**FROM:** Finance Manager

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## RATES WRITE OFFS AND REMISSIONS 2020-21

### 1. Summary

- 1.1 The purpose of this report is to request Council approval to write off rates debts deemed uncollectable, and to apply remissions, for the financial year ended 30 June 2021.
- 1.2 This issue arises due to the provisions in Council's delegation manual that require staff to report back all the debt written off during the year to the Council.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.4 This report concludes by recommending that Council approve the write off, adjustment and remission of rates receivables and penalties totalling \$520,741 including GST [\$454,417 ex GST] for the financial year ending 30 June 2021.

### 2. Background

- 2.1 Remissions are applied in accordance with Council's Rates Remissions Policy.
- 2.2 Write offs are a last resort after Council exhausts all reasonable avenues to collect outstanding rates receivables. There are two circumstances which compromise Council's ability to recover overdue amounts:
  - 2.2.1 Section 65 of the Local Government (Rating) Act 2002 (LGRA) precludes the commencement of any court action to recover unpaid rates that are more than six years past due.
  - 2.2.2 Part 4 of the LGRA provides that Rates are not collectable on unoccupied Maori Land, unless it can be proven that income is derived from that land. To that extent, Maori Land that is vested in trustees is liable for rates only to the extent of any money derived from

the land, and that Rates on multi ownership unoccupied Maori Land are the liability of each owner only to the extent of their own interest in the land. These provisions render the rates on unoccupied Maori Land uncollectable.

### 3. Current Situation

3.1 Analyses of these adjustments are shown in the tables below:

#### 3.1.1 Adjustments by reason:

Reason	2020/2021	2019/2020
Agreement	30,211.57	27,723.88
Correction	13,849.64	23,597.12
Half Rateable	24,165.60	19,410.70
Contiguous Uniform charges	50,786.18	158,700.64
Non Rateable (DOC)	10,506.55	520.03
Non-Contiguous Remission on UAGC and Targeted Rates	74,044.78	
Paid Full Year	713.99	1,665.99
Payment Plan	1,221.37	894.00
Pre 7 Years	8,920.45	11,986.41
Subdivision	3,598.68	26,591.89
Unoccupied Maori Land	28,005.03	30,689.82
RID Review Adjustments	2,571.39	28,520.31
	<b>248,595.23</b>	<b>330,300.79</b>
<b>One off Adjustments</b>		
Destination Westland	69,021.57	-
Resolution write off	2,836.44	-
Contiguous S20&S41 LGRA – Recommend by Ombudsman	200,287.39	-
<b>Grand Total</b>	<b>520,740.63</b>	<b>330,300.79</b>

#### 3.1.2 Adjustment by type:

Action	Type	Reason	Excluding GST	Including GST
Remission	Penalties	Correction	7,828.67	7,828.67
		Rates		
	Community Remission 50%	21,013.57	24,165.60	
	Uniform charges	44,161.90	50,786.18	
	Non Rateable	9,136.13	10,506.55	
		Subdivision	3,129.29	3,598.68
	Non-Contiguous	WDC Remission Policy	64,386.77	74,044.78
<b>Remission Total</b>			<b>149,656.31</b>	<b>170,930.46</b>
Write Off	Arrears	Agreement	26,270.93	30,211.57
		Pre 7 Years	7,756.91	8,920.45
		Unoccupied Maori Land	24,352.20	28,005.03



	Penalties	Correction	2,493.82	2,493.82
		Paid Full Year	713.99	713.99
		Payment Plan	1,221.37	1,221.37
	Rates	Agreement	-	-
		Correction	3,067.09	3,527.15
RID Review Adjustments	RID 20/21	Various	2,235.99	2,571.39
<b>Write Off Total</b>			<b>68,112.30</b>	<b>77,664.77</b>
<b>Remission and write off Total</b>			<b>217,768.62</b>	<b>248,595.23</b>
<b>One off Adjustments</b>				
Resolution write off	Hokitika Community Rates	Correction	2,466.47	2,836.44
Destination Westland / Adverse Possession	100% Remission	Approved by Council (Destination Westland and Adverse Possession)	60,018.76	69,021.57
Contiguous – Recommendation by Ombudsman	S20 & S41 LGRA	Recommendation by Ombudsman	174,162.94	200,287.39
<b>One off Adjustments Total</b>			<b>236,648.17</b>	<b>272,145.40</b>
<b>Grand Total</b>			<b>454,416.79</b>	<b>520,740.63</b>

3.2 The total has increased compared to 2019/20, mainly due to one off adjustments as agreed with different parties as mentioned in the above table.

3.3 Specifically there is a write off under section 41 of LGRA, which was required by the Ombudsman for properties where it had been identified that Council had rated incorrectly and had the requirement to adhere to s41 to refund rates for the previous 5 years. Council had refunded rates for the year the rates were identified to be incorrect but had not refunded historically. Analysis has been carried out and the rates rectified. LGRA s41 does not apply where there is a change to a rates record.

3.3 The budget for rates write offs and remissions for 2020/21 is \$150,000 excluding GST. The total write offs and remissions in table 3.1.2 for 2020/2021 year amount to \$454,416.79 excluding GST which resulted in a variance of \$304,416.79. This is mainly due to the above one off adjustments which were unknown when setting up the Annual Plan budgets.

3.4 The relevant section of the remissions policy applied are in respect of properties that are:

3.4.1 Wholly or partially non-rateable pursuant to Schedule 1 of the Local Government (Rating) Act 2002.

3.4.2 Subdivisions eligible for temporary relief from multiple fixed charges.

3.4.3 Organisations providing non-commercial community services or recreational opportunities.

3.4.4 Operated as a single entity and owned by the same person eligible for relief from uniform charges.

3.5 The rating units that qualify for remissions at the start of the year are identified during the preceding year and the amount to be remitted is allowed for when the rates are struck via a redistribution in the rating information database.

#### **4. Options**

4.1. Option 1: Approve the write offs and remissions amounting to \$454,417 excluding GST.

4.2. Option 2: Do not approve the write offs and remissions.

4.3. Option 3: Approve one or either, or a proportion of those proposed.

#### **5. Risk Analysis**

5.1. Risk has been considered and no risks have been identified.

#### **6. Health and Safety**

6.1. Health and Safety has been considered and no items have been identified.

#### **7. Significance and Engagement**

7.1. The level of significance has been assessed as being low as the decision is administrative.

7.2. No public consultation is considered necessary.

#### **8. Assessment of Options (including Financial Considerations)**

8.1. Option 1 would generate a variance of \$304,417 against the budget for 2020/21. This option is consistent with Council's rates remissions policy and is prudent in respect of the write offs, since under PBE IFRS, assets must be stated at their net realisable value.

8.2. Option 2 would breach Council's rates remissions policy. Were the write offs not applied it is certain that they would require provision, which would have the same financial impact as Option 1.

8.3. Option 3 could breach Council's rates remissions policy and would still require partial provision.

#### **9. Preferred Option(s) and Reasons**

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that it is consistent with Council policy and PBE IFRS.

## **10. Recommendation**

10.1 That Council approves the total proposed rates write offs and remission of \$454,417 excluding GST for the financial year ending 30 June 2021.

**Prabath Jayawardana**  
**Finance Manager**

# Report to Council



**DATE:** 24 June 2021  
**TO:** Mayor and Councillors  
**FROM:** Transportation Manager

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## Adoption of Westland District Council Urban Berm Maintenance Policy

### 1. Summary

- 1.1. The purpose of this report is to adopt the Westland District Council (WDC) Urban Berm Maintenance Policy that has recently been developed. (Appendix 1)
- 1.2. This issue arises from a lack of any formal policy governing what urban berms are maintained by Council and what the standard of maintenance will be should an individual property owner chose not to mow their own road berm.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council adopts the proposed Urban Berm Mowing Policy.

### 2. Background

- 2.1. In 2013 the Council at the time introduced an austerity package to help reduce spending. One of the measures was the removal of urban berm mowing for the Hokitika area.
- 2.2. The Maintenance Contractors Board of Directors instructed staff to continue with this mowing but not to invoice Council for it, therefore the effect of the austerity measure was not apparent to the public.
- 2.3. The majority of Councils within NZ require residents to maintain their own berms. If not maintained then there are various policies around frequency of mowing and how to qualify for Council paid mowing of berms.
- 2.4. In general Councils will mow twice yearly or when the area becomes hazardous. Also, Councils mow when a resident is not financially and/or physically capable of mowing their berm, or will review on a case-by-case basis so as not to eliminate unique or unforeseen cases.

### 3. Current Situation

- 3.1. Presently Council has no policy regarding the mowing of urban berms.
- 3.2. The maintenance contractor has decided to begin charging Council for urban berm mowing to improve profitability for the business.
- 3.3. There is approximately 8,000m<sup>2</sup> of urban berm within Hokitika that are mowed by the contractor. This equates to approximately \$2,000 per mow (or around \$0.25/m<sup>2</sup>).

- 3.4. In general these areas are mown twice monthly on average per year, equating to a cost of approximately \$48,000 per year.
- 3.5. Presently there is no official policy for why and how Council have ended up taking over mowing of these berms. As such it leaves Council vulnerable to further residents ceasing the mowing of their own berms in favour of Council doing the work.
- 3.6. The 8,000m<sup>2</sup> presently mown by Council contractors equates to approximately 7% of the total berm area for Hokitika. Should all residents chose to insist Council mow their own berms this number could potentially reach 120,000m<sup>2</sup>. This then equates to approximately \$30,000 per mow (or up to \$720,000 per year).

#### **4. Options**

- 4.1. Option 1: Council adopts the proposed WDC Urban Berm Maintenance Policy.
- 4.2. Option 2: Council declines the proposed WDC Urban Berm Maintenance Policy as written and seeks a revision of the proposed document.

#### **5. Risk Analysis**

- 5.1. Risk has been considered and the following risks have been identified.
  - 5.1.1 Without a policy Council is vulnerable to challenge by residents whose berms are not presently mown by the Council contractor. This exposes Council to potentially significant cost increases as detailed earlier in this report.
  - 5.1.2 Without a policy there is no agreed consistency in where and why Council chooses to mow urban berms. This carries potential reputational risks for Council.

#### **6. Health and Safety**

- 6.1. Health and Safety has been considered and no items have been identified.

#### **7. Significance and Engagement**

- 7.1. The level of significance has been assessed as being low as this is merely a minor policy matter that is being resolved.
- 7.2. No public consultation is considered necessary.

#### **8. Assessment of Options (including Financial Considerations)**

- 8.1. Option 1: Council adopts the proposed WDC Urban Berm Maintenance Policy. This provides a consistent and fair approach to how and when urban berms are maintained by Council.
- 8.2. The following financial implications have been identified.
  - 8.2.1 Adoption of this policy has the potential to decrease the present ongoing costs of urban berm maintenance by providing clear guidelines into how and when Council will intervene in this maintenance activity.

#### **9. Preferred Option(s) and Reasons**

- 9.1. The preferred option is Option1: Council adopts the proposed WDC Urban Berm Maintenance Policy.
- 9.2. The reason that Option 1 has been identified as the preferred option is that this policy has already been reviewed internally by WDC Staff and the Executive Team and is deemed to be a fair and reasonable policy.

## **10. Recommendation(s)**

10.1. That the report be received.

10.2. That the Council adopts the proposed WDC Urban Berm Maintenance Policy.

**Karl Jackson**  
**Transportation Manager**

**Appendix 1:** Draft WDC Urban Berm Maintenance Policy

## 1. Reason for the Policy

Prior to April 2013 Council mowed urban road berms on a regular basis, with the exception of berms already mowed by adjacent landowners. The degree of this mowing varied between different communities and for rural townships such as Fox, Franz, Haast, Kumara and Ross the mowing has continued to be carried out and is funded through rates for township maintenance of these areas. For the Hokitika and Kaniere areas the maintenance contractor continued to mow many areas within these 2 towns at the instruction of the Board of Directors. This free mowing ceased in 2020 as the costs to the contractor became too great to continue to run this operation at a loss.

Without ongoing consideration of maintenance, berms could become unsightly and overgrown. However it is unreasonable for Council to accept the ongoing cost of maintenance of all road berms without a significant rise in district wide rates. This Policy aims to create parameters to enable unsightly berms to be maintained without creating a situation where all berms are expected to be maintained throughout the District.

### 1.1 Scope

This policy applies to all berms within the greater Hokitika and Kaniere urban areas.

### 1.2 Commencement

This policy comes into force on 1 July 2021.

### 1.3 Definitions

**Berm** : This is the area within the road corridor between the edge of the formed road and the property boundary.

**Road Corridor**: The area between property boundaries on either side of a formed or unformed road legal road.

**Urban Area**: The area as defined within the current District Plan that denotes urban areas, also any area defined within the current District Plan as a township. This also includes but is not limited to commercial areas.

**WAP** : Work Access Permit (WAP). This is a permit issued by the Road Controlling Authority (RCA) to carry out works within the legal road corridor.

**RCA** : Road Controlling Authority. In the case of this Policy the RCA could be either Westland District Council or Waka Kotahi NZ Transport Agency.

## 2. Policy

It is the property owner/residents responsibility in urban areas to mow the road berm adjacent to their property.

Council will mow the following:

- Grassed traffic islands and medians
- Berms adjacent to reserves (funded from the reserve budget)
- Berms adjacent to Council utility plants such as but not limited to, waste water treatment plants, water treatment plants & pumping stations of any kind.
- Berms at the entrance to any Council walkways
- Should a property owner refuse to mow a berm then Council will instruct it's contractors to mow on a minimum 6 monthly basis or at such time as the vegetation becomes either a fire hazard or traffic hazard as deemed by council officers.
- Private property owners can apply to Council for the berms adjoining their property to be mown. Each application will be reviewed on a case by case basis and may or may not be approved by Council on its own merits. Applications must be made no later than January 31 in any given year in order for Council to review, approve/decline, and set budget for the following financial year. Applications must be made annually by the property owner, failure to apply will result in council ceasing regular mowing. A form for applications will be available to collect from the Council Offices or available for download off the council website.
- Council may mow berms in any other circumstances where Council considers it necessary or reasonable to do so. Any decision made to mow a berm under these exceptions is at Council's discretion.

## General Rules for berms

- Should a property owner wish to landscape any part or all of their berm an application must be made for specific approval from the Transportation Manager, approval is not guaranteed and will be granted on a case by case basis.
- All berm landscaping is there at the permission of Council and may at any time need to be excavated or modified by either Council or any utility provider such as (but not limited to) power, telecommunications, water, stormwater, waste water etc.. Any reinstatement of landscaped berms will be at the expense of the property owner. Council’s reinstatement requirements are for grass only as a minimum.
- Should a modified/landscaped berm become dangerous or unsafe Council reserves the right to instruct the property owner to make it safe or, act immediately in the interests of public safety to make it safe.
- If at any stage Council decides at its discretion to revert the landscaped/modified berm to a grass berm this must be carried out at the property owners cost.
- Where a berm is modified by works carried out by a Council contractor or any utility provider the berm is required to be reinstated in line with the requirements set in the issued WAP.
- Developers are responsible for the establishment and mowing of new grass berms that are sown as part of subdivision construction. Once the maintenance period of the work has expired, the berm mowing will be managed in accordance with this Policy.

## 3. Reporting

The Operations Manager will produce an annual confidential report to Council at each February Council meeting. This report shall provide the list of current applicants that wish to have berms maintained by Council. Each applicant must have provided a compelling reason for Council to assess and approve or decline. The report will also outline the approximate cost of the extra mowing that will be carried out.

Once the list of approved applicants has been set the budget allocation for the next financial year will be included into the workings for the upcoming annual plan.

## 4. Related Documents and Acts

There are no relevant documents or acts for this policy.

## 5. Policy Review

A review of this policy will take place in June 2021.

<b>Created:</b>	June 2021	<b>Date for review:</b>	June 2021
<b>Author:</b>	Transportation Manager	<b>Authorised by:</b>	
<b>Consulted on:</b>	Executive Team	<b>Version</b>	1.0



# Report to Council



**DATE:** 24<sup>th</sup> June 2021

**TO:** Mayor and Councillors

**FROM:** Planning Manager

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## **ADOPTION OF SALE OF PROPERTY POLICY**

### **1. Summary**

- 1.1. The purpose of this report is to consider the adoption of a policy to inform the sale of Council owned property.
- 1.2. This issue arises from the lack of a current adopted policy.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council approve the adoption of the Sale of Property Policy.

### **2. Background**

- 2.1. The reason the report has come before Council is due to there being no current policy in place to guide or inform the sale of Council owned property.
- 2.2. The introduction of this policy will ensure that reasonable consideration is given to the potential impacts on Council through the sale of a property prior to it being sold. Such matters may include the status of the land, its potential future use for growth or development projects, encumbrances (or easements held on the land or required if sold).

### **3. Current Situation**

- 3.1. The current situation is that there is no current policy to guide or inform the consideration of Council owned property.

### **4. Options**

- 4.1. Option 1: Adopt the Sale of Property Policy attached as appendix 1.
- 4.2. Option 2: Do not adopt the Sale of Property Policy attached as appendix 1.

## **5. Risk Analysis**

- 5.1. Risk has been considered and the following risks have been identified;
- 5.2. There is risk of property being sold without consideration of; future use for the site, potential Council infrastructure or development adjacent or adjoining which may be impacted by sale of the site, requirement for easements for Council owned infrastructure (such as stormwater or wastewater conveyance). This policy acts to ensure that these matters are considered in depth prior to progressing with the disposal of land.

## **6. Health and Safety**

- 6.1. Health and Safety has been considered and the following matters have been identified;
- 6.2. Health and Safety would be required to be considered with regard to the appropriateness of disposal of property. There are no Health and Safety considerations directly attributed to the adoption of this report.

## **7. Significance and Engagement**

- 7.1. The level of significance has been assessed as being low as the process of community engagement will occur at the time of property disposal if necessary.
- 7.2. No public consultation is considered necessary.

## **8. Assessment of Options (including Financial Considerations)**

- 8.1. Option 1 – Adopt the Sale of Land Policy attached as appendix 1. This gives parameters to be considered upon proposed sale of property to ensure that there is no detrimental effect incurred.
- 8.2. The following financial implications have been identified;
- 8.3. Without due diligence and adequate consideration there is a risk that the consequences of selling land will have unexpected financial implications to Council. Such matters include consideration of legal processes required to dispose of property or encumbrances required to be added or removed from titles to protect Council infrastructure. Adequate consideration through the adoption of this policy reduces any risk of financial implications to Council.

## **9. Preferred Option(s) and Reasons**

- 9.1. The preferred option is Option 1.
- 9.2. The reason that Option 1 has been identified as the preferred option is that it will protect Council from unexpected complications when proposing to sell Council owned property.

## **10. Recommendation(s)**

- 10.1. That the report be received.
- 10.2. That Council resolve to adopt the Sale of Land Policy attached as appendix 1.

**Fiona Scadden**  
**Planning Manager**

## 1. Purpose

To provide a clear framework for the sale of property that is deemed surplus to Council requirements.

To ensure that due diligence is undertaken when considering the disposal or sale of Council owned property.

## 2. Scope

The policy applies to any Council owned property (including land, buildings and structures) which is identified for potential sale.

## 3. Objectives

To ensure that the proper processes and due diligence are followed when disposing of Council property.

## 4. Commencement

This policy comes into force on 25<sup>th</sup> June 2021.

## 5. Definitions

'Council owned property' includes any land, building or structure owned by the Westland District Council.

## 6. Principles

In considering any property sales, the Council, or their delegate must have regard to the following principles:

- 6.1 Transparency: Council property or disposal transaction should generally be conducted in an open and transparent manner, within reasonable commercial confidentiality constraints and using consistent (public) criteria, to maintain public confidence in the expenditure of funds.
- 6.2 Regular reviews: Council's property portfolio should be regularly reviewed to ensure that:
  - 6.2.1 The purpose for which the property is held remains valid and the property continues to be fit for purpose.
  - 6.2.2 Where the property is no longer being used for its intended purpose, or cannot meet that purpose, it will be re-assessed for either disposal or used for another valid purpose ("repurposed").
- 6.3 Maximise value: The Council will seek to maximise the net value of all of its property sales for the financial benefit of its ratepayers.
- 6.4 Consideration must be given to the original intention of the land ownership and whether it is appropriate from the perspective of community conscience to sell it.
- 6.5 Measure performance: The Council will establish and maintain a measure of performance to ensure it is satisfied with the levels of use and service performance levels of its properties in order to ensure timely disposal or repurposing.

## 7 Responsibilities

The following responsibilities and obligations apply:

- 7.2 Only the Council can make the decision and pass a resolution that property is surplus and is to be sold.
- 7.3 For transparency, Council is obliged to get an independent valuation from a registered valuer.
- 7.4 The Chief Executive Officer will be responsible for the terms and conditions of the sale, subject to any specific terms or conditions set down as part of the Council resolution.
- 7.4 The Chief Executive Officer has the power to make any amendments, change or action which is incidental to the Council resolution for the sale of property.

## 8 Policies

- 8.1 A property review will be undertaken at the time of reviewing the Council's Long Term Plan. The review will be presented to Council to confirm the need to retain property and determine if a property is surplus or underperforming.
- 8.2 Any recommendation to declare a property as surplus (or underperforming) must consider Council's published strategic objectives, policies and/or plans as at the time of the assessment.
- 8.3 Property should be reported to Council for disposal (or repurposing) if:
  - (a) The property is a financial liability (e.g. the maintenance costs are sufficiently high that they outweigh the benefits of holding the property).
  - (b) Where part of the site is attractive to an interested part (e.g. adjoining landowner has signalled their interest in purchasing the land) and the part concerned is not required for council/community use.
  - (c) Where part of the site is attractive to an interested party (e.g. encroachment or adjoining landowner). However, in this case, the Council may consider increasing the purchase price to reflect the absence of Council being a willing seller. Alternatively, the Council may choose to charge the encroaching part market rent for use (encroachment) of Council land.
  - (d) A property classified as part of the 'commercial' portfolio (designated to return a positive return and offset rates) that is not able to at least break even for more than two years.
- 8.4 Property and land disposals will be scheduled within the proposed property asset management plan. However, should a strong need to dispose of property or land arise outside this process, such disposals will be escalated to Council for a decision.
- 8.5 Consideration will be given to the potential future use, activity and development of the property, adjoining and adjacent properties to ensure that there are no future matters which may be affected by the sale. The Council will also give consideration as to whether the sale of the property would require an easement or other encumbrance to be added to the title to protect Council owned infrastructure or services.
- 8.6 To ensure due diligence, a status check should be carried out on the land to ensure there are no encumbrances on the land which would stop the sale.

- 8.7 Consideration will be given to the processes required to dispose of land and the costs associated with that in comparison to the potential sale price to be achieved. Matters to be considered include but are not limited to costs of surveying, legal conveyancing, addressing revocation of reserve status, road stopping, creation of easements or removal of easements and provision of legal access.
- 8.8 Council property will have all the appropriate Council approvals, licenses and certificates of compliance.
- 8.9 The process of selling Council freehold land that has been declared surplus must be publicly notified. The only exceptions shall be when a single party owns land on most boundaries of the said land, and to sell to an outside party could be seen as mischievous or unreasonable.
- 8.10 Public notification should be guided by the obligations set out under Section 46 of the Local Government Official Information and Meeting Act.

## 9 Related Policies

- 9.2 Asset Disposal Policy and Asset Register
- 9.3 Delegations Manual

<b>Created:</b>		<b>Date for review:</b>	XXX
<b>Author:</b>		<b>Authorised by:</b>	Chief Executive
<b>Consulted on:</b>		<b>Version</b>	1

# Report to Council



**DATE:** 24<sup>th</sup> June 2021  
**TO:** Mayor and Councillors  
**FROM:** Planning Manager

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## **ALIGNMENT OF FRANZ JOSEF STRATEGY, CARPARKING REQUIREMENTS AND SIGNAGE REQUIREMENTS WITH TE TAI O POUTINI PLAN PROCESS**

### **1. Summary**

- 1.1. The purpose of this report is to consider aligning the process for the Franz Josef Strategy, and review of carparking requirements and signage requirements with the Te Tai o Poutini Plan process.
- 1.2. This issue arises from the Te Tai o Poutini Plan (TToPP) process now being fast tracked. The three matters of the Franz Josef Strategy, Carparking, and Signage requirements review were being independently assessed due to their urgency.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council agrees to progress the three matters of Franz Josef Strategy, review of signage requirements and review of carparking requirements under the Te Tai o Poutini Plan process.

### **2. Background**

- 2.1. The reason the report has come before the Council is due to the Te Tai o Poutini Plan now being fast tracked. This means that the expected outcome of the plan would be the same if not quicker than the expected timeframe to progress these matters as independent processes.
- 2.2. The Franz Josef Strategy is ready to begin consultation via a discussion document (once discussions with the Department of Conservation (DOC) and Ngati Mahaki have taken place). This can align with consultation undertaken for Te Tai o Poutini Plan. This will not only be more cost effective than running two processes but will likely have more engagement from the Community by only have one consultation process.
- 2.3. Signage and carparking were two matters that Council had raised where the intended timeframe for review was more urgent than the Te Tai o Poutini Plan process would allow. With the fast track approach of Te Tai o Poutini Plan it will be more cost effective to progress the review with the plan process.

### **3. Current Situation**

3.1. The current situation is that consultation will be starting in the near future for the Te Tai o Poutini Plan. It is an efficient use of community time, money and council resources to progress the three issues through the Te Tai o Poutini Plan process.

### **4. Options**

- 4.1. Option 1: Progress the Franz Josef Strategy, signage and carparking District Plan review with the Te Tai o Poutini process.
- 4.2. Option 2: Undertake a private plan change and independent consultation process for the Franz Josef Strategy, signage and carparking.

### **5. Risk Analysis**

- 5.1. Risk has been considered and the following risks have been identified;
- 5.2. There is risk to the commercial Franz Josef businesses if the processes are not run together through potential lack of investment during the notification period. If the processes are run separately there would be twice the amount of consultation which would take twice as long.
- 5.3. There is a risk that Council will not be able to provide enough staff resource, to the level required, to undertake the processes if they are run separately.
- 5.4. There is a risk in the unknown cost of undertaking the process separately as they will each be considered a private plan change to be paid for by Council. This would mean that Council would pay West Coast Regional Council (WCRC) to process the individual plan changes as they have been delegated authority for the Westland District Plan. By combining the processes the cost is picked up through the Te Tai o Poutini Plan process and authored by the West Coast Regional Council.

### **6. Health and Safety**

- 6.1. Health and safety has been considered and the following items have been identified;
- 6.2. The Franz Josef Strategy is largely motivated by addressing health and safety issues regarding natural hazards including flooding, earthquake and land slip risk. Any delays that could occur by running the plan change processes as separate projects may cause expose parts of Franz Josef to risk for a longer period of time.
- 6.3. There are no health and safety matters of significance with regard to signage and carparking.

### **7. Significance and Engagement**

- 7.1. The level of significance has been assessed as being reasonably low as the process of community engagement will remain, however the decision for how to run that process is what is under consideration.
- 7.2. No public consultation is considered necessary.

### **8. Assessment of Options (including Financial Considerations)**

8.1. Option 1 – Progress the Franz Josef Strategy, signage and carparking district plan review with the Te Tai o Poutini process. This combines the time and costs of the three plan change processes into the one Te Tai o Poutini Plan process. This will allow one consultation process for the public to be

involved in and will allow Council to support WCRC in drafting the Plan as opposed to leading the process for three separate items.

- 8.2. The following financial implications have been identified;
- 8.3. To run the three processes independently there would be a minimum cost of \$10,000 to lodge a private plan change with WCRC. There would be higher resource demands of Council staff and that would cost in a higher level of staff time required. Furthermore all WCRC time spent processing the change to the current Plan would be charged back to Council at \$145 per hour plus full cost recovery for a commissioner or panel at the time of hearing.
- 8.4. To run the process through the TToPP, WCRC will collect the funding through their rates.
- 8.5. The item is not unbudgeted expenditure however combining the process with TToPP will enable costs to be passed on to the WCRC budget which already exists.

## **9. Preferred Option(s) and Reasons**

- 9.1. The preferred option is Option 1.
- 9.2. The reason that Option 1 has been identified as the preferred option is that it will streamline the public consultation process, reduce resource requirements from staff and ensure that costs sit with the TToPP process. There will be no loss in time as the fast tracking of the TToPP process will align with the expected timeframes or shorter than running the three processes separately.

## **10. Recommendation(s)**

- 10.1. That the report be received.
- 10.2. That Council resolve to incorporate the matters of Franz Josef Strategy, Signage and Carparking into Te Tai o Poutini Plan process.

**Fiona Scadden**  
**Planning Manager**



# Report



**DATE:** 24 June 2021  
**TO:** Mayor and Councillors  
**FROM:** Chief Executive

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## **REMITS TO LOCAL GOVERNMENT NEW ZEALAND**

### **1 SUMMARY**

- 1.1 The purpose of this report is to seek endorsement of suitable LGNZ remits. The remits already have endorsement from at least five other councils before being submitted to Local Government New Zealand (LGNZ) Annual General Meeting (AGM).
- 1.2 This issue arises from Council formalising the process for endorsement of remits.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council endorse the remits.

### **2 BACKGROUND**

- 2.1 Every year at the Local Government New Zealand AGM remits are presented and voted on by the members.
- 2.2 Proposed remits, other than those relating to the internal governance and constitution of Local Government New Zealand, should address only major strategic “issues of the moment”. They should have a national focus articulating a major interest or concern at the national political level.

2.3 The remits will be considered at the Local Government New Zealand Annual General Meeting to be held on the 17 July 2021.

2.4 There are 7 remits being proposed. A copy of the remits is attached at **Appendix 1** as follows:

- Tree Protection
- Rating Value of Forestry Land
- Funding Civics Education
- Election Participation
- Carbon Emission Inventory Standards and Reduction Targets
- WINZ Accommodation Supplement
- Liability – Building Consent Functions

### **3 CURRENT SITUATION**

3.1 The current situation is that Council needs to consider if they wish to support the remits being proposed.

3.2 The outcome of the Westland District Council on the remits will be designated to Cr Latham Martin who will vote on council behalf at the AGM.

### **4 OPTIONS**

4.1 Option 1 is to receive the report and determine which remits will be supported by Council.

4.2 Option 2 is not to receive the report and not to submit a proxy vote for the remits.

## **5 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 In accordance with Council's Policy on Significance, this matter has been assessed to have a low level of significance.
- 5.2 No public consultation is required for this matter.

## **6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 Option 1 – this option would mean that Council has provided an input into the process of considering remits being proposed at the LGNZ AGM.
- 6.2 Option 2 – this is not the preferred option due to the fact that each individual Council has an obligation to support other local authorities in their endeavours to provide direction and guidance to LGNZ.

## **7 PREFERRED OPTION(S) AND REASONS**

- 7.1 Option 1 is the preferred option as it supports local authorities with their endeavours to provide clear direction for LGNZ national body.

## **8 RECOMMENDATION(S)**

- 8.1 **THAT** Council receive the report.
- 8.2 **THAT** Council support the endorsement of remits (as determined) being submitted to the Local Government New Zealand Annual General Meeting on the 17 July 2021.
- 8.3 **THAT** Council endorse Cr Martin to vote at the Local Government New Zealand Annual General Meeting 2021 on behalf of council.

**Simon Bastion**  
**Chief Executive**

Appendix 1: LGNZ 2021 Annual General Meeting – Remits

Who's  
putting local  
issues on  
the national  
agenda?

**We are.  
LGNZ.**

Te Kāhui Kaunihera o Aotearoa.

# 2021 Annual General Meeting

## Remits

# 1

## Tree Protection

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**Remit:** That LGNZ advocate that the provisions that were added to the RMA, that restricted tree protection, be repealed urgently and that this change be carried through into new resource management legislation, thereby restoring the right to councils to adopt and enforce locally appropriate policies to protect trees in their district. That LGNZ advocate to use the current RMA reform process to ensure these changes are carried through into new legislation.

**Proposed by:** Auckland Council

**Supported by:** Auckland Zone

### Background information and research

#### 1. Nature of the issue

The community have raised concerns about the loss of significant trees and urban canopy cover in Auckland, and the negative environmental impact this causes. The amendments to the RMA in 2012, which removed general tree protection, have limited council's ability to apply regulatory protections to trees on private properties.

Urban areas are suffering from a progressive and randomly located loss of tree cover or ngahere. This is causing a loss of quality of life amenity, loss of wildlife corridors and biodiversity, declining precipitation permeability, as well the loss of carbon sequestration and cooling effects of trees in urban settings. Auckland research shows this is not principally a consequence of intensification and development, but predominantly the overall net effect of individual decisions by landowners. The remaining tree protection tools available to councils, particularly the formal scheduling of individual or small groups of trees, are too complex, expensive, slow and limited to be effective in countering the loss of valuable trees and this progressive loss of tree cover.

The ability for councils to develop locally appropriate policies, such as Auckland's former General Tree Protection, needs to be restored urgently, and in the longer term, reflected in new legislation.

## **2. Background to the issue being raised**

A well-managed, flourishing, and healthy urban ngahere has a wide range of evidence-based benefits and is increasingly essential in assisting our climate mitigation, adaptation and response work. The ngahere plays a significant role in contributing to positive urban amenity and creating a healthy living environment with many social, cultural, economic, and environmental benefits.

### Urban Ngahere Strategy

Recognising these benefits, Auckland Council developed a strategy for Auckland's urban ngahere which was published in March 2019 [here](#).

The Urban Ngahere Strategy is the central policy vehicle for managing and growing Auckland's urban forest. The strategy aims to increase the knowledge of Auckland's urban ngahere and use that knowledge to protect, grow and maintain trees and other vegetation in Auckland's existing and future urban areas. It identified 18 high-level implementation actions to support the primary strategy outcome to increase the regional tree canopy cover average from 18.3 per cent to 30 per cent with no local board <15 per cent canopy cover, and recognised that collaboration, funding and partnerships are all fundamental to successful implementation.

Research to identify changes in urban ngahere canopy coverage in the Auckland Region between 2013 and 2016/2018 was undertaken by Auckland Council's Research, Investigations and Monitoring Unit (RIMU) with results published in the April 2021 report 'Auckland's urban forest canopy cover: state and change' (2013- 2016/2018). Revised April 2021 [here](#).

Key findings of the report can be summarised as follows:

- While urban canopy cover is 18 per cent, across the 16 urban local boards canopy cover ranges from eight to 30 per cent. Eleven of the 16 urban local boards met the minimum threshold of 15 per cent average canopy cover.
- Over the three- to five-year period, change in canopy cover was neutral: although a slight increase (0.6per cent) in cover was detected across all the local boards, it is likely within the margin of error (and not statistically significant). This is also well below the 30 per cent goal identified in the strategy.
- Net changes (difference between losses and gains) across the 16 urban local boards between 2013 and 2016/2018 ranged from minus 5 per cent to positive 9 per cent.
- The biggest net loss in terms of hectares was minus 129 hectares with the biggest net gain being positive 62 hectares.
- Initial analysis indicate that losses are widespread, but locations experiencing more losses than gains are typically privately-owned land and/or rural areas.
- Findings appear to indicate that height distribution of the canopy surface (2016/2018) is skewed toward the lower height classes with 75 per cent of the canopy surface being less than 10m and less than 5 per cent 20m or above.

### RMA Amendments 2012

Council's ability to apply regulatory protections was deliberately limited by the RMA amendments in 2012 which prevented the use of general (or blanket) tree protection in urban areas. The intent was to reduce high transaction costs caused by the large number of resource consents required. An unfortunate consequence of this amendment was the exacerbation of the scale of tree loss across the region, particularly in urban areas, as identified by the RIMU key findings report.

### Non-regulatory tools

Since the RMA amendments came into effect, councils have depended mainly on non-regulatory and private initiatives to control the removal of trees and vegetation on private properties. Examples include landowner advice and assistance with tree care and planting, community education and outreach programmes, raising awareness of the value and benefits of the urban ngahere, the Indigenous Biodiversity Strategy and the "Million Trees programme".

### Regulatory tool – Auckland Unitary Plan

Council's main regulatory technique for managing and protecting the urban ngahere is the AUP. The Regional Policy Statement (RPS) within the AUP contains a number of objectives and policies relating to the natural environment, including trees. It recognises the importance of Auckland's distinctive natural heritage and the numerous elements that contribute to it, with trees being an integral component. The AUP contains rules relating to Significant Ecological Areas (SEAs), the schedule of Notable trees, and rules to limit the extent of vegetation removal in sensitive environments, like streams and coastlines. These regulatory tools apply to trees and vegetation on private properties but the protection they afford is specifically targeted to the issue they address. For example, to qualify as an SEA, a group of trees must satisfy robust ecological significance criteria and it can be difficult to justify the protection of individual trees or small groups of trees.

The influence of the Notable Tree Schedule to protect and increase urban canopy cover is also minimal given that the current 6,000 to 7,000 urban trees included in the schedule only represent a tiny fraction of Auckland's urban tree canopy cover. The purpose of the schedule is to protect Auckland's most significant trees. Any nominated tree or groups of trees need to meet specific criteria for protection, which include particular features such as botanical significance, amenity or historic value. Scheduling is not the appropriate mechanism to protect all urban trees worthy of protection. To attempt to use the schedule as a de facto form of general tree protection undermines its integrity and contributes to its devaluing.

Even where trees do meet scheduling criteria, the time and resources to enact the scheduling can be prohibitive. For example, nominations for an individual tree or group of trees to be included in the Notable Tree Schedule need to go through a full process under the Resource Management Act via a plan change. This is a significant process which involves professional assessment and a public submission process. The costs to council of adding trees into the schedule have been calculated at \$1484.00 (Attachment A). This reflects the process steps and expertise required to support the plan change process to enable the addition of trees into Schedule 10 of the AUP. These processes are also often very contentious, with strenuous opposition from reluctant landowners, further increasing costs and delays.

### Limitations of current tools

The level of protection offered by the methods outlined above are not sufficient to be able to achieve Auckland Council's strategy goals and enjoy the benefits of a healthy urban ngahere outlined above. There is a need for better protection of trees in urban environments and in particular on private properties and/or rural areas where most losses seem to occur.

Trees make a positive contribution to Auckland's climate and environment. For example, the habitat value for mobile species, increasing carbon sequestration and reducing net greenhouse gas emissions. By enabling protection of additional trees from removal council would have the regulatory power required to ensure Auckland's urban canopy cover is maintained and increased over time. This would have further positive effects on Auckland's climate and environment by protecting additional trees from removal.

It is also important to recognise that urban tree protection need not affect growth and intensification goals. Urban tree protection simply prompts development proposals to design in context to site opportunities and constraints. Relaxing other controls such as height, coverage or yard setbacks frequently accompany tree retention outcomes from development.

### **3. New or confirming existing policy**

Mayor Phil Goff has also advocated for greater tree protection on two earlier occasions and this remit proposal is consistent with his requests. The letters to Minister Parker are attached.

### **4. Does the issue relate to objectives in the current LGNZ business plan? How?**

This issue relates to LGNZ's Environmental issues portfolio and Resource Management workstream. The solutions outlined in this remit align with and advance LGNZ's Vision and purpose.

### Environmental (issues portfolio)

Leading and championing policy and working with central government, iwi and stakeholders to address the increasing impact of environmental issues, including climate change, the quality and quantity of New Zealand's freshwater resources, reducing waste and protecting biodiversity.

### Resource Management (LGNZ workstream) This project seeks to:

Engage in the resource management reform process to ensure that the voice of communities continues to be central in how New Zealand's resources are used. Furthermore, a key focus will be to ensure that changes to the legislation work for urban, provincial and rural New Zealand remain enabling.



## 5. What work or action on the issue has been done

### Urban Ngahere Strategy implementation update

An update on the implementation of Auckland's urban ngahere strategy outlining key initiatives and progress made towards strategy outcomes was presented to members of Auckland Council's Environment and Climate Change Committee in July 2020. The update provided a detailed overview of initiatives to improve the understanding of Auckland's urban ngahere (Knowing), to increase the urban ngahere canopy cover (Growing) and to preserve the urban ngahere (Protecting). The update report can be found [here](#).

### Plan Change 29: Amendments to Schedule 10 of the AUP

Since the AUP became operative in part, Schedule 10 has been amended once via Proposed Plan Change 29 (PC29). PC29 amended errors and inconsistencies in the Schedule 10 text and maps. The intention of PC29 was to provide clarity for property owners about the location, number and species of scheduled tree(s) on the property. PC29 did not add to or re-evaluate existing trees on the schedule, the aim was only to ensure that the current Schedule 10 was correct and up to date and to improve the overall usability of the document.

At the time PC29 was presented to council it was proposed that nominations for additions to/removals from Schedule 10 would not form part of the plan change process. Any submissions for additions to/removals from the Schedule would be considered as a separate matter at a later date, when resources permit.

PC29 was notified on 15 August 2019 and the decision was notified on 28 January.

### Grants

High-level action in the urban forest strategy: 14. Increase landowner grants and incentive programmes (eg heritage tree fund for private property owners)

### Update July 2021:

Auckland Council administers several grants programmes for planting on private property, including:

- The Regional Environment and Natural Heritage Grant scheme (total funding \$675,000) – open to individuals, community groups, hapū, iwi, whānau, marae organisations, trusts and all other organisations that contribute to the protection and improvement of regional significant areas and/or promote efficient and sustainable resource use.
- The Community Facilitation and Coordination Fund (funded through NETR, total funding in 2018/19FY of \$4,740,000) – support local community groups to facilitate projects with a biodiversity/restoration focus.
- The Biodiversity Focus Areas Fund is currently being developed and is intended to support private landowners to manage and expand indigenous ecosystems on their property.
- Local Boards can provide funding for grants that can support smaller environment restoration groups.

### Advocacy by Mayor Phil Goff

Auckland Mayor Phil Goff has advocated for greater tree protection through the current RMA reform process on two earlier occasions (letters to Minister Parker on 9 April 2019 (Attachment B) and 20 July 2020 (Attachment C)).

#### **6. Any existing relevant legislation, policy or practice**

There is currently no legislation or policy that offers the level of protection for trees on private land that this remit proposal seeks. The RMA prevents the use of District plan rules to protect trees unless they are described and the allotment is specifically identified by street address and/or legal description. While the restrictions don't apply to regional rules, these can only be used for s30 functions, which do not mandate general tree protection.

Provisions in the AUP (Regional Policy Statement B4.5. Notable Trees and D13.2 Notable Trees Overlay objectives) protect notable trees from inappropriate subdivision, use and development but do not guarantee their retention because the ability still exists to apply for consented removal and many other factors are considered as part of the application. Factors such as, attributes of the tree/s including identified values, the ability for development to accommodate the tree/s, alternative methods for retention and potential loss of values. Council currently considers consent applications for notable tree removals on a case by case basis in accordance with the provisions set out in the AUP.

#### **7. Outcome of any prior discussion at a Zone or Sector meeting**

Auckland Zone has formally resolved tree protection as a key priority and adopted to address this by way of a remit to be submitted to LGNZ for the 2021 AGM.

#### **8. Suggested course of action**

Repeal sections 76(4A) and 76(4B) of the RMA which were inserted by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Carry these changes through the RMA reforms and into new legislation.

**Auckland Unitary Plan's Notable Tree Schedule (Schedule 10)**



## Memorandum

7 August 2020

**To:** Planning Committee, Environment and Climate Change Committee and Local Board Chairs

**Subject:** The current costs of adding trees to the Auckland Unitary Plan's Notable Tree Schedule (Schedule 10)

**From:** Teuila Young, Planner, Auckland-wide Unit, Plans & Places

**Contact information:** teuila.young@aucklandcouncil.govt.nz

### Purpose

This purpose of this memo is to provide you information about the approximate current costs, timeframes and processes associated with adding trees to the Auckland Unitary Plan, Schedule 10 Notable Trees Schedule. It identifies possible efficiencies to reduce these costs. It also advises on interim changes to our website.

### Summary

The costs to council of adding trees into the schedule of notable trees have been calculated at \$1484.00 per tree. This reflects the process steps and expertise required to support the plan change process necessary to enable the addition to trees into Schedule 10 of the Auckland Unitary Plan.

Possible methods for achieving cost efficiencies to this process have been considered however the costs will still remain largely unchanged.

Officers remain on track to report on this matter to Committee later this year so that consideration can be given to the timing of a full review of Schedule 10 in the context of resource constraints and priorities.

The council website will be updated to alert people to the fact that the nomination of a tree for protection does not automatically protect a tree and that a plan change is needed for this to occur. The website will then be updated again later this year once direction is received from Committee on the timing of a plan change to review Schedule 10.

### Context

1. At the Environment and Climate Change Committee meeting on 21 July 2020, you requested a memo about the estimated \$1500 cost for each tree included within the Auckland Unitary Plan (AUP).
2. Prior to the creation of the AUP, each legacy council had its own schedule which listed heritage/notable trees or groups of trees. These were evaluated using different sets of criteria (depending on the council involved) at the time that they were included in the legacy district plans. As part of the development of the Proposed Auckland Unitary Plan (PAUP) these schedules were consolidated. 519 submissions were received seeking additions to the PAUP schedule and 60 submissions were received seeking deletions.
3. The decisions council made in response to the recommendations from the Independent Hearings Panel (IHP) added several trees to Schedule 10 and several trees were removed.
4. The PAUP submissions seeking additions to Schedule 10 remain in a database along with new nominations received since 2016 for trees to be added to the schedule. As at 5 August 2020, a

further 68 unsolicited nominations for trees to be added to the Schedule have been received. These are proposed to be considered as part of a future plan change process for additions to Schedule 10.

5. Since the AUP became operative, Schedule 10 has been amended once via plan change 29 (PC29). This only included correcting errors such as mapping (e.g. tree identification is mapped at the wrong location), incorrect information in the Schedule (e.g. address and/or legal description is incorrect, the number of trees is missing/incorrect, the botanical and/or common names are incorrect or do not align), or items missing from the schedule or included in error. This process is currently ongoing and the hearing of submissions on PC29 is scheduled for 18 September 2020.
6. At the time PC29 was approved for notification by the Planning Committee, it was resolved that nominations for additions and/or removal of trees do not form part of the plan change process.
7. Subsequently the Environment and Climate Change Committee noted (resolution ECC/2020/30) that staff will consider the timing of a full review of Schedule 10 – Notable Trees in the context of resourcing constraints and priorities and report back to Planning Committee.

#### Process, timeframes and cost

8. It is difficult to quantify the cost of scheduling trees because there are many contributing factors. For the purpose of this exercise it has been necessary to make some key assumptions. These are outlined below:
  - The scope of any potential future plan change is limited to additions of new trees to Schedule 10 and excludes the re-evaluation of existing listings.
  - There are no duplications in the 587 nominations.
  - The 587 nominations are all individual trees and there are no groups of trees proposed to be evaluated or scheduled through this process as this would increase the timeframes and resources associate with a future plan change. All 587 nominations would be evaluated and proceed through a plan change.
  - Council would not be publicly calling for new nominations as part of this process, as timeframes and resources would correspondingly increase.
  - Required Plans & Places staff and specialists have available capacity to complete this work. This assumption relies on the ability to recruit to the Heritage Arborist vacancy given Emergency Budget constraints.
  - That arboricultural consultants can be used to backfill the Heritage Arborist roles so they can undertake the review and assist where required.
  - Calculations are limited to the 587 items<sup>1</sup> for consideration. If many new nominations for both additions and removals were considered as part of this process, timeframes and resources would correspondingly increase.
  - Staff costs are taken from the mid-point of each role's salary band.
9. Based on the information provided in Attachment A, coupled with the assumptions applied to the data, the current cost to schedule 587 trees is \$871,000 (including ongoing Schedule maintenance costs for up to 12 months – this includes input on consents, monitoring conditions, attendance at notified hearings). It is estimated that from start (Step 2) to finish (Step 6), the process of adding trees to Schedule 10 and making the plan change operative would take between 34 to 42 months. Based on this information, the estimated average cost of scheduling

<sup>1</sup> 519 additions to the schedule were requested through the PAUP process and 68 nominations for additions have been received since 2016

a single tree is currently \$1484.00. It is important to note, that it would be both cost and time efficient if additions to Schedule 10 occurred by evaluating large batches of tree nominations at once rather than individually and the cost of scheduling “per tree” does not adequately reflect the scale of the process.

10. Tree schedules are highly dynamic and are not as easily maintained as other AUP schedules which are static (e.g. Outstanding Natural Landscapes Overlay Schedule, Outstanding Natural Features Overlay Schedule) meaning that they fall further out of date over time. This is because (given the large number of properties it affects) subdivision, development and consents for removal/alteration as well as emergency works affect the description of listings on the Schedule. Updates will therefore be required, and errors will still be identified from time to time given the number of listings contained in the Schedule. To update Schedule 10 requires a plan change at cost to the ratepayer and the larger the number of items on the Schedule the more complex a maintenance plan change would have to be. These changes cannot be addressed through any other process.
11. If the decision was made to invite submissions on trees that may merit inclusion in the Schedule, this could precipitate a review of the current Schedule 10 listings. This would substantially increase the cost and timeframe required to deliver the plan change (that initially only sought to add trees) significantly. Given that a number of the current scheduled trees would not meet the criteria under the AUP (i.e. weed species or damaged/dead tree) it is also possible that the number of currently scheduled trees would be reduced. New nominations would also not have immediate legal effect (ie no immediate protection) under s.86B of the RMA so those trees would be under threat of removal until a decision on the plan change is publicly notified.
12. Potentially, there are two council grants available to assist with the ongoing maintenance of notable trees on private property, the individual Local Board grants and Regional Historic Heritage grant. However, the funding criteria for the Local Board grants is at their discretion and may not include scheduled trees as a priority for funding. Funding is available for notable trees under the Regional Historic Heritage grant however, it is important to note that this grant has been oversubscribed.

#### Possible efficiencies

13. Possible methods for achieving cost and time efficiencies for future additions to Schedule 10 have been considered below:
  - Approaching other areas of council for assistance, such as Consents and Community Facilities arborists to reduce the external cost for consultants. However, consultants would still be required if the scope of the plan change extended beyond the addition of 587 existing nominations. The process would require the timeframes outlined in paragraph 9 above.
  - Creating a system prioritising the 587 nominations by only considering against a single criterion (as per the evaluation form found on page 11 of Attachment B). For example, limiting evaluation out in the field to only those which have heritage significance as indicated by the nominator. In terms of heritage specialist time these could be evaluated in conjunction with other work being done on site. This approach could possibly create cost and time savings in the evaluation of nominations stage when addressing heritage significance. However, it would not affect the cost of the remaining steps in the schedule 1 process. Also, assessing trees against a single criterion would potentially not provide a robust assessment and other criteria would need to be assessed moving forward and thus the cost and time would be multiplied for each assessment criterion.
  - Undertaking the work in tranches as opposed to one large plan change. This would still require a process which may be inefficient as it would require several plan changes over the course of several years and may likely be perceived as unfair in terms of which trees are scheduled first when compared with other equally meritorious trees. The cost and time of the process would be multiplied by the number of plan changes required to

3

schedule the nominated trees. Piecemeal reviews may also not provide an opportunity to be more strategic in addressing the unequal distribution of tree cover across the region.

- General tree protection. Currently the schedule protects an extremely small number of trees in comparison to what general tree protection could. RMA reform Panel recommendations are silent on the matter of general tree protection (and s76(4A)) and whether the new system should specifically rule out the use of the general tree protection district rule.

14. The costs per tree of scheduling will remain high even after the consideration of possible efficiencies. As mentioned in paragraph 7, on 21 July 2020 the Environment and Climate Change Committee resolved that a report on the full review of the Notable Trees Schedule 10 be provided to the Planning Committee. It is likely that that report will be taken to either the October or November 2020 Planning Committee meetings. That report will provide a fuller consideration of all alternatives alongside a full review of Schedule 10.

#### Current nomination webpage

15. Currently the Auckland Council website contains nomination information required to nominate a tree or group of trees to be scheduled. It does not outline the timeframe it takes to complete this process. It also does not state that trees or groups of trees are not given automatic protection when they are nominated, though this information is provided in the guidance document (Attachment B). Please see Attachment C for the current wording on the website. A interim amendment is to be made to this wording to alert people to the delays between their nominations being received and a change being made to the AUP (including the Hauraki Gulf Islands District Plan). Longer term, once the Planning Committee resolve a way forward in relation to the notable trees schedule, further changes to the text can be made to the website.

16. The following wording is proposed to be inserted on the webpage:

*Please note that the nomination process does not afford automatic protection. Any new trees or groups of trees nominated for inclusion to the schedule need to go through a full process under the Resource Management Act via a Plan Change, and this is quite a significant process which involves professional assessment and a public submission process. Any nominated tree or groups of trees need to meet specific criteria for protection, which include features such as botanical significance, amenity or historic value. There is currently no plan to initiate a plan change that enables the public to nominate new trees for inclusion on the Schedule, although there may a process like that in the future. Completing the nomination form would be a positive course of action for you to take so that we have the details of the tree (or group of trees) on file should a plan change to add trees to the Schedule of Notable Trees be commenced.*

#### Next steps

17. A report on a full review of Schedule 10 Notable Trees Schedule will be reported back to Planning Committee in either October or November.
18. The Notable Trees web page will be updated to include wording which reflects the delay between nominations of trees or groups of trees and scheduling. This change will be made by the end of this month.

#### Attachments

Attachment A: Process, timeframes and cost of adding trees to Schedule 10 spreadsheet

Attachment B: Guidance for Nominating a Notable Tree for Evaluation

Attachment C: Current Auckland Council webpage regarding Notable Tree nominations

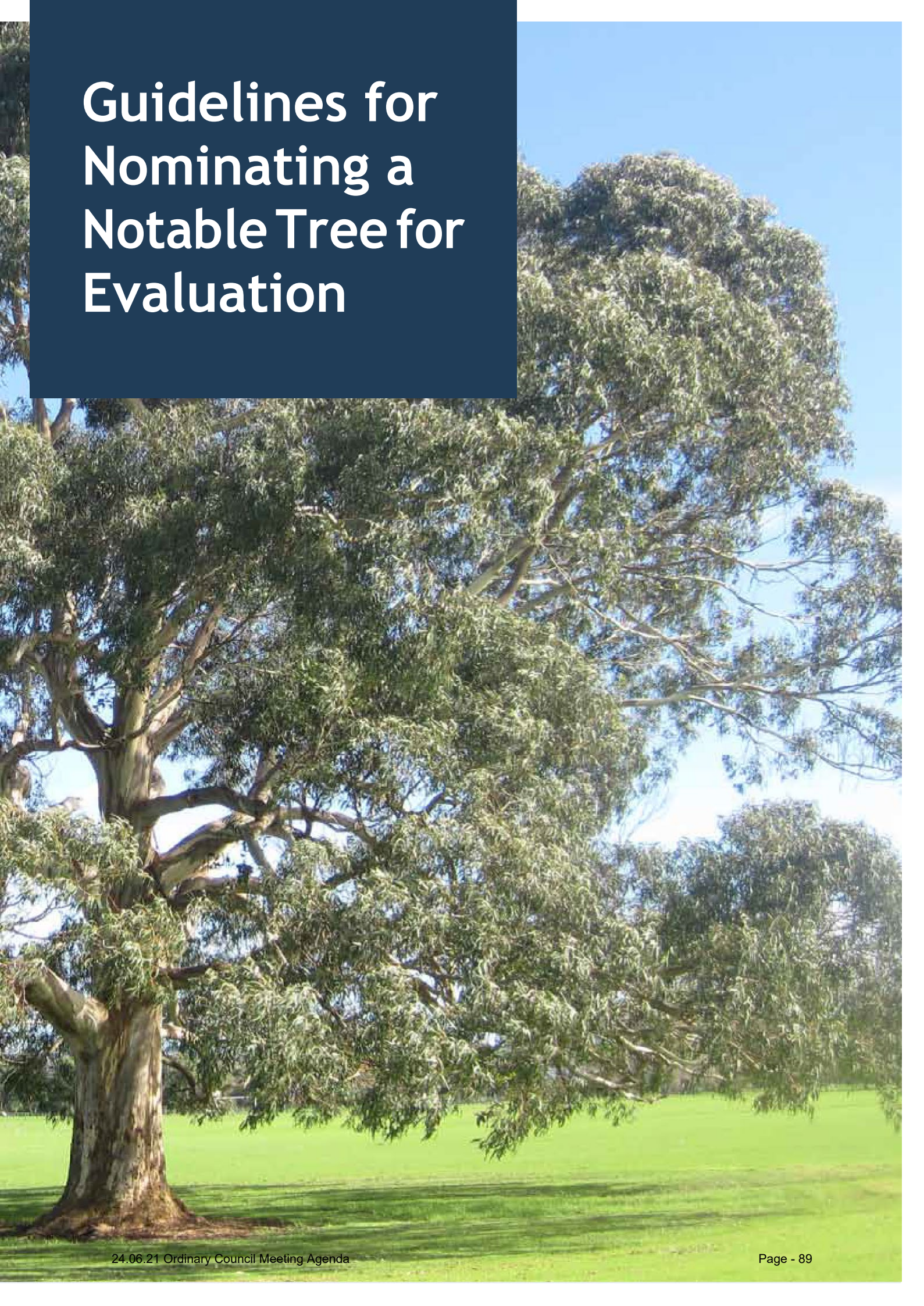
Attachment D: Resource consent fee schedule associated with Notable Trees

**Process, timeframes and cost of adding 587 trees to Schedule 10 Notable Trees**

<b>Step</b>	<b>Process</b>	<b>Timeframe Estimate +/- 2 months</b>	<b>Explanation</b>	<b>Staff resource required</b>	<b>Estimated cost +/- \$1000</b>
1	Nomination	NA - administrative task which requires minimal staff time	Currently a nomination can be made by completing the nomination form and emailing it to the Plans and Places Heritage Information team.	NA - administrative task which requires minimal staff time	NA
2	Evaluation of trees held in the nomination database	6 - 10 months	This calculation is based on 587 existing tree nominations. It is estimated that for a single tree it would take 30-45 minutes onsite evaluation. A group of trees could potentially take longer than 1 hour. Additionally, travelling in between sites will add time. For the purpose of this exercise travel time is being calculated at 20mins between sites. There is also a significant amount of preparation work that needs to take place before onsite evaluations can be conducted. This preparation work involves notifying affected landowners and residents, preparing site sheets, desktop analysis of any existing information available on file.	Senior planner (0.5 FTE) Planner (0.5 FTE) 2 x Arborists (1.0 FTE)	\$203,000
3	Preparation of a plan change Section 32 evaluation report Scope Reporting	3-4 months		Senior planner (0.8 FTE) Planner (0.5 FTE) Arborist (0.2 FTE)	\$56,000
4	Notification Submissions & further submissions Evaluation of submissions and any supporting information provided by submitters in relation to nominated trees	16-18 months	This cost of notification letters for 587 property owners and 587 residents at \$1.30 per letter comes to a total cost of \$1526. This cost is included in the total. Evaluation of submissions on plan changes of this nature require significant amount of time as they often involves site visits and in-depth desktop analysis in order to determine the accuracy of information provided in the submission.	Senior planner (0.8 FTE) Planner (0.5 FTE) 2 x arborists (0.5 FTE)	\$327,000
5	Mediation hearing, reporting, public notification of decisions etc.	3-4 months		Senior planner (0.8 FTE) Planner (0.5 FTE) 2 x arborists (0.5 FTE)	\$78,000
6	Appeal period (appeals to Environment court, approval of plan change, make plan change operative or operative in part)	6 months +		Senior planner (0.8 FTE) Planner (0.5 FTE) 2 x arborists (0.5 FTE)	\$115,000
7	Maintenance and delivery of a larger schedule (heritage inventory team, arborist input, not just consents but also monitoring conditions when arborist is required on site to supervise, attendance at notified hearings etc.)	Ongoing	Calculations are based on 12 months of maintenance and delivery.	Arborist (0.8 FTE) Planner (0.1 FTE)	\$92,000
<b>Total process cost</b>					<b>\$871,000</b>
<b>Cost per tree</b>					<b>\$1,484.00</b>



# Guidelines for Nominating a Notable Tree for Evaluation



# Nomination Guidelines

These guidelines outline the requirements for nominating a notable tree for evaluation by Auckland Council for inclusion on the region's Notable Tree Schedule. This document will assist you in completing and submitting the nomination form.

## **Nominating a tree**

Any person or organisation may nominate a tree or group of trees for evaluation by completing and submitting the nomination form.

Before you submit a nomination, please read these guidelines to check whether nomination is appropriate, and to ensure that you complete the form correctly. You should only nominate a tree or group of trees if you consider it has significant value and would be a worthy addition to Auckland's Notable Tree Schedule.

## **Purpose of evaluation**

The purpose of this evaluation is to identify notable trees for inclusion in Auckland's Notable Tree Schedule, or for other appropriate management to protect the tree such as a legal covenant.

Nomination of a tree or group of trees does not automatically guarantee that it will be evaluated or considered for scheduling. Priority will be given to nominations for trees on the nominator's property or on public land (open space, reserves or streets) and to those that are not already scheduled as part of a Significant Ecological Area. Priority will also be given to nominations that clearly identify the values of the tree and are supported by relevant background information. Therefore you are encouraged to make a persuasive case for the significance of the tree.

## **What is a Notable Tree?**

Practically all trees play important economic, environmental and social roles in any district of New Zealand. However, some trees are often thought of as being of greater value than others. That is, there are some specimen trees, or groups of trees, that stand out as being notable, significant or distinguished. It is those trees that, for various reasons, are selected by territorial local authorities, throughout New Zealand, for inclusion on a notable tree schedule in a district plan. Through this mechanism they gain greater legal protection.

Notable trees are generally those that a community or nation regard as being of special importance because they commemorate important events in a nation's history, are exceptional or unique examples of a species, are critical to the survival of other species or are of such age, stature, character and visibility that they are regarded as the best in the district.

## **What is the Notable Tree Schedule?**

Auckland's Notable Tree Schedule is a list of significant trees or groups of trees in the Auckland region. Inclusion of a tree or group of trees in the Schedule means that:

- It has been officially recognised by the Auckland Council as being a Notable Tree
- It is protected by provisions in district or unitary plans to ensure it is not damaged or destroyed
- It may be eligible for grants and other incentives.

## Criteria for scheduling Notable Trees

Auckland Council has proposed criteria for evaluating the importance of trees and the level of significance required to be considered for inclusion in the Notable Tree Schedule. There are three types of criteria: Special factors (stand alone), Negative factors and Tree Specific factors.

The special factor criteria are stand alone which means that if a tree or group of trees meets any one criterion then it is deemed notable. The tree-specific criteria require a cumulative assessment. That means, for a tree or group of trees to be notable, it must have a cumulative score of 20 or more out of 40 using the scoring systems described in Appendix 1.

Both the special factor and tree-specific criteria are used in combination to determine whether a tree or group of trees is notable. A tree will be notable if it meets only one of the special factors or the score threshold for tree-specific criteria.

In addition, the assessment against the Special factor and tree-specific criteria is then balanced by taking into account the potential negative effects of the tree. In situations where negative effects occur then these must be offset against the benefits of protecting a notable tree. This methodology does not provide a definitive way to make this decision but it relies on the expertise of trained arborists assessing the risk of the negative effects occurring and the overall significance of the tree. The critical part of this assessment is determining whether the hazard or negative effects are unmanageable. Most hazards and all nuisance effects can be managed but in instances where they are unmanageable a tree will not be scheduled as notable. Pest plants listed in the Regional Pest Management Strategy or Plan will not be scheduled.



## Special Factors (stand alone)

### A. Heritage

- Is associated with or commemorates an historic event (including Maori history or legend)
- Has strong public associations or has an historic association with a well known historic or notable figure
- Is strongly associated with a local historic feature and now forms a significant part of that feature

### B. Scientific

- Is the only example of the species in Auckland or the largest known specimen of the species in Auckland (including height and lateral spread) (only applies to individual trees)
- Is a significant example of a species rare in Auckland or a native species that is nationally or regionally threatened (as assessed by the Department of Conservation (DOC) or on the regional threatened species list)
- Has outstanding value because of its scientific significance

### C. Ecosystem service

- Provides critical habitat for a threatened native species population e.g., bats, chevron skinks, kiwi, yellow mistletoe etc

### D. Cultural

- Demonstrates a custom, way of life or process that was common but is now rare, is in danger of being lost or has been lost
- Has an important role in defining the communal identity and distinctiveness of the community through having special symbolic, spiritual, commemorative, traditional or other cultural value or represents important aspects of collective memory, identity or remembrance, the meanings of which should not be forgotten
- Is a landmark, or marker that the community identifies with

### E. Intrinsic

- Is intrinsically notable because of a combination of factors including the size, age, vigour and vitality, stature and form or visual contribution of the tree or group of trees

## Negative Effects

### F. Negative effects

- Are there any matters that may weigh against the tree's long term protection at this location?
- Does the tree present negative impacts upon human health and / or property?
- Are these negative effects manageable through arboricultural or property management means?
- Is the tree species listed in the Regional Pest Management Strategy as a Total Control or Containment Plant or listed under the Biosecurity Act 1993 as an Unwanted Organism?

## Tree-specific factors (see below for scoring)

### G. Age and health

- Is notable because of its age (e.g., the oldest of its species in Auckland) and there is something about the vigour and vitality of the tree or group of trees which makes it notable given other factors (such as its age)

### H. Character and form

- Is an exceptional example of the species in character and/or form (i.e., text book shape or has a particular relationship with its environment) or attributes that makes it unique

### I. Size

- It is an exceptional size for the species in this location (including height, girth or lateral spread)

### J. Visual contribution

- It makes a significant contribution to the visual character of an area or to the vista from elsewhere in Auckland



### Thresholds

When applying tree-specific factors to groups of trees an average assessment for all trees in the group should be used. At least one individual in a group must be scheduled independently as notable and all trees in the group must be physically close to each other or form a collective or functional unit through meeting at least one of the following criteria: 1. Canopies touch; 2. Canopies overlap; 3. Canopies are not further than 5 metres apart.

To be considered eligible for inclusion in Auckland's Notable Tree Schedule, a tree or group of trees must meet at least one of the special factor criteria or achieve a score of 20 or more for tree-specific criteria.

Other tree specific factors are also taken into account in the decision to recommend a tree for scheduling. Sometimes scheduling is not the most appropriate way of protecting an important tree. For example, it may be part of a significant indigenous plant community and it would be more appropriate to schedule as a Significant Ecological Area (SEA) or it may already be within one of these SEAs and therefore a lower priority for evaluation. The final decision over whether to schedule a notable tree or group of trees is made by the Council after assessing the information obtained from this process.

### What trees can be nominated?

Any tree or groups of trees may be nominated including those in towns, streetscapes and settlements, gardens, trees and plantings or they may be naturally occurring trees in parks, reserves or covenants.

Frivolous or vexatious nominations will not be accepted including nominations for:

- Any tree or groups of trees that has been planted and is less than 20 years old, other than in exceptional circumstances
- Moveable or portable trees such as those in planter boxes.
- Any tree that cannot be accurately located or identified.

Priority will be given to trees nominated for inclusion in Auckland's schedule of Notable Trees that occur on the property of the nominee or in a public reserve. Detailed nominations supported with good information will have an increased chance of being processed quickly for acceptance into the schedule and will be peer reviewed. Nominations providing limited information, or those for trees on another person's private property will be processed as and when resources are made available.



## **Completing the nomination form (see Appendix 1)**

### **Before completing the form**

Before you complete the nomination form (see Appendix 1) you should check your existing Notable Tree Schedule to ensure that the tree or group of trees is not already scheduled.

### **Completing the form**

You are encouraged to complete and submit the nomination form in electronic format. You can download an electronic copy of the form from the Auckland Council website (<http://www.aucklandcouncil.govt.nz>)

### **Section 1 (Contact details)**

We need to be able to acknowledge receipt of your nomination, verify information if needed, and keep you informed. We cannot accept anonymous nominations.

### **Section 2 (Address)**

We need to know where the tree is. If it doesn't have a street address, you can provide the legal description or grid reference (using NZ Transverse Mercator coordinates). You can access these through the council's GIS viewer: <http://maps.aucklandcouncil.govt.nz/aucklandcouncilviewer/>

Legal description: use the 'identify' button on the toolbars on the right of the screen Grid reference: go to Tools/capture map coordinates. Print out and attach an aerial photo of the site with the tree clearly circled. If there are multiple trees please show where each tree is located.

### **Section 3 (Owner/occupier)**

Complete this section if you have access to this information.

### **Section 4 (Description)**

You should include a description of the tree and its location. For example provide a description of the estimated height, age, species and context for the tree.

### **Section 5 (Threats)**

It is useful to identify known threats to the tree, because this will assist in prioritising nominations. For example, pressure from development, risk of being removed to create views etc.

### **Sections 6-8 (Treespecificandspecialfactorsand negative effects)**

You should evaluate the tree or group of trees against each of the criteria. This will be the primary means by which we will evaluate a tree.

### **Section 9 (Conclusions)**

Summarise your conclusions about the tree or group of trees here.

### **Further assistance**

If you need assistance with the form, please contact the Council's Heritage team by email at [heritage@aucklandcouncil.govt.nz](mailto:heritage@aucklandcouncil.govt.nz)

Please complete the form in as much detail as possible.

# Frequently Asked Questions

## **Can I provide information in confidence?**

Generally not. Evaluation of Auckland's heritage is a public process. All members of the public, including the owner of a tree, are entitled to access all information held by the Council on a property. Councils are only required to restrict access to sensitive information about places of significance to tangata whenua as this is a statutory requirement under the Resource Management Act 1991. All other information relating to a property is public information, and is therefore available to members of the public upon request. If you have concerns about providing information that is, or may be sensitive or subject to copyright, you should discuss this with staff in the Council's Heritage Unit before providing the information.

## **What about my personal details?**

The Council has a responsibility to comply with the Privacy Act 1993 and the Local Government Official Information and Meetings Act 1987. All information provided to, and held by Council as public records, is public information and is subject to disclosure upon request unless there are reasons why it should not be disclosed. If you have concerns, you should refer to the relevant Acts, and seek independent advice.

## **What if I don't have the time or knowledge to provide all the information you require?**

The more supporting evidence you can provide the better. Nominations that lack sufficient information may be assigned a low priority for evaluation. You could approach your Local Board, botanical society or other community group to assist with the nomination or to make it on your behalf.

## **Why can't the Council evaluate all nominated trees?**

The process of evaluating trees requires specialised personnel and resources. As well as public nominations, the council identifies potentially significant trees through its own work. All nominations receive an initial appraisal. Those that are unlikely to meet the significance thresholds or lack sufficient information will be assigned a low priority or may not proceed. In some cases nominated trees have been previously evaluated, so unless new information becomes available they will not be re-evaluated.

## **What is the best format for sending information to the Council?**

Electronic files are preferred. Original photographs or documents should be scanned or copied. If you have large files (over 10MB) send them in parts or convert them to smaller file sizes (e.g. by converting them to PDF files) or copy them onto a CD.

## **Can I protect my tree even if my tree is not notable?**

If you have a tree and you think it is special but is unlikely to be scheduled as notable then there are alternatives to enable its protection such as a private legal covenant.

# Notable Tree Nomination Form

This nomination form is to be used for assessing trees or groups of trees. When applying tree-specific factors to groups of trees an average assessment for all trees in the group should be used. At least one individual in a group must be scheduled independently as notable and all trees in the group must be physically close to each other or form a collective or functional unit through meeting at least one of the following criteria: 1. Canopies touch; 2. Canopies overlap; 3. Canopies are not further than 5 metres apart.

## Section 1: Your Contact Details

## Section 2: Address of the tree

## Section 3: Owner/occupier

## Section 4: Description

## Section 5: Threats to the tree



## Section 6: Tree-specific factors (see following page for scoring)

A tree can be scheduled as Notable if it achieves a score of 20 or more

	Score (see explanatory notes)	Comments
<p><b>Age and health</b> Is notable because of its age (e.g., the oldest of its species in Auckland) and there is something about the vigour and vitality of the tree or group of trees which makes it notable given other factors (such as its age)</p>	<input type="checkbox"/>	
<p><b>Character and form</b> Is an exceptional example of the species in character and/or form (i.e., text book shape or has a particular relationship with its environment) or attributes that makes it unique</p>	<input type="checkbox"/>	
<p><b>Size</b> It is an exceptional size for the species in this location (including height, girth or lateral spread)</p>	<input type="checkbox"/>	
<p><b>Visual contribution</b> It makes a significant contribution to the visual character of an area or to the vista from elsewhere in Auckland</p>	<input type="checkbox"/>	
<p><b>Section 7: Negative effects</b></p> <p>Are there any matters that weigh against the tree's long term protection at this location?</p>		
<b>Hazard and negative effects</b>	<b>YES</b>	<b>NO</b>
Does the tree present negative impacts upon human health and / or property?	<input type="checkbox"/>	<input type="checkbox"/>
Are these negative effects manageable through arboricultural or property management means?	<input type="checkbox"/>	<input type="checkbox"/>
Is the tree species listed in the Regional Pest Management Strategy as a Total Control or Containment Plant or listed under the Biosecurity Act 1993 as an Unwanted Organism?	<input type="checkbox"/>	<input type="checkbox"/>

## Scoring of tree specific factors

These scoring systems are to be used when evaluating a tree against the tree-specific factors in Section 6 (see page 10).

### Age and health

Vigour and vitality	High	3	5	6	8	10
	↑	2	4	6	8	8
		2	4	6	6	7
		2	4	4	5	5
Low	2	2	2	3	3	
	Age in Years	<40	41-60	61-80	81-100	>100

This scoring system should be used when assessing the age and health of a tree. It allows for trees that are old and healthy to score much more highly than trees that are either unhealthy or young. The degree of vigour and vitality for any tree is assessed given the age of the tree. Therefore, a tree that is over 100 years old and showing high vigour and vitality, for a tree that age, will score a 10.

### Character or form

Not exceptional	0
Exceptional example locally	5
Exceptional example in Auckland	10

This scoring system should be used when assessing the character or form of a tree. It allows for trees that are exceptional examples at two spatial scales (from local to Auckland-wide) to score more highly than trees that are regarded as normal.

### Size

Average size for the species in this location	0
Greater than average size (up to 25% larger)	5
Substantially greater than average size (>25% larger)	10

This scoring system should be used when assessing the size of a tree (including height, girth and lateral spread). It allows for trees that are larger than would be expected (on average) for a particular location to be scored more highly than trees that are at, or close to (or below), their average height.

### Visual contribution

In backyard or gully	2	e.g. fewer than 100 people see the tree daily
Local park/community/ beside minor road or feeder road/catchment	5	e.g. between 100 and 5000 people see the tree daily
Main Road/motorway or highly visible landform	10	e.g. more than 5000 people see the tree daily

This scoring system should be used when assessing the visual contribution of a tree. It allows for trees that are seen by more people on a daily basis to score more highly than trees that are rarely seen.

**Section 8: Special factors (stand alone)**

For a tree to be scheduled or Notable it needs to meet only one of these special factors

	YES	NO	Comments	
<b>Heritage</b>				
Is associated with or commemorates an historic event (including Maori history or legend)	<input type="checkbox"/>	<input type="checkbox"/>		
Has strong public associations or has an historic association with a well known historic or notable figure	<input type="checkbox"/>	<input type="checkbox"/>		
Is strongly associated with a local historic feature and now forms a significant part of that feature	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Scientific</b>				
Is the only example of the species in Auckland or the largest known specimen of the species in Auckland (including height and lateral spread) (only applies to individual trees)	<input type="checkbox"/>	<input type="checkbox"/>		
Is a significant example of a species rare in Auckland or a native species that is nationally or regionally threatened (as assessed by DOC or on the regional threatened species list)	<input type="checkbox"/>	<input type="checkbox"/>		
Has outstanding value because of its scientific significance	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Ecosystem service</b>				
Provides critical habitat for a threatened native species population e.g., bats, chevron skinks, kiwi, yellow mistletoe etc	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Cultural</b>				
Demonstrates a custom, way of life or process that was common but is now rare, is in danger of being lost or has been lost	<input type="checkbox"/>	<input type="checkbox"/>		
Has an important role in defining the communal identity and distinctiveness of the community through having special symbolic, spiritual, commemorative, traditional or other cultural value or represents important aspects of collective memory, identity or remembrance, the meanings of which should not be forgotten	<input type="checkbox"/>	<input type="checkbox"/>		
Is a landmark, or marker that the community identifies with	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Intrinsic</b>				
Is intrinsically notable because of a combination of factors including the size, age, vigour and vitality, stature and form or visual contribution of the tree or group of trees	<input type="checkbox"/>	<input type="checkbox"/>		

## Section 9: Conclusions

Include your final assessment of whether or not the tree is notable and any additional comments. Note that under the Tree-Specific factors, a score of 20 or more is needed before it can be scheduled or Notable.

# Guidelines for notable tree evaluation

To find out the criteria for evaluating the importance of trees and their level of significance, see the Guidelines for nominating a notable tree for evaluation document.

You could ask your local board, botanical society or another community group to help you with the nomination, or to make it on your behalf.

## @Guidelines for Nominating a Notable Tree for Evaluation

PDF download 1.6 MB

You cannot nominate pest plants listed in the [Regional Pest Management Strategy](#).

# How to nominate a notable tree for evaluation

## - By email

Read the guidelines document and complete the nomination form contained in it.

Email the completed form to the heritage unit at [heritage@aucklandcouncil.govt.nz](mailto:heritage@aucklandcouncil.govt.nz).

## @Guidelines for Nominating a Notable Tree for Evaluation

PDF download 1.6 MB

# Fees and charges

## Consenting and property information fees and charges

Effective from 1 July 2020



## **Auckland Council has reviewed fees and charges for the 2020/21 year.**

The following notes should be read in conjunction with the schedule of fees and charges.

- All fees and charges are inclusive of GST at the rate of 15%.
- All fees and charges are in effect from 1 July 2020.
- While Council has aimed to provide a complete and accurate schedule of charges, if any errors or omissions are identified, charges will be calculated by reference to the appropriate underlying authority/resolution. Council reserves the right to vary and introduce fees and charges at its discretion.



## Building consent fees

Type	Description	Base Fee/ Fixed Fee*	Processing deposit	Inspection deposit	Total
Pre-application meeting	Pre-application: standard	\$311*			\$311
	Pre-application: complex	\$311			\$311
All other building applications	Project value up to \$4,999	\$790*		\$340	\$1,130
	Project value \$5,000-\$19,999		\$1,200	\$680	\$1,880
	Project value \$20,000-\$99,999		\$2,000	\$850	\$2,850
	Project value \$100,000-\$499,999		\$3,200	\$1,530	\$4,730
	Project value \$500,000-\$999,999		\$5,000	\$2,040	\$7,040
	Project value \$1,000,000 and over		\$7,200	\$2,550	\$9,750
Amended plans	Amended building consent applications: project value up to \$19,999		\$400		\$400
	Amended building consent applications: project value \$20,000-\$99,999		\$700		\$700
	Amended building consent applications: project value \$100,000 and over		\$1,200		\$1,200
Code Compliance Certificate (CCC)	Project value up to \$19,999	\$200			\$200
	Project value \$20,000 and over	\$595			\$595
Certificate of Acceptance	Project value up to \$19,999 <b>Note:</b> Prosecution and Infringements may also apply for work undertaken without consent	\$1,200		\$170	\$1,370
	Project value \$20,000 and over <b>Note:</b> Prosecution and Infringements may also apply for work undertaken without consent	\$2,000		\$170	\$2,170
Building application	Building application: national multiple use approval (based on project value \$0-\$499,999)		\$1,309	Based on project value	\$1,309
	Building application: national multiple use approval (based on project value \$500,000 and over)		\$2,726	Based on project value	\$2,726
Building inspections <sup>a</sup>	Building inspection per standard 45 minutes (include factory audits). Additional time charged by the hour			\$170	\$170



## Building consent fees

Type	Description	Base Fee/ Fixed Fee*	Processing deposit	Inspection deposit	Total
Building inspections- same day cancellation	Fee for building inspections cancelled after 12pm the day before the inspection booking	\$170*			\$170
Fire engineering briefs (new)	Fire engineering brief meeting, limited to one hour (hourly rates apply thereafter)	\$311			\$311
LINZ registration (Land Information New Zealand)	Where land is subject to natural hazards, or when building is across more than one lot	\$377*			\$377
Solid fuel heating appliances (fee per appliance)	If installed by an approved installer** providing a producer statement	\$280*			\$280
	Wetback (plus one inspection fee payable at time of application)	\$280*		\$170	\$450
	If installed by a person who is not an approved installer** (plus one inspection fee payable at time of application)	\$280*		\$170	\$450
Solar water or heat pump water heating devices (fee per device)	If installed by an approved installer** providing a producer statement	\$295*			\$295
	If installed by a person who is not an approved installer** (plus one inspection fee payable at time of application)	\$295*		\$170	\$465
Injected wall applications	Application for injected wall insulation. If installed by an approved installer** providing a producer statement	\$280*			\$280
	If installed by a person who is not an approved installer** (plus one inspection fee payable at time of application)	\$280*		\$170	\$450
Temporary structures	Application for a temporary structure	\$470			\$470
Exemption	Application for exemption from building consent requirements base charge	\$440			\$440
Minor Plumbing	Minor plumbing with a producer statement where value of work is less than \$5,000	\$295*			\$295
Minor Alteration for structural engineering design	Minor structural engineering design with a producer statement where value of work is less than \$5,000	\$245		\$170	\$415

## Building consent fees

Type	Description	Base Fee/ Fixed Fee*	Processing Deposit	Inspection Deposit	Total
Separation	Application to separate a historic building consent that relates to two or more buildings on the same site (per application)	\$548			\$548
Project Information Memorandum (PIM)	Issuing Project Information Memorandum	\$445			\$445
Filing fee	Receiving third party reports or any other information to place on a property file at the owner's request, or Schedule 1 exemption filing	\$253*			\$253
Extensions of time	Extension of time to commence building work under a building consent	\$150*			\$150
Lapsing	Lapsing of building consent	\$167			\$167
Refusing	Refusing of building consent	\$165			\$165
Waiver	Building consent subject to waiver or modification of building code	\$300			\$300
Issuing compliance schedule	Base charge	\$125			\$125
	Additional charge per specified system	\$30			\$30
	Amendment to compliance schedule base charge	\$110			\$110
Building Warrant of Fitness (BWF)	Annual Renewal	\$150			\$150
	Advisory inspection			\$170	\$170
	BWF Audit	\$124			\$124
Independent Qualified Person (IQP) Register	Registration costs for IQP	\$345*			\$345
	Registration renewal for IQP (3 yearly)	\$195*			\$195
Notice to fix	Issuing notice to fix	\$262*			\$262
Certificate for Public Use (CPU)	Certificate	\$520			\$520
	Extension of time for CPU	\$244			\$244
Issuing consent report	Weekly (annual subscription)	\$1,595*			\$1,595
	Monthly (annual subscription)	\$765*			\$765
	Single request (monthly or weekly report)	\$150*			\$150

## Building consent fees

Type	Description	Base Fee/ Fixed Fee*	Processing Deposit	Inspection Deposit	Total
Title Search	Record of Title	\$50*			\$50
Alcohol licensing building and planning certificate	Certificate that proposed use of premises meets requirements of building code and Resource Management Act	\$990			\$990
Construction of vehicle crossings	Vehicle crossing permit (application processing and inspection)	\$340			\$340
Producer statement author register	Registration as a producer statement author	\$345*			\$345
	Renewal of registration (3 yearly)	\$200*			\$200*
Swimming/spa pool compliance inspection	Swimming/spa pool inspection (each)	\$132*			\$132
	Owner sends photo	\$65*			\$65
	Independently Qualified Pool Inspectors (IQPI) record – administration of IQPI records	\$66*			\$66
Industrial cooling tower	Industrial cooling towers registration	\$175*			\$175
	Industrial cooling towers inspection	\$170			\$170
	Industrial cooling towers renewal	\$112*			\$112
Earthquake Prone Buildings	Extension of time to complete seismic work on certain heritage buildings or part of	\$148*			\$148
	Exemption from the requirement to carry out seismic work on the building or part of the building	\$350*			\$350

<sup>n</sup> Please refer to notes section for more information.

\* All fixed fees non-refundable and no additional charges will be applied.

\*\* Installer must be listed on Auckland Council's producer statement authors register.

- All fees and deposits must be paid at lodgement.
- All base charges are non-refundable and additional charges may apply and will be based on the actual processing and inspection time that occurs for the specific application.
- For deposits, actual costs for each application will be determined based on the processing and/or inspection hours that occur for the application. Additional charges may apply based on the actual processing and inspection time spent on the application.



## Resource management and other lodgement fees

Type	Description	Deposit
Pre-application	Resource Consent appraisal	\$505 <sup>n</sup>
Land use	Residential land use (infringing development standards)	\$4,000
	Non-residential	\$4,500
	Exemptions and approvals under the Auckland Council Signage Bylaw	\$1,490*
	Waiver of outline plan	\$500
	Tree works (excludes pruning or to undertake works within the protected root zone of notable (scheduled) trees, which does not incur a deposit or charge)	\$600*
Subdivision	Subdivision (with the exception of those below)	\$4,000
	Cross-lease; unit title; boundary adjustment	\$2,000
	Right of way and other non-resource consent matters relating to subdivisions e.g. cancellation of easements	\$1,100
Combination	Multiple/bundle applications for any combination of two or more: land use, subdivision or regional consent	\$9,500
Regional	Coastal structures, activities and occupation	\$7,000
	Discharge of stormwater, domestic wastewater or other contaminants	
	Earthworks and sediment	
	Water take, use and diversion	
	Works in, on, under or over the bed of lakes, rivers and streams	
	Transfer of coastal, water or discharge permit to another site	
	Contaminated sites; landfills; discharge of contaminants to air	
Other	Variation or cancellation under RMA s127 or s221, review of conditions	\$5,000
	Certificate for completion; certificate of compliance; existing use; outline plan; extension of lapse date	\$1,500
	Drill or alter a bore	\$600
	Deemed Permitted Boundary Activity; Forestry Permitted Activity	\$500
	Permitted Activity review - review of any proposal or query to determine if it is a permitted activity	\$250
	Consent transfer or consent surrender	\$229*
	s357 Objection hearing deposit	\$1,500

## Resource management and other lodgement fees

Type	Description	Deposit
Notified	Fully notified	\$20,000
	Limited notified	\$10,000
	Hearing (where complex a higher deposit will be required)	\$3,000
	Tree works (excludes pruning or to undertake works within the protected root zone of notable (scheduled) trees, which does not incur a deposit or charge)	\$1,000*
Monitoring	Dairy Farm monitoring inspection deposit. Actual charges are calculated on the inspection time and hourly rate(s).	\$170
	All other monitoring activity: base fee applied on application approval	\$170**
Private plan change	Simple projects	\$10,000
	Complex projects	\$30,000
Notice of requirement	Pre-application appraisal	\$500 <sup>n</sup>
	Uplift an existing notice of requirement	\$1,000
	Minor alteration to existing notice of requirement	\$5,000
	Simple new notice or alteration	\$10,000
	Complex new notice or alteration	\$30,000
Consent report	Weekly (annual subscription)	\$1,595*
	Monthly (annual subscription)	\$765*
	Single request (monthly or weekly report)	\$150*

<sup>n</sup> Please refer to notes section for more information.

\* Fixed Fees are non-refundable, and no additional charges will be applied.

\*\* Compliance monitoring – a non-refundable base fee will be charged for resource consent monitoring inspections. Additional work over and above the base fee will be charged per hour.

- All fees and deposits must be paid at lodgement.
- For deposits, actual costs for each application will be determined based on the processing and/or inspection hours that occur for the application. Additional charges may apply based on the actual processing and inspection time spent on the application.



## Regulatory Engineering lodgement deposits

Consents may require further charges that exceed the initial lodgement deposit\*\*

Type	Description	Deposit
Engineering	Major engineering approval for new public infrastructure assets and enabling works; Section 181 and 460 LGA applications requiring access to adjoining land	\$2,500
	Minor engineering works – common access ways, new stormwater connections and activities over public stormwater pipes	\$600

- All fees and deposits must be paid at lodgement.
- For deposits, actual costs for each application will be determined based on the processing and/or inspection hours that occur for the application. Additional charges may apply based on the actual processing and inspection time spent on the application.

## Hourly rates<sup>n</sup>

Category	Description	Rates
Technical Level 3	All areas – Manager, Project lead, Legal services	\$206.40
Technical Level 2	Building – Residential 2, 3 and all Commercial, Planning, Engineering, Monitoring, other – Senior, Intermediate, Principal, Team leader	\$197.40
Technical Level 1	Planning, Subdivision, Urban design, Compliance, Monitoring, Investigation, Environmental health, Licensing, Building – Residential 1, other	\$169.80
Administration	Administration (all areas)	\$111

### Note:

1. The particular technical hourly rate level is determined by staff competency levels.
2. Position titles vary across Auckland Council.
3. Where the cost of the external resource involved does not exceed the Auckland Council staff rate, external resource(s) will be charged at the senior/intermediate rate.
4. Where the cost of the external resource involved exceed the Auckland Council rates, it will be charged at cost.
5. External resources may be engaged to address either expertise or capacity that is not available internally.
6. For guidance on the Building Consent definitions for Residential and Commercial please refer to the following link: [Residential and Commercial Consent](#)

Notes	
Topic	Note
Accreditation levy	An accreditation levy is payable on all building consents to cover the council's costs of meeting the standards and criteria required under the Building (Accreditation of Building Consent Authorities) Regulations 2006. The levy is 50 cents per \$1,000 value of works.
Base Fee	A base fee is the minimum fee which will be charged for an application/service. A base fee is: <ul style="list-style-type: none"> <li>• non-refundable</li> <li>• additional charges may apply and will be based on the actual processing and inspection time that occurs for the specific application</li> </ul>
Building inspection	Standard inspection fee includes charges for: Preparation, system updating, travel time, review of associated documents, minor variation assessments, inspections waived, or inspections carried out using Artisan App and any building consent refusal inspection. If an inspection has taken longer than 45 minutes, additional charges apply.
Building research levy	The Building Research Levy Act 1969 requires the council to collect a levy of \$1 per \$1,000 value (or part thereof) of building work valued over \$20,000. GST does not apply to this levy.
Contaminated land site enquiries	Information relevant to the potential or actual contamination of a given property is collated and presented in a response letter, which includes records of pollution incidents, environmental investigations, selected consents, and corresponding files. The fee varies, depending on the time spent on collating the information. The fee is charged upon the completion of a response letter to the party making the enquiry.
Compliance monitoring inspections	A non-refundable base fee will be charged for resource consent monitoring inspections. Additional work over and above the base fee will be charged per hour.
Deposits	<ul style="list-style-type: none"> <li>• The processing deposit and the inspection deposit are payable when the application/service request is lodged. The deposit is an upfront payment for the processing and inspection time that will occur.</li> <li>• Actual costs will be determined based on the processing and inspection hours that the Council spends. The original deposit will be credited against the actual charges to arrive at a refund or additional fees to pay.</li> <li>• Interim invoices may be also issued through the life of the application.</li> <li>• For complex and significant applications (including hearing deposits) if specialist input is needed or the applicant has significant outstanding fees, the council may require a higher deposit payment before proceeding. This will be discussed with the applicant in advance.</li> </ul>
Fee changes	Fees and charges may change. Please check our website <a href="http://aucklandcouncil.govt.nz">aucklandcouncil.govt.nz</a> or your nearest service centre for up to date information.
Financial and development contributions	Financial and/or development contributions may be payable in addition to the consent processing charges. Please refer to the development or financial contributions policy and relevant district plan for your development.
Fixed Fee	A fixed fee is the amount charged for an application/service. A fixed fee is: <ul style="list-style-type: none"> <li>• non-refundable</li> <li>• no additional charges will be applied</li> </ul>



Notes	
Topic	Note
Hearings	The hearing deposit fee is payable prior to the hearing proceeding. Any actual costs of the hearing that exceed the deposit fee will be charged as an additional charge, e.g. costs arising from the use of a specialist consultant, independent hearing commissioner(s).
Hourly rates	The hourly rates displayed in the hourly rates table above apply to all services including private plan changes and notices of requirement. Where the cost of the external resource involved does not exceed the Auckland Council rates, external resource will be charged at Senior/ Intermediate rates. Where the cost of the external resource involved exceed the Auckland Council rates, it will be charged at cost. External resources may be engaged to address either expertise or capacity that is not available internally.
Ministry of Business Innovation & Employment (MBIE) Levy	The Building Act 2004 requires the council to collect a levy of \$1.75 per \$1,000 value (or part thereof) of building work valued over \$20,444.
Other services	Other services will be charged at cost. Where Auckland Council committee members are engaged, fair and reasonable costs will be recovered.
Private plan change pre-application appraisal	The initial pre-application meeting will be free of charge. A deposit is required to cover all subsequent pre-application meetings. Planning and other specialists will be charged per hour as required.
Resource consent pre-application appraisal	The initial pre-application appraisal will involve one or two planning and/or development engineering staff. Other specialists will be included as required. Where the actual costs exceed the deposit paid, the additional costs (including charges by external specialists) will be invoiced.
Value of work	The value of building work will be based on the New Zealand Building Economist set costs for residential construction and Rawlinsons New Zealand Construction Handbook set costs for commercial construction. Council staff will be able to assist with this.



Land and property information (including GST)		
Category	Service	Fee
LIM reports – residential and non residential	Standard service (10 working days)	\$307
	Urgent service – where service is available (three working days)	\$415
LIM reports – additional copies	Copy of LIM at the time of purchase of original LIM	\$13
Property information	Property file online: standard (10 working days)*	\$64
	Property file online: urgent (three working days)*	\$96
	Hard copy property file viewing (where service is available)	\$33
	Electronic property file viewing (where service is available)	\$23
Maps, reports and certificates	Building consent status report per property	\$13
	Site remediation report	\$13
	Soil reports	\$13
	Private drainage plan	\$13
	Valuations certified copy	\$13
	Building inspection report	\$13
	Site consent summary	\$13
	Copy of Code Compliance Certificate (CCC)	\$13
	Copy of Building Warrant of Fitness (BWOF)	\$13
	Combined public drainage and contour map	\$56
	GIS maps (including aerial maps): A4	\$10
	GIS maps (including aerial maps): A3	\$13
	District plan: zoning/designation maps	\$13
Photocopies	Black and white paper sizes A0, A1, A2, A3 & A4: Add \$0.50 extra for colour copy	\$1.50
Courier charges	Courier charges will be charged at cost	

\* Working days (Monday to Friday).

\*\* Working hours (8.30am to 5pm).

**Note:**

A0/A1/A2 size printing/photocopying may not be available at all service centres.

July 2020. v11.

**Find out more** [24.06.2020](https://www.aucklandcouncil.govt.nz) **or visit** [aucklandcouncil.govt.nz](https://www.aucklandcouncil.govt.nz)

**Letter to Hon David Parker**

9 April 2019

Hon David Parker  
Minister for the Environment

**By email:** [D.Parker@ministers.govt.nz](mailto:D.Parker@ministers.govt.nz)

Tēnā koe David

Thank you for your letter dated 20 December 2018 in which you seek information on the current state of urban trees in Auckland in order to inform stage two of the Government's reform of the resource management system.

Like you, I have received correspondence raising concerns about urban tree loss in Auckland and about the protection of trees under the Resource Management Act 1991 (RMA). I welcome the opportunity to provide you with information about urban trees in Auckland to inform your decision making in this area.

### **Assessments of urban trees in Auckland**

Auckland Council carried out a region wide assessment of the urban forest canopy cover (defined as all vegetation three meters or greater in height) using LiDAR (Light Detection and Ranging) data collected in 2013. To date, this is the only assessment that provides information on the state of Auckland's urban forest canopy cover at a regional scale. According to the assessment, Auckland has 18 per cent urban forest canopy cover, distributed unequally throughout the city, with lower levels of canopy cover in southern suburbs. The majority of Auckland's urban forest is located on private land and only 6 per cent of the urban forest is over 20 metres in height. *Appendix 1 provides a summary of the key findings.*

In 2016/2017, new LiDAR data was collected by Auckland Council. Work is currently underway to verify, process and analyse this data to determine the current state of Auckland's urban forest throughout the region and assess changes between 2013 and 2016/2017. While the council does not yet have the results region wide, it does have a preliminary assessment of the data sub-regionally.

One of the two recent reports referred to in your letter analysed the changes in canopy cover between 2013 and 2016 in the Auckland suburbs of Mellons Bay, Howick, Māngere Bridge, Māngere East, Flat Bush and East Tamaki Heights. Preliminary results showed there was an overall one per cent net increase in canopy cover across these suburbs, yet there was also noteworthy change: over the timeframe there were significant losses of urban canopy cover in each suburb, but that in all but one suburb (East Tamaki Heights) these losses were counter-balanced by new growth. *Appendix 2 provides a more detailed summary of this report.*

In your letter, you also refer to a report showing a significant loss of canopy cover. Auckland Council published a report in September 2018 assessing urban trees in the Waitemātā Local Board area over the 10 year period from 2006 to 2016. Unlike the suburb study, which used LiDAR, this study used aerial photographs and reported on tree loss but not tree growth (which was evident over the timeframe). Results showed a total loss of 61.23 ha of tree canopy in the Waitemātā Local Board area over the 10 year period. The loss was made up of 12,879 different detected tree removal 'events'; meaning a minimum of 12,879 trees were cleared. *Appendix 3 provides more details.*

### **Impact of RMA changes made by the previous government**

The region wide impacts on urban tree cover resulting from changes to the RMA made by the previous government are not yet fully understood. However, we do know that following the lifting of blanket tree

protection rules, Auckland Council has fewer controls over urban trees on private properties, leaving them at risk of felling.

The study of tree loss in the Waitematā local board area over the period 2006-2016 showed that tree loss was dominated by tree loss on private land, making up 65% of total reported canopy loss, and that 75% of all cleared trees in that area had no statutory protection. This suggests that the impact of changes made to be RMA could be significant. Further, the study also showed that more than half (54 per cent) of tree canopy clearance had occurred for no obvious reason – that is, no new structures such as dwellings or other buildings, pools, house extensions, decks or driveways had replaced the space that was beneath the cleared forest canopy.

I believe we need greater urban tree protection and agree with you that we need mechanisms to protect mature and ecologically significant trees while ensuring that protections do not create unnecessary compliance costs for routine pruning or the removal of smaller trees. In my view, councils should have the ability to create district plan rules to protect trees with certain attributes, and to selectively apply these rules in areas of the most need.

Auckland is experiencing unprecedented growth with population projected to grow by another 720,000 people over the next 30 years. We will require another 313,000 dwellings, in addition to new infrastructure and community facilities. Auckland Council would appreciate the opportunity to work with government to explore how to better protect urban trees on private properties as part of its Urban Growth Agenda. In particular, within the Urban Planning pillar led by the Ministry for the Environment and the Spatial Planning pillar led by the Ministry of Business, Innovation and Employment/Ministry of Housing and Urban Development. For example, the council could specify a role for urban trees to create quality-built environments and provide guidance on urban tree considerations as part of the spatial planning processes.

## **Conclusion**

Auckland Council recognises that a well-managed, flourishing and healthy urban forest has a wide range of evidence-based benefits. This makes it increasingly essential in counteracting the associated pressures of growth in urban Auckland.

Trees and vegetation play an important role in creating liveable neighbourhoods and provide a range of services required for Auckland to function and thrive. This includes enhanced stormwater management, air pollution removal, improved water quality, cooling to reduce the urban heat island effect, and ecological corridors to connect habitats and improve biodiversity.

Auckland Council has recently published an [Urban Ngahere \(Forest\) Strategy](#), which outlines a strategic approach to managing our urban trees. A key target of the strategy is to increase canopy cover across Auckland's urban area up to 30 per cent, with no local board areas less than 15 per cent. I see the potential for your RMA reforms to provide greater tree protection measures that help us achieve this goal.

We are happy to provide any additional information you may require and would welcome the opportunity to work more closely on these issues and explore together how to drive positive outcomes for urban trees in Auckland.

Yours sincerely

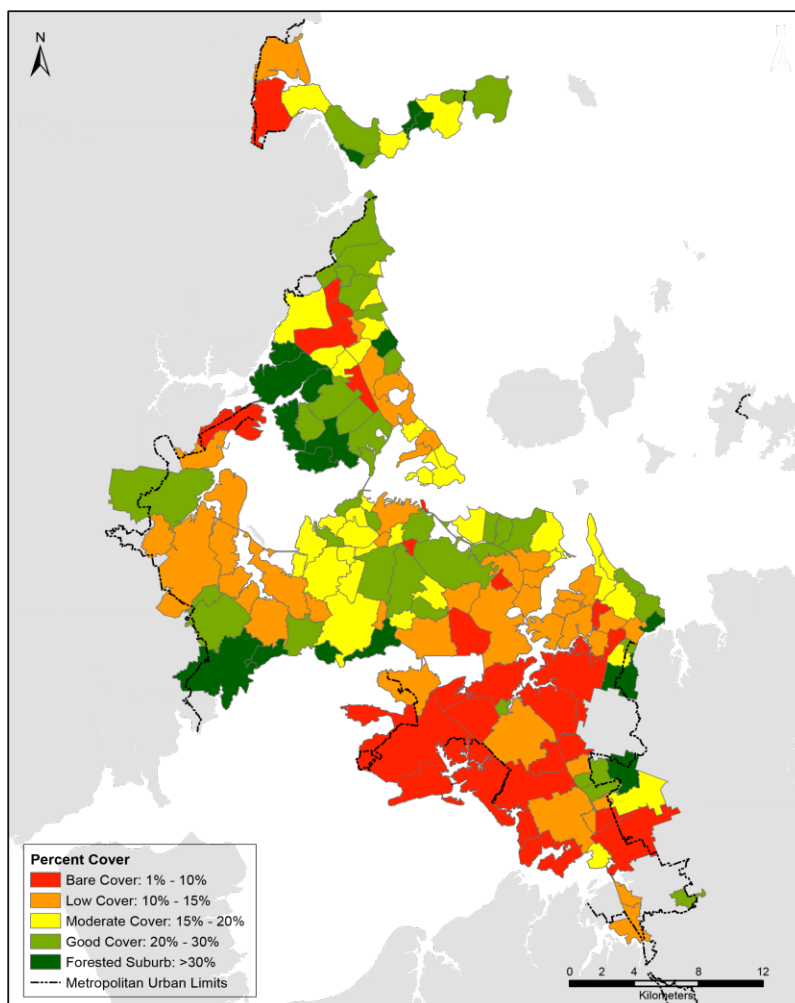


Phil Goff  
**MAYOR OF AUCKLAND**

## Appendix 1: State of Auckland's urban forest - based on analyses of LiDAR data collected in 2013.

Some key findings of the 2013 LiDAR data analyses:

- Auckland's urban area has just over 18 per cent urban forest canopy cover.
- Auckland's urban forest is distributed unequally throughout the city, with lower levels of canopy cover in southern suburbs, and relatively high canopy cover in northern and western parts of the city (see *Figure 1*). The unequal canopy cover distribution is particularly apparent at a local board area level (see *Figure 2*).
- The majority of Auckland's urban forest – 60 per cent – is located on privately-owned land. The remaining 40 per cent is on public land, with 23 per cent on Auckland Council parkland, 9 per cent on road corridors, and 8 per cent on other public land, such as schools (see *Figure 3*).
- Tall trees are rare in Auckland's urban areas; only 6 per cent of the urban forest is over 20 metres in height. The majority, nearly 60 per cent, is less than 10 meters (see *Figure 4*).



*Figure 1.* Average percentage canopy cover of urban ngahere (3m+ height) in Auckland suburbs – based on RIMU analysis of the 2013 LiDAR survey.

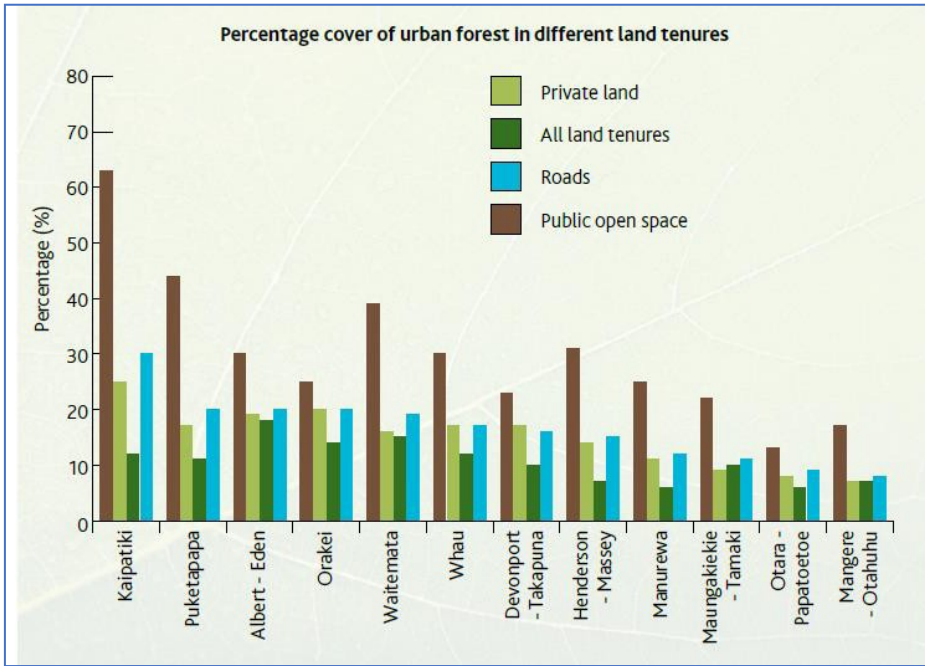


Figure 2. Urban ngahere canopy cover at a local board level.

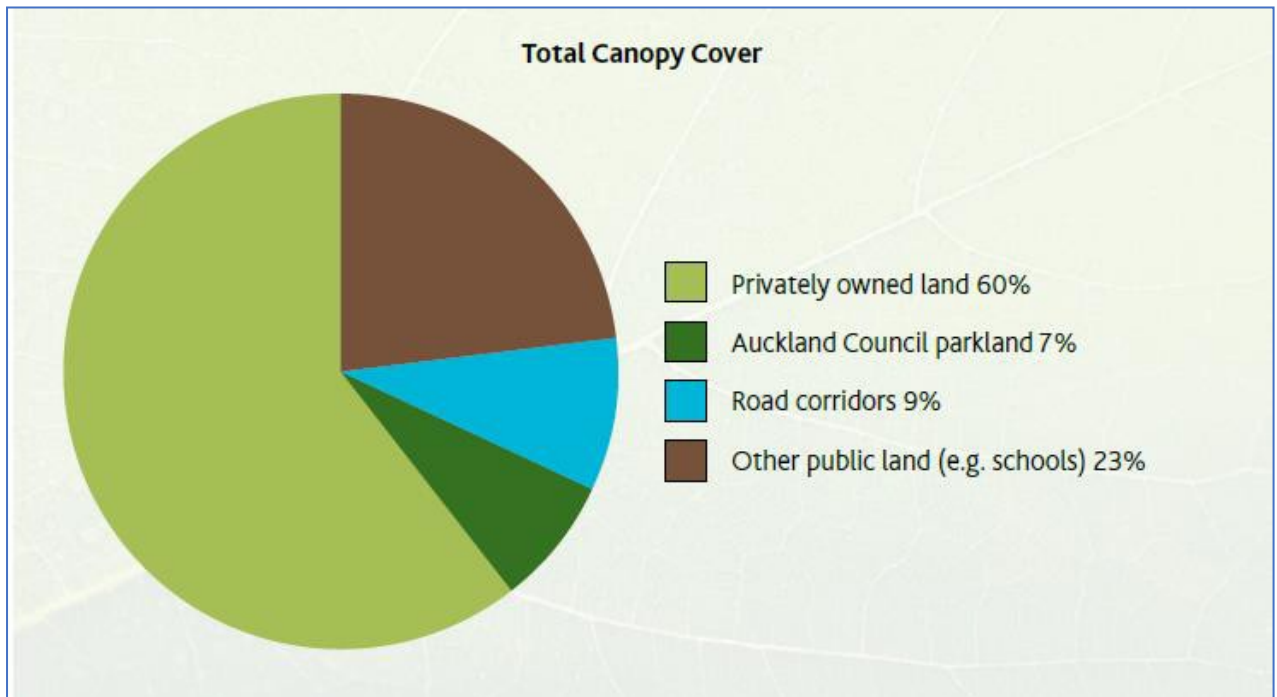


Figure 3. Proportion of urban forest canopy on different land ownership types.



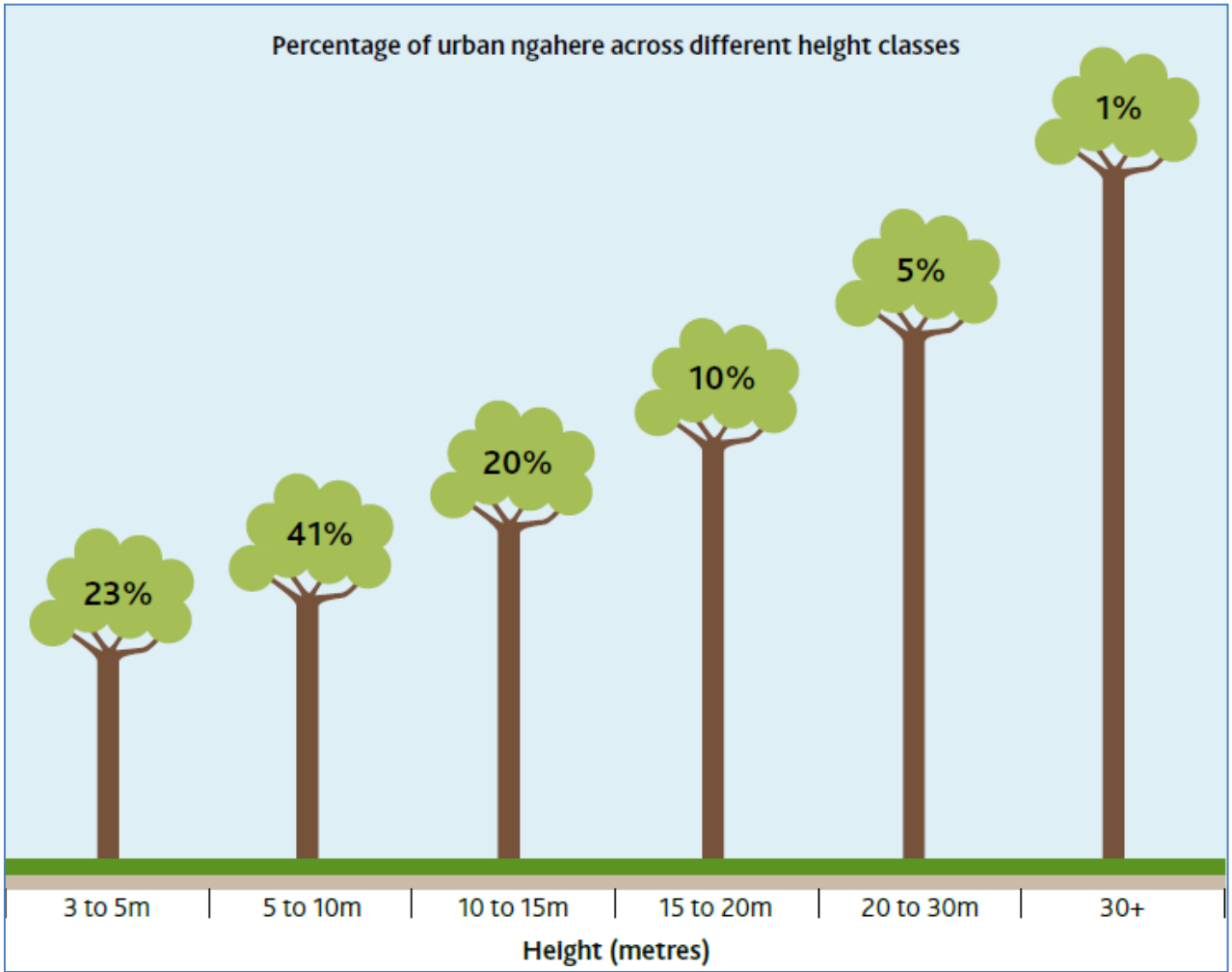


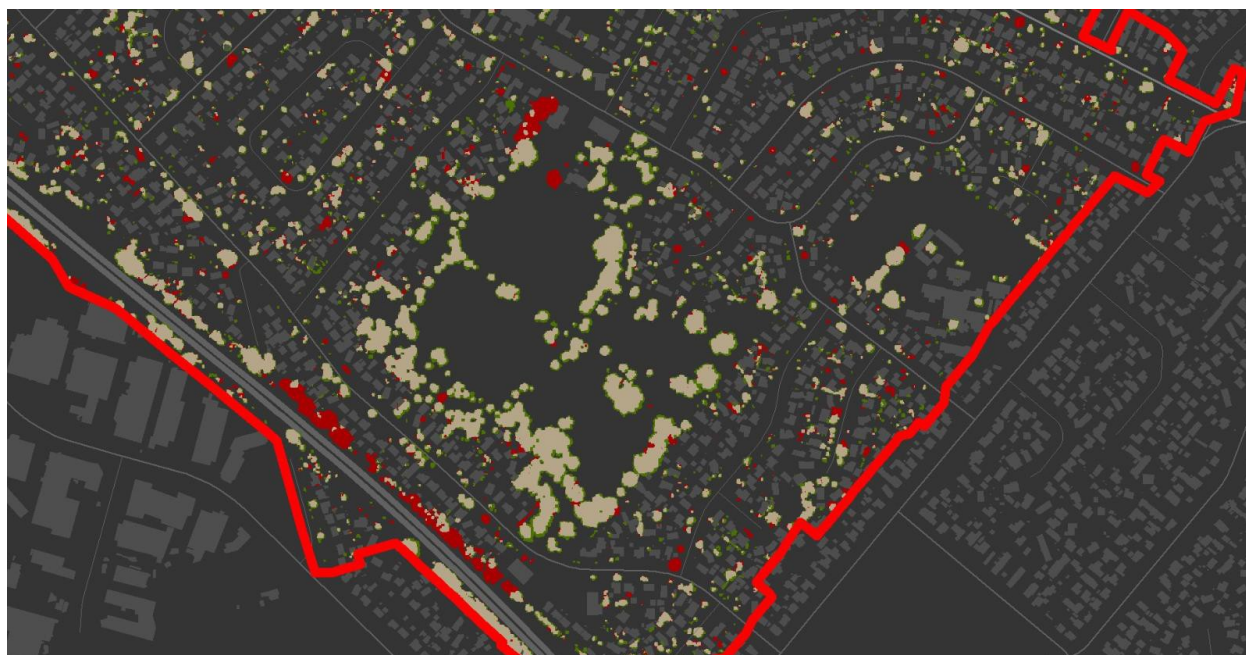
Figure 4. Percentage of urban ngahere across different height classes.

## Appendix 2: A preliminary assessment of changes in urban forest canopy cover across six suburbs

### Methods

Within the southern half of the Auckland region, six suburbs (Mellons Bay, Howick, Māngere Bridge, Māngere East, Flat Bush and East Tamaki Heights) were selected to assess the change in canopy cover of urban forest. These areas combined made up approximately eight per cent of the southern urban area. Suburbs were chosen to reflect a cross section in demography and baseline canopy cover ranging from low (~10 per cent cover of urban forest canopy 3m+ in height in this suburb) to high (>25 per cent canopy cover). The sample also contained two suburbs on the margins of the metropolitan area that are currently undergoing significant change from rural to urban land use: Flat Bush and East Tamaki Heights.

By using the pre-classified vegetation point cloud data for each 2013 and 2016 LiDAR flyover, we were able to create two respective canopy height models and compare them against each other to detect change. Change was assessed in each of the representative suburbs and broken down into tree height classes. An example of the type of data used to make these comparisons is presented in Figure 1. The red pixels show locations where tree canopy has been lost – usually through the loss of a discrete tree or group of trees.



*Figure 1:* Snapshot of spatial data depicting the change in tree canopy cover between 2013 and 2016 LiDAR data. Red pixels show canopy loss, green pixels are canopy gain, and beige pixels show persistent canopy over the approximately three-year period between the two samples.

### Results

The results are to be treated as indicative only, as they have not yet been verified in detail.

This preliminary study detected a one per cent net increase in urban forest canopy cover across all six suburbs that we examined over the three-year period from 2013 to 2016 (*Table 1*). Five out of the six suburbs (Mellons Bay, Howick, Māngere Bridge, Māngere East and Flat Bush) showed a net gain in urban tree canopy cover (*Table 1*). East Tamaki Heights experienced a net loss (-4%) of urban tree canopy of the three-year period. This was largely the result of a single clearance event of large trees (20-30m in height) where exotic plantation forest in the rural fringe of the suburb was cleared and replaced by housing.

**Table 1: The percentage cover of urban forest in 2013 and 2016 for a sub-sample of six suburbs from the south-eastern part of Auckland city.**

Suburb	Year		% change
	2013	2016	
Mellons Bay	23%	24%	+ 1%
Howick	16%	17%	+ 1%
Māngere Bridge	11%	12%	+ 1%
Māngere East	10%	11%	+ 1%
Flat Bush	19%	20%	+ 1%
East Tamaki Heights	39%	35%	- 4%
TOTAL for all six suburbs	18%	19%	+ 1%

The overall net increase in canopy cover disguised significant change in urban forest cover. The data shows there were significant losses of urban canopy cover in each suburb, although in all but one suburb (East Tamaki Heights) these losses were counter-balanced by the gains (*Table 2*). These suburbs are effectively in a dynamic equilibrium between canopy cover loss from tree removal and development, and canopy gains from tree canopy growth and new tree plantings. The two different types of canopy cover gain are clearly evident in *Figure 1*. The green 'donuts' show marginal growth of established trees, whereas the green 'dots' show where the canopy of a newly planted tree has grown above the 3m threshold for inclusion as part of the urban forest.

The greatest gains in urban forest canopy were experienced in Māngere East and Māngere Bridge (12 per cent and 13 per cent respectively). However, the low 'starting point' in terms of total urban forest cover in these two suburbs meant these relatively large increases in cover only translated to just over one percentage point gain in overall canopy cover (*Table 1*).

**Table 2: Gains and losses of urban forest canopy between 2013 and 2016 in a sub-sample of six suburbs from the south-eastern part of Auckland city.**

	% loss of 2013 tree canopy cover from 2013 to 2016	% gain in new canopy cover (based on 2013 area) from 2013 to 2016
Mellons Bay	20%	24%
Howick	24%	30%
Māngere Bridge	16%	29%
Māngere East	22%	34%
Flat Bush	14%	15%
East Tamaki Heights	19%	9%
TOTAL for all six suburbs	17%	18%

There has been a disproportional loss of tall urban forest canopy cover between 2013 and 2016. The loss of tree canopy cover in the larger height classes (i.e. taller trees) was clearly evident across all six suburbs (*Figure 2*). With only one exception (15 – 20m height class in Mangere East) net tree canopy 10m+ in height decreased across all six suburbs and net growth in tree canopy cover was confined to the two lower height classes. Flat Bush and East Tamaki Heights in particular were characterised by significant losses of large trees in the rural portions of these suburbs as these areas were cleared to provide 'clean' sites for new development.

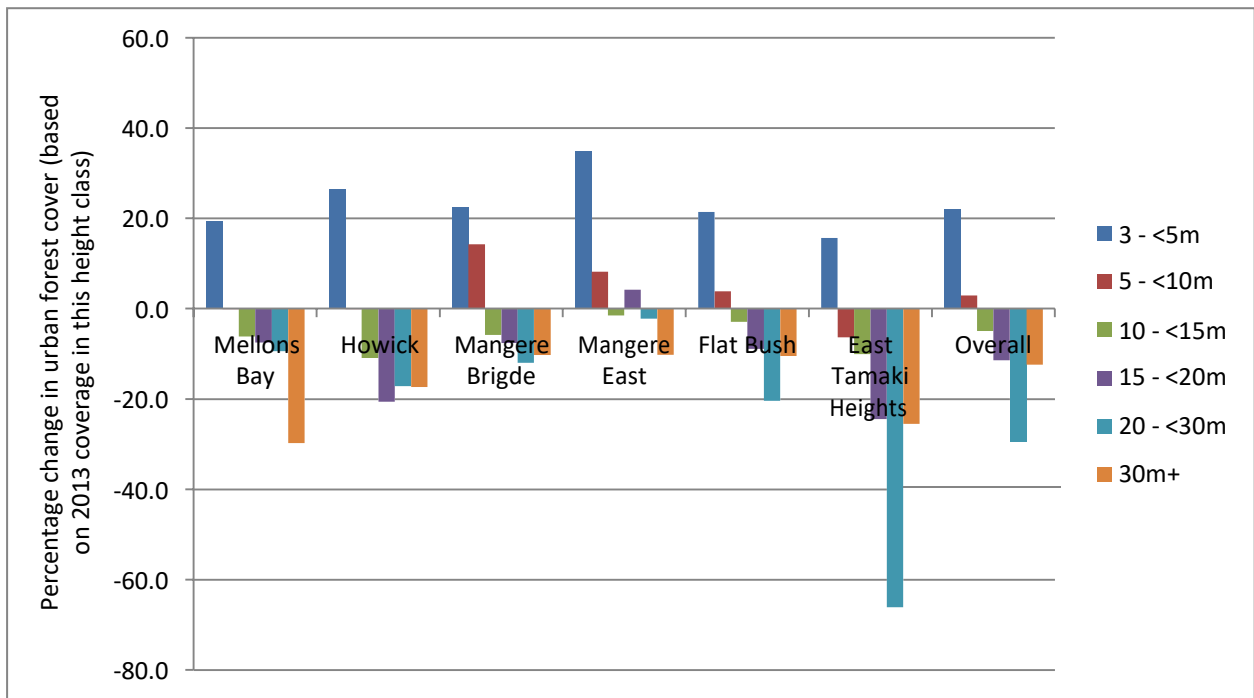


Figure 2: Percentage change (gains and losses) of urban forest canopy in different height classes between 2013 and 2016 with data from a sub-sample of six south-eastern suburbs of Auckland.

## **Appendix 3: Tree loss in the Waitematā Local Board area over 10 years, 2006-2016**

A summary of the report findings are outlined below:

### **Tree loss versus tree growth**

Only canopy losses were captured and mapped in this report. It was evident throughout the aerial analysis that newly established canopy and canopy growth of existing trees has also occurred within the Waitematā Local Board area, in some cases quite extensively.

Given that growth was usually represented by small marginal increments across many tens of thousands of individual trees and shrubs it was impossible to identify and digitise in the same way that tree loss was. An accurate determination of the actual proportion of canopy loss in Waitematā Local Board area therefore requires further data (e.g. LiDAR).

### **Total tree canopy lost**

A total of 61.23ha of tree canopy was lost from the Waitematā Local Board area over 10 years. The loss was made up of 12,879 different detected tree removal 'events'; meaning a minimum of 12,879 trees were cleared. The actual number of trees cleared is likely to be somewhat greater than this figure because the larger clearances involved the removal of multiple trees.

In terms of absolute area cleared, tree canopy loss was dominated by tree canopy removal on private land (65%). However, as private land is also the dominant ownership of tree canopy in the Waitematā Local Board area, this is not an unexpected result. Our data also showed that in the last 10 years there has been a proportionally higher rate of loss on private land with a disproportionately low rate of loss on public parkland.

### **The collective impact of individual actions**

The vast majority of tree clearances were quite small in terms of the quantity of canopy removed at a single location. 57 per cent of total loss of tree canopy was caused by the combined impact of many thousands of individual clearance events, all of which were individually less than 0.01ha (100m<sup>2</sup>) in size.

In terms of the pattern of tree canopy loss, it really is 'death by a thousand cuts'. More than 90 per cent of clearance events were <0.01ha in size, yet these clearances accounted for almost two thirds of the total area of canopy loss.

### **Protection status of trees**

More than 75 per cent of all cleared trees had no statutory protection and unprotected trees experienced higher rates of tree canopy clearance; about 60 per cent higher than what would be expected on a proportional basis.

86 per cent of tree canopy loss in the 'high protection' categories was on public land (including Newmarket Park stabilisation (45%), Zoo redevelopment (14%), park maintenance (7%)). However, the losses on public land are more likely to be offset, in the fullness of time, by the growth of new plantings.

### **Reasons for tree loss**

More than half of tree canopy clearance had occurred for no obvious reason (54%). That is, no new structures such as new dwellings or other buildings, pools, house extensions, decks or driveways had replaced the space that was beneath the cleared forest canopy. Reasons could include gardening/landscaping, improving light conditions/reducing shading.

Developments, improvements and extensions to existing buildings were the second most important reason for tree canopy clearance (33 %).

Other causes contributed a relatively small proportion of the total (8%): this includes transport e.g. road widening (5%) and remediation of Newmarket Park (3%).

The full report is available to download here:

<http://www.knowledgeauckland.org.nz/publication/?mid=2661&DocumentType=1&>

**Letter to Hon David Parker**

20 July 2020

Hon David Parker  
Minister for the Environment

**Via email:** [d.parker@ministers.govt.nz](mailto:d.parker@ministers.govt.nz)

Tēnā koe David

We are writing to follow up the letter sent to you on 9 April 2019 regarding assessments of urban trees in Auckland and the impact of RMA changes made by the previous Government. A copy of the letter is attached for your convenience.

We wish to draw your attention to a newly published assessment of Auckland's urban tree canopy cover, and to advocate for your RMA reforms to again allow for the general protection of urban trees where this form of protection is proven to be the most appropriate measure.

### **Assessment of urban trees in Auckland**

Last week, Auckland Council's Research, Investigations and Monitoring Unit (RIMU) published Auckland's urban forest canopy cover: state and change (2013-2016/2018).

The canopy cover report compares two points in time, 2013 and 2016/18, and describes changes across the predominantly urban local boards. The report shows that in 2016/2018 average urban tree canopy cover across Auckland was 18.4 per cent, similar to the 2013 average cover of 18.3 per cent, but well below the 30 per cent goal identified in Auckland Council's Urban Ngahere (Forest) Strategy.

Initial analysis indicates the locations experiencing more gains than losses were typically publicly owned park land and the road corridor, while the locations experiencing more losses than gains were typically privately-owned land and rural areas.

### **Impact of 2012 RMA changes**

Although this RIMU report is an important step in our understanding of Auckland's urban canopy cover, it is difficult to infer any direct impact of the RMA policy changes. To understand the impact of the RMA changes would require more research over a longer period to measure rate of losses and gains overtime, both before and after the RMA changes.

That said, we are advised that our tree protections under the Auckland Unitary Plan are problematic and that there is a potential for your RMA reforms to provide greater tree protection without creating unnecessary compliance costs.

### **Tree protection under the Auckland Unitary Plan**

Currently urban trees in Auckland can be protected via the notable trees schedule of the Auckland Unitary Plan but this creates a number of issues. Firstly, all nominations for an individual tree or group of trees need to go through a full process under the Resource Management Act via a plan change. This is a significant process which involves professional assessment and a public submission process, and costs approximately \$1500 per nomination.



Secondly, even with approximately 5000 individual urban trees protected by the notable trees schedule this remains a tiny fraction of our total urban tree cover so the schedules influence on total cover is minimal. Lastly, schedules of this size within RMA plans easily lose their integrity as trees disappear (due to consented removals/development, illegal removals, storm damage or old age) more quickly than the RMA plan can be updated by plan change.

### **RMA reforms**

As stated in the 9 April 2019 letter, we need greater urban tree protection and agree with you that we need mechanisms to protect mature and ecologically significant trees while ensuring that protections do not create unnecessary compliance costs for routine pruning or the removal of less significant trees.

In our view, councils should have the ability to create district plan rules to protect trees with certain attributes, and to selectively apply these rules in areas of the most need or in areas with specific particular benefits, for example, the North-West Wildlink.

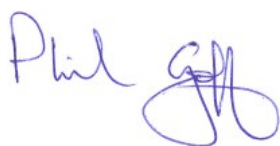
### **Conclusion**

A healthy urban forest has a wide range of benefits, such as enhanced stormwater management, air pollution removal, improved water quality, cooling to reduce the urban heat island effect, and ecological corridors to connect habitats and improve biodiversity. Auckland Council's ability to realise these benefits is constrained by a cumbersome and costly process to add specimens to the notable tree schedule of the Auckland Unitary Plan.

Auckland's urban canopy cover has grown by 0.1% between 2013 and 2016/18; however, we would be able to make greater progress towards our goal of 30 per cent urban tree canopy cover if we had the ability to create district plan rules to protect trees with certain attributes and to selectively apply these rules in appropriate areas of most need whilst also recognising the needs for housing and business capacity.

As you continue your review of the RMA, we encourage you strongly to provide greater overall protection for trees of significance. We would welcome any opportunity to collaborate on the issue of greater tree protection.

Yours sincerely



Phil Goff  
**MAYOR OF AUCKLAND**



Richard Hills  
**CHAIR, ENVIRONMENT AND CLIMATE CHANGE  
COMMITTEE**

# 2

## Rating Value of Forestry Land

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<b>Remit:</b>	That LGNZ request the Valuer General amend the relevant legislation to allow for Local Government to address the growing disparities between the rating valuation of forestry land and other land uses.
<b>Proposed by:</b>	Gisborne City Council
<b>Supported by:</b>	Hauraki District Council; Western Bay of Plenty District Council; New Plymouth District Council; Hastings District Council; Manawatū District Council; Ruapehu District Council; Whakatāne District Council; Central Hawkes Bay District Council; Wairoa District Council; and Waikato District Council.

### Background information and research

#### 1. Nature of the issue

Councils with a high proportion of regional land use under forestry currently face challenges to rate foresters at a level which reflects their use of council resources or the forest sector's ability to pay.

This is a result of very low land valuations under established forestry, as the land value is transferred into the value of growing trees which are not included in capital value under the Act.

#### 2. Background to the issue

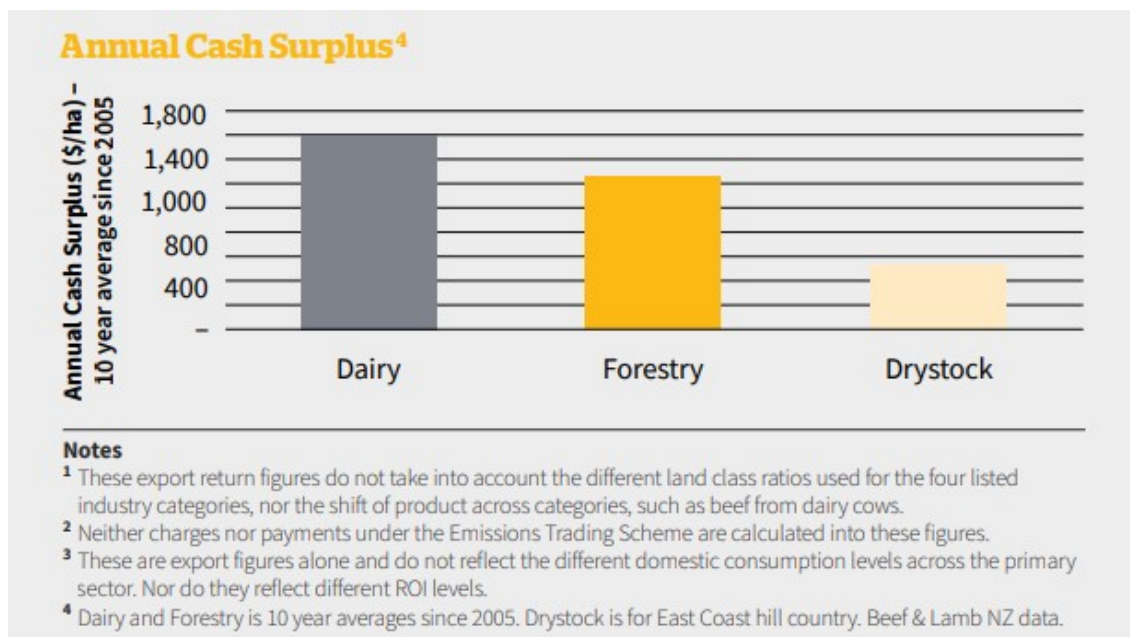
Local Government raises funds by gathering rates from landowners – which are set in accordance with their Revenue and Finance policies. The rates being applied are typically a multiplier of either the Land Value and Capital Value, or some combination of the two. The Land value and Capital Value of assets is presumed to act as a proxy for the landowner's ability to pay.

Councils are required to apply the funds raised to providing services, infrastructure and regulatory oversight to ratepayers and the community. They attempt to align the cost of rates to those who benefit from the service provided where possible – although this is fraught with difficulty and has in recent years become increasingly challenging when considering the nature of the forest sector land values and the relationship to infrastructure needs in the Gisborne region amongst others.

The forest sector is a heavy user of both infrastructure (in particular roads) and regulatory services – and over time has grown in the Tairāwhiti region to cover some 30 percent of land used for economic purposes. During this time, the value of farmland has appreciated significantly – and more recently has seen foresters contest at unprecedented levels for pastoral farmland which when planted, is eligible to earn New Zealand units (carbon credits) at a minimum guaranteed floor price of \$20.00.

However, forestry land prices – where transactions occur from one forest owner to another, have remained depressed and remain significantly lower than pastoral land prices – as land in existing forestry typically has a high proportion of any sale value apportioned to tree value.

This results in land value rapidly being devalued once trees are established, as it transforms into forestry land – while its future demands on council resources remain significant. The fact that there is no capital value attributed to the growing trees means that the rateable value of a property decreases even as its demand on council resources (at harvest) increases. The land value of forestry land is also a poor reflection of this sectors ability to pay, as the graph below depicts the relative profitability of forestry compared with sheep and beef farming.



(Figure 1: relative profitability of forestry compared with sheep and beef farming. Source: FOA Facts and Figures 2019/20)

### 3. New or confirming existing policy

In the last 15 years the addition of carbon unit revenues earned through sequestration of post 1990 forests has meant that the tree crop rotation cycle (the length of time between incurring expenses and earning income) which may have once formed the bases for excluding exotic forest values into capital value – no longer apply for post 1990 forests.

In addition, when the Rating Valuation Act was last debated in June 1998, the carbon price did not have a minimum guaranteed price. The most contentious issue at the time appears to have been whether or not live hedges should be included in capital value. The section relating to tree value is as follows:

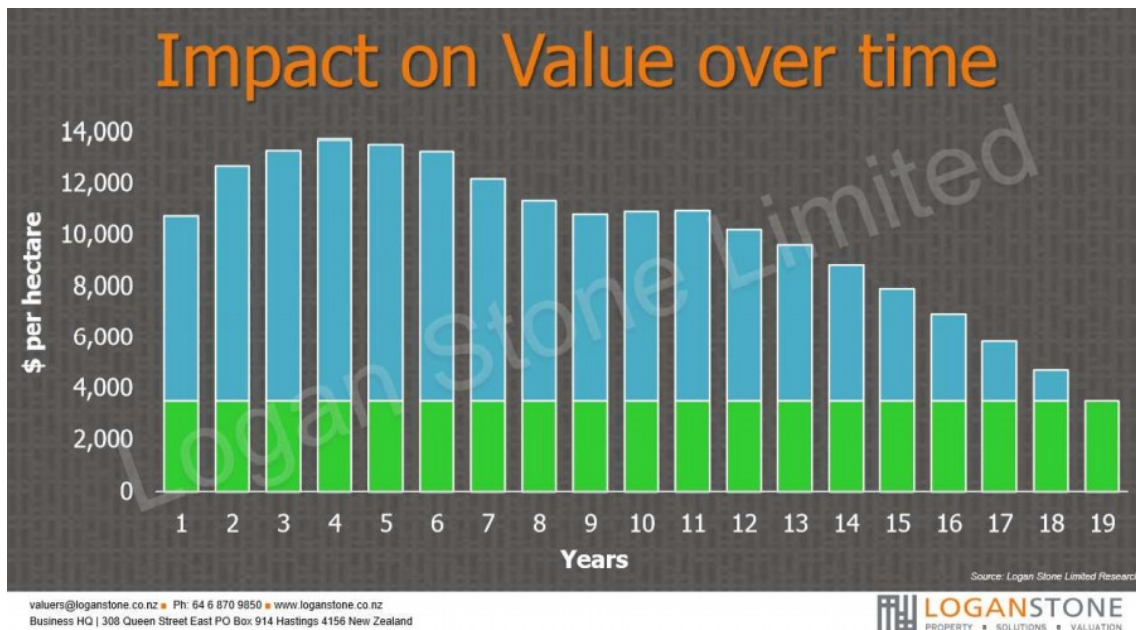
*“(1) The value of trees is not to be included in any valuation under this Act unless the trees are fruit trees, nut trees, berryfruit bushes, or live hedges.*

*“(2) The value of any fruit trees, nut trees, vines, berryfruit bushes, or live hedges is not to be taken into account in assessing the land value of any rating unit under this Act.”*

However, the Rating Valuation Act 1998 confers a broad discretion on the Valuer General to make rules setting requirements in relation to valuations which are *“necessary for the maintenance and upkeep of the district valuation roll and in the interest of ensuring national consistent, impartial, independent and equitable rating valuation system.”*

The Net Zero Carbon Act and ETS now provide certainty for the forest sector of an appreciating carbon price and significant returns – which are driving rapid afforestation of pastoral land – both by landowners themselves and forestry expansion at the whole farm scale. This competition for land is increasingly the value of pastoral land – while the depreciation of that land once planted – creates a discrepancy for rating purposes which (in the absence of increasing differentials) is resulting in decreasing rates for forest owners, while their earnings rise significantly.

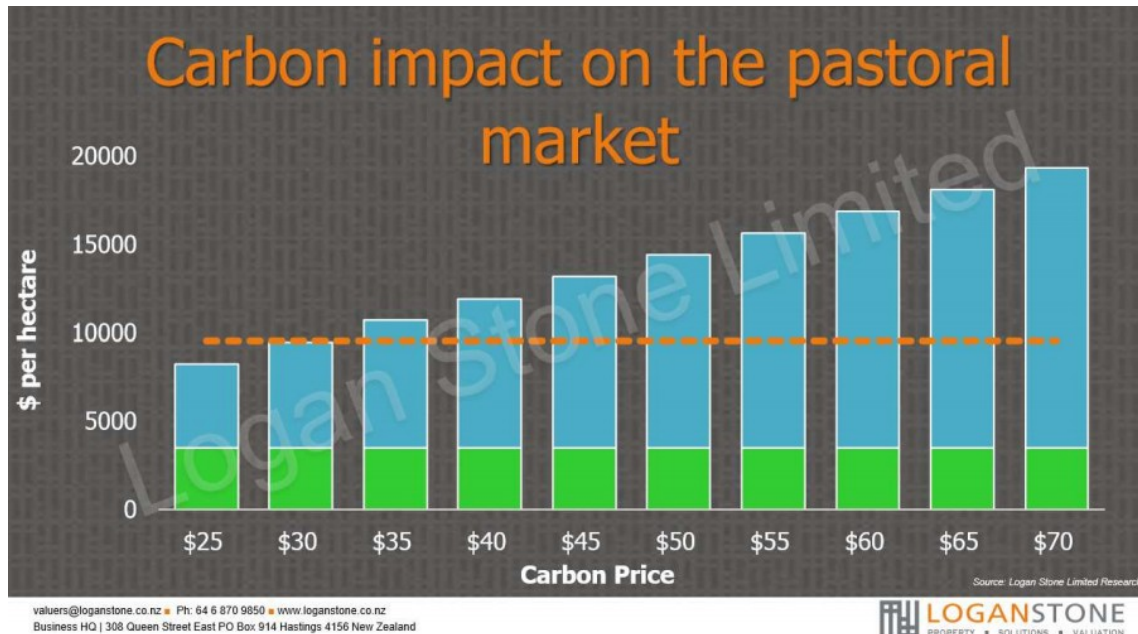
Below the impact of afforestation (including carbon income) on land value is shown over time. This corresponds broadly to observed valuation patterns in the Gisborne region.



(Figure 2: impact of afforestation on land value over time)

These long term decreases create a disproportionate burden for other ratepayers and further exacerbate the degree to which low-income ratepayers are asked to pay for infrastructure and regulatory services – with this trend increasingly apparent over time.

The impact of Carbon price on competition for land use is also in stark contrast to the ability for Local Government to account for these distortions and apply fair and equitable rating valuation system, as pastoral farmers are currently being rated for the potential carbon storage in their land, while those who extract this value, pay less and less with every subsequent year following afforestation.



(Figure 3: carbon impact on the pastoral market)

#### 4. How the issue relates to objectives in the current Work Programme

LGNZ has a current focus on infrastructure and funding – this issue cuts to the heart of these topics and is significantly connected to current climate change work, and the evolving policy in response to the Climate Change Response Act.

The Climate Change Commission (CCC) has made a series of draft recommendations to Government – which detail their expected continuation of afforestation and a rising carbon unit price – which would see the issues outlined above become more pronounced.

The questions around how to fund increasing demands on infrastructure, in particular roads, bridges and drainage systems in the face of climate change, must consider the flows of carbon revenue into regions where forest activities (some of them permanent) will have an impact on local economic cycling and may correspondingly limit Councils’ ability to gather rates in a fair and equitable way.

This is at a time when LGNZ’s submission to the CCC advice has been to highlight the significant challenges facing councils in addressing the ‘transition’ and fundamental shifts which will be required at a local level to accommodate changes to local plans, urban form, energy and transport infrastructure to name but a few. Any anomalies in the rating system which exacerbate the inequity already apparent in the rating system should therefore be addressed with urgency.

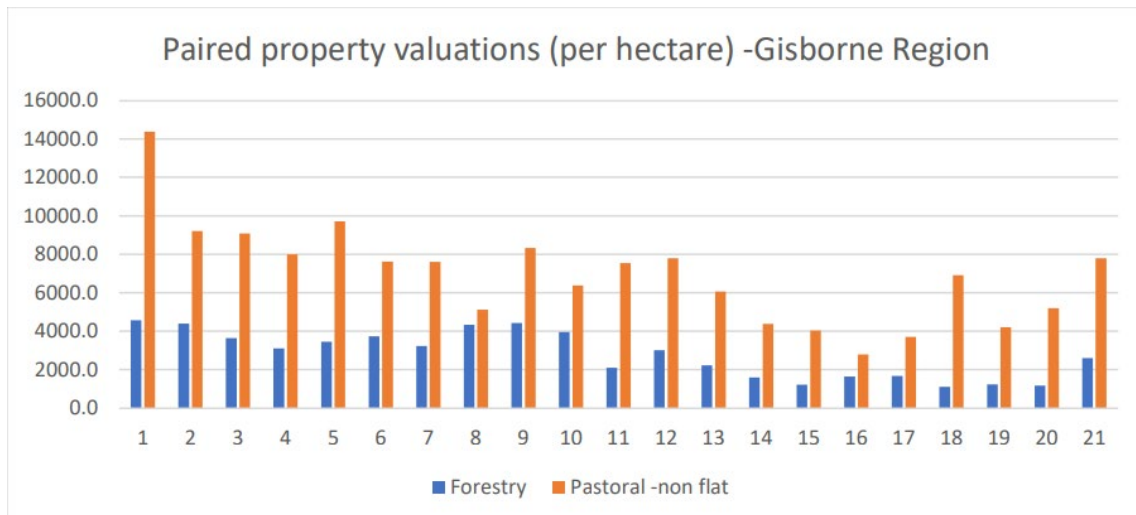
CARBON RETURNS REFLECTING CCC ADVICE FOR 2021-2030-2050							
	NSA/ha	Today's Carbon Price	Price forecast Sensitivity to 2024	Price forecast Sensitivity 2025-2030	Price forecast Sensitivity 2031-2050	Price forecast Sensitivity 2051-2070	
	100	\$39.00	15.8%	11.40%	2.95%	-10.0%	
Age	Yr	Total NZU	Forecast NZU/Value	Annual Carbon Income	A V E R A G I N G	Return/ha/Carbon	
1	2022	50.00	\$45.14	\$2,257.13			\$22.57
2	2023	250.00	\$52.25	\$13,063.11			\$130.63
3	2024	600.00	\$60.48	\$36,289.32			\$362.89
4	2025	2500.00	\$70.01	\$175,020.38			\$1,750.20
5	2026	3136.15	\$81.03	\$254,135.86			\$2,541.36
6	2027	3983.62	\$93.80	\$373,653.46			\$3,736.53
7	2028	5396.10	\$108.57	\$585,856.87			\$5,858.57
8	2029	5536.19	\$125.67	\$695,735.21			\$6,957.35
9	2030	2777.18	\$140.00	\$388,796.04			\$3,887.96
10	2031	3411.63	\$144.13	\$491,706.44			\$4,917.06
11	2032	3780.23	\$148.38	\$560,904.91			\$5,609.05
12	2033	4047.57	\$152.76	\$618,288.79			\$6,182.89
13	2034	4205.94	\$157.26	\$661,433.52			\$6,614.34
14	2035	4315.88	\$161.90	\$698,745.93			\$6,987.46
15	2036	4383.68	\$166.68	\$730,659.28			\$7,306.59
16	2037	4418.15	\$171.59	\$758,128.78			\$7,581.29
17	2038	4417.03	\$176.66	\$780,295.19	\$7,824,970.21	\$7,802.95	

(Table 1: recommended carbon price trajectory – Climate Change Commission)

The above table shows that according to the CCC's recommended carbon price trajectory, revenues would be many times in excess of any pastoral use (as seen in Figure 1). Note also that this table assumes that pruning and thinning takes place – which reduces the net stocked area and temporarily reduces carbon income – failing to prune or thin removes this dip in revenue.

Given the returns available to foresters (and farm foresters) – are significant, paving the way for later harvest revenues – it is appropriate that the Valuer General consider how this issue should be treated for rating purposes and if amendments to the Rating Valuations Act 1998, or addition of new mechanisms at a localised level are appropriate.

There is work being undertaken at a regional level to understand the implications of a rising carbon unit price and the associated land price distortions – however while the land value under forestry remains significantly lower than the land being acquired for forestry – this disparity and the corresponding inequitable outcomes will persist.



(Figure 4: paired property valuations (per hectare) – Gisborne Region)

The above graph represents 21 properties which have been ‘paired’ for consistency, meaning they are located in the same area (ideally neighbouring), are of an appropriately comparable scale and are free from anomalies such as horticulture or significant flat land.

**5. Any existing relevant legislation, policy or practice**

The introduction of Gold Kiwifruit licence into the calculation of Capital Value illustrates that when an industry is significantly out of step with the purposes of rating valuations – that the Valuer General is prepared to step in. LGNZ should advocate the same approach be applied to this issue.

# 3

## Funding of Civics Education

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<b>Remit:</b>	That Local Government New Zealand (LGNZ) advocate to central government for provision of funding to enable Councils to engage in civics education for high school children.
<b>Proposed by:</b>	Hamilton City Council
<b>Supported by:</b>	Horizons Regional Council; Christchurch City Council; Tauranga City Council; Nelson City Council; New Plymouth District Council; Hastings District Council; Waikato District Council; Whakatāne District Council; and Ōpōtiki District Council.

### Background information and research

#### 1. Nature of the issue

Currently the provision of civics education in schools is limited and sporadic. A real opportunity exists to get school children meaningfully involved in civic affairs through their local Council.

There is currently a real gap between schools and councils – a gap that needn't exist, given that the very point, and the very strength, of local Government is that it is local. The funding requirement for Councils to be able to play a greater outreach role in their community would be relatively modest, and incredibly beneficial.

There is significant New Zealand and international evidence of the benefit of providing young people with civic education in general, and engagement with local Government in particular.

#### 2. Background to the issue being raised

Hamilton City Council has noted an increasing demand from high schools and their students wanting to engage with Council as part of a rounded education. However, the demand for interaction with Council currently outstrips our ability to supply it. Indeed our current arrangements, which have proved hugely popular, risk being unsustainable without additional funding.

On [some areas of Council business](#), the number of young people now responding to consultations broadly fits the age demographic across the city. These are people who want to engage with Council, but many of them are unable to do so. At large, however, disengagement from local politics is real – and growing. Voter turnout in local elections and cynicism about the work of local Government remain



significant issues – in large part due to a lack of knowledge, particularly among young people, about what Council does, and how people can engage with Council.

Hamilton City Council works in partnership with the Electoral Commission to encourage people, especially young people, to enrol and to vote, but more support from Government would enable all Councils to play a bigger role in this area.

**3. New or confirming existing policy?**

New policy.

**4. Does the issue relate to objectives in the current LGNZ business plan? How?**

It supports the work programme by raising the profile of, and accessibility to, local government for young people. The benefits of that could be significant in the long-term.

**5. What work or action on the issue has been done, and what was the outcome?**

We are aware of small-scale schemes but not national action, which we believe is required.

**6. Any existing relevant legislation, policy or practice**

There has been lots of academic research on the benefits of civic education in general, and engagement with local government in particular. See for example:

- [Citizenship in Action: Young People in the Aftermath of the 2010-2011 New Zealand Earthquakes | Sisyphus — Journal of Education \(rcaap.pt\)](#)
- [Alive and Motivated: Young people, participation and local government - Murdoch University Research Repository](#)
- [Citizen Schools: Learning to rebuild democracy | IPPR](#)
- [Getting the Majority to Vote: Practical solutions to re-engage citizens in local elections](#)

There is clearly a very good fit between the role of Councils and the [social sciences achievement objectives](#) in the New Zealand Curriculum. Moreover, closer working between schools and local authorities would fit well with the compulsory teaching of New Zealand history in schools and kura from 2022.

The highly successful (but very limited reach) Tuia programme, through which young Māori are mentored by Mayors, which most Councils support (at their own cost) is a further example of both the benefit of young people engaging with their local Councils, and the need for resource to enable this at greater scale.

**7. Outcome of any prior discussion at a Zone or Sector meeting**

N/A.

**8. Suggested course of action by LGNZ envisaged**

That Local Government New Zealand (LGNZ) advocate to central government for provision of funding to enable Councils to engage in civics education for high school children.

# 4

## Promoting local government electoral participation

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<b>Remit:</b>	That the power the Chief Executive has under the Local Government Act (42, 2 (da)) for “facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001” be removed and placed with the Electoral Commission.
<b>Proposed by:</b>	Palmerston North City Council
<b>Supported by:</b>	Zone Three

### Background information and research

#### 1. Nature of the issue/background

Local Government authorities, concerned by retaining neutrality, have been inconsistent in their actions to ‘facilitate and foster representative and substantial elector participation.’ The Electoral Commission has greater reach to engage consistently and effectively to increase the low turnout in local body elections.

#### 2. New or confirming existing policy?

This will be a new policy as LGNZ previously supported that option that this responsibility sit with Chief Executives.

#### 3. Does the issue relate to objectives in the current LGNZ business plan? How?

The proposed remit fits clearly within the already identified LGNZ policy advocacy workstreams.

- Five significant projects were identified by LGNZ in its policy advocacy work for 2020/21 year: Housing, Environment, Climate Change; Democratic Well-being, and Transport.
- Within democratic wellbeing is the electoral system reform strand, which is further divided into two projects, one of which is to:
  - o Investigate alternative methods of voting, as well as wider system reform, such as making the Electoral Commission responsible for both local and national elections. This will include examining the checks and balances within the system to ensure they are fair, transparent and fit for purpose.

**4. What work or action on the issue has been done, and what was the outcome?**

Legislative change has been put in place re: Māori wards (one of the two electoral reform projects). We now ask LGNZ to focus on wider electoral system reform.

The Parliamentary Justice Select Committee Inquiry into the 2017 General Election and 2016 Local Elections (recommendation 15), and the subsequent Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections and Recent Energy Trust Elections (recommendation 1), recommended (and reiterated) that the Government consider giving responsibility for running all aspects of local elections to the Electoral Commission.

**5. Any existing relevant legislation, policy or practice**

As above.

**6. Outcome of any prior discussion at a Zone or Sector meeting**

N/A

**7. Suggested course of action by LGNZ envisaged**

Ensure LGNZ's voice on the issue is heard by the Justice Select Committee in its call to hear further feedback on the issue, as the Government has indicated that the detail of this change would need to be worked through.

# 5

## Carbon emission inventory standards and reduction targets

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<b>Remit:</b>	That LGNZ works with central government in a) developing consistent emission inventory standards for use by local and regional authorities, and b) setting science- based emissions reduction targets to support delivery on our National Determined Contribution (NDC) under the Paris Agreement and on our nationwide emissions budgets being established by government via advice from the Climate Change Commission.
<b>Proposed by:</b>	Palmerston North City Council
<b>Supported by:</b>	Zone Three

### Background information and research

#### 1. Nature of the issue/background

Inconsistent emission's inventory standards across different local and regional authorities create difficulties in comparing and contrasting emission profiles. A consistent standard with accompanying guidance could also reduce costs for local and regional authorities by reducing the level of expertise required.

The Climate Change Commission has recently released its first package of advice to Government, proposing a set of three emissions budgets, and includes discussion regarding the delivery and compatibility of our National Determined Contributions (NDC's) with the 1.5°C warming target.

#### 2. New or confirming existing policy?

Enhancing existing policy.

#### 3. Does the issue relate to objectives in the current LGNZ business plan? How?

The proposed remit fits clearly within the already identified LGNZ policy advocacy workstreams.

- Five significant projects were identified by LGNZ in its policy advocacy work for 2020/21 year: Housing, Environment, Climate Change; Democratic Well-being, and Transport.
- The climate change project, in part, seeks to 'Advocate for, and participate in, the development of a right-sized reporting methodology and framework for councils that meets the foreseeable needs of the Climate Change Commission' and notes that

“Councils can also play an important role in mitigation by working with their communities to reduce emissions”.

**4. What work or action on the issue has been done, and what was the outcome?**

The Climate Change Response (Zero Carbon) Act is now in place, we now ask LGNZ to focus on its implications for Local and Regional Government.

The Climate Change Commission has released its first package of advice to Government. The package contains a range of recommendations for Government, but contains relatively little detail on the role of local and regional government.

**5. Any existing relevant legislation, policy or practice**

As above.

**6. Outcome of any prior discussion at a Zone or Sector meeting**

N/A.

**7. Suggested course of action by LGNZ envisaged**

Ensure LGNZ's voice on the issue is heard by the Climate Change Commission in its call to hear further feedback, and that it work with Government to support delivery of New Zealand's Nationally Determined Contribution.

# 6

## WINZ Accommodation Supplement

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<b>Remit:</b>	That LGNZ works with the Government to: <ol style="list-style-type: none"><li>1. Conduct an urgent review of the Work and Income New Zealand (WINZ) Accommodation Supplement (AS) system zones in partnership with Territorial Authorities.</li><li>2. Schedule a two yearly review of the WINZ AS system zones in partnership with Territorial Authorities ongoing.</li></ol>
<b>Proposed by:</b>	Queenstown Lakes District Council
<b>Supported by:</b>	Hamilton City Council; Nelson City Council; Porirua City Council; Southland District Council; Clutha District Council; and Central Otago District Council.

### Background information and research

#### 1. Nature of the issue

Work and Income New Zealand (WINZ) administers an Accommodation Supplement (AS) system, which provides a weekly payment that helps people with their rent, board or the cost of owning a home. It is a means-tested payment that is available to citizens or New Zealand residents aged over 16 who are not in social housing and have accommodation costs to meet<sup>1</sup>.

The AS is structured according to four tiers, with AS1 being paid in urbanised areas (\$305 per week) through to AS4 being paid in the least urbanised areas (\$120 per week). The vast majority of the land mass of New Zealand is classified as AS4. With a difference of \$185 per week between AS1 and AS4, it is important that urban areas are zoned appropriately.

However, the AS system has not kept pace with areas experiencing significant change. It was last reviewed in 2018, but for high growth areas significant urban developments have been overlooked. New developments and suburbs have emerged at pace and have remained at their original rural AS level of AS4. With the current government's appetite for increasing housing supply, this issue may become more apparent with progress in this space.

This creates an inequitable and confusing situation between closely located neighbouring suburbs within urban areas. Older urban areas may be zoned as AS1, but new, adjacent neighbourhoods remain zoned AS4 as if never developed. Residents moving into these new neighbourhoods are rarely aware of the significant drop in AS they will experience and the considerable impact this could have upon their family's wellbeing.

<sup>1</sup> <https://www.workandincome.govt.nz/products/a-z-benefits/accommodation-supplement.html>

This remit is recommending that LGNZ pursues an urgent review of the AS map across the country to ensure that households are able to access funds that will meaningfully improve their financial position and wellbeing.

This review should be undertaken in partnership with territorial authorities, aligning urban zoning potential with AS1 areas insofar as possible.

Furthermore, with a strong governmental focus on increasing the supply of housing across New Zealand, the review of the AS system should be conducted every two years in order to accommodate future changes.

Ensuring a regular, systematic review will be essential to maintaining the health of the AS system ongoing. A review every two years will ensure that the risk of this situation threatening the wellbeing of fast-growing communities can be mitigated over the longer-term.

## **2. Background**

The payments are particularly important to people in areas where the cost of living is high, but the average wages are below the national average.

Queenstown is a good example of where this is a challenge. The urban geography of the Queenstown Lakes District has changed considerably due to unprecedented growth in both residential and visitor numbers in the past ten years. Even post COVID 19, demand projections indicate a return to similar levels of growth in the near future<sup>2</sup>.

As such, a number of areas identified as Area 4 (AS4) have now been fully urbanised for a number of years.

This is most notable in the Wakatipu Ward, where 16 per cent of all dwellings are in the Lake Hayes Estate, Shotover Country Estate and Jacks Point. These are family-focussed neighbourhoods with significant capacity to grow, yet these locations are all AS4, eligible for only \$120 AS per week. Rent averages over \$700 per week for households in these locations.

Queenstown will not be alone in facing this challenge, with other high growth areas likely experiencing similar situations.

## **3. New or confirming existing policy?**

This remit represents a new policy position for LGNZ and for Central Government.

## **4. Does the issue relate to objectives in the current LGNZ business plan? How?**

This remit aligns with the policy priorities of LGNZ in relation to social equity and housing. This recommendation is an initiative that will reduce the risk of inequity when increasing the housing supply for working households.

<sup>2</sup> <https://www.qldc.govt.nz/community/population-and-demand>



**5. What work or action on the issue has been done, and what was the outcome?**

Queenstown Lakes District Council has advocated on this matter to central government over a number of years with little localised success. A wider system change approach is now recommended.

**6. Any existing relevant legislation, policy or practice**

This relates to an existing WINZ product and the processes which used to govern its delivery.

**7. Outcome of any prior discussion at a Zone or Sector meeting**

None.

**8. Suggested course of action by LGNZ envisaged**

That LGNZ works with the Government to:

- Conduct an urgent review of the WINZ AS system zones in partnership with Territorial Authorities.
- Schedule a two yearly review of the WINZ AS system zones in partnership with Territorial Authorities ongoing.

# 7

## Liability – Building consent functions

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<b>Remit:</b>	That LGNZ works with Government to obtain legal protection/indemnity from the Crown in favour of all Councils, and/or to implement a warranty scheme, for any civil liability claim brought against a Council with regards to building consent functions carried out by Consentium (a division of Kāinga Ora), as any such costs should not be borne by ratepayers.
<b>Proposed by:</b>	Waikato District Council
<b>Supported by:</b>	Upper Hutt City Council; Hauraki District Council; Waipā District Council, Ōtōrohanga District Council; Thames-Coromandel District Council; and Hamilton City Council.

### Background information and research

#### 1. Nature of the issue

Consentium (an internal division of Kāinga Ora) has been registered as a Building Consent Authority (BCA) and has taken over building consent functions for public housing of up to four levels. Consentium is the only nationally accredited and registered non-Territorial Authority BCA.

If Kāinga Ora is disestablished via a change in government or change in government approach or if the Kāinga Ora properties are sold, then there is a risk that Councils, as “last person standing” are exposed to civil liability claims in respect of the building consent functions carried out by Consentium, with such costs being borne by ratepayers.

#### 2. Background

Kāinga Ora, a Crown Entity subject to the Crown Entities Act 2004, has established its own Building Consent Authority (BCA) called Consentium.

Consentium is New Zealand’s first accredited and registered non-Council BCA (accredited in November 2020 and registered by the Ministry of Business Innovation and Employment (MBIE) 9 on March 2021). Consentium is a separate division within Kāinga Ora. It is not a separate legal entity.

Consentium provides building compliance services for *public housing of up to four levels* which includes:

- Processing of building consent applications;
- Issuing of building consents;
- Inspection of building work;
- Issue of Notices to Fix;
- Issue of Code Compliance Certificates; and
- Issue of Compliance Schedules.

(BCA Functions)

#### Disestablishment of Kāinga Ora/Sale of the Properties

There is a risk that due to a change in government or government approach that Kāinga Ora could be disestablished thereby taking Consentium with it; or could sell the properties.

If Kāinga Ora were dissolved and/or sold its properties:

- It would no longer own the properties Consentium has provided BCA Functions for, meaning new owners may attempt to bring legal proceedings against Councils (as “the last man standing”) with regards to any existing consents granted by a Council and subsequently assigned to Consentium, via sections 213 or 91(2) of the Building Act 2004, or new consents issued by Consentium. Even if such proceedings are without merit and/or unsuccessful Councils incur the costs of defence of those proceedings;
- Councils would need to take over the BCA Functions for properties that are in the process of construction and have not had a Code Compliance Certificate issued. Issues of split liability may arise where Consentium may have negligently issued a building consent or negligently undertaken preliminary inspections, with the relevant Council completing the remainder of the process. Again, this exposes Councils to risk of legal proceedings brought by the new owners of these properties.

#### Consentium not being able to meet its share of any civil liability if claims arise

As part of the BCA registration process Consentium had to evidence to MBIE that it will be in a position to meet its share of civil liability if claims arise in respect of the BCA Functions carried out by Consentium. A request was made for a copy of such evidence but was declined by Kāinga Ora on the basis of commercial sensitivity. This is a key issue for Councils. The private certifier system under the Building Act 1991 failed when private certifiers lost their insurance. Councils were left “holding the bag” in respect of any and all properties experiencing issues where they had any involvement and could therefore be pulled into a claim. Councils do not want history to repeat.

**3. New or confirming existing policy?**

The issue is related to LGNZ's existing housing policy priority, as it impacts on the consenting functions of local authorities and has potential impacts in terms of Council liability.

**4. Does the issue relate to objectives in the current LGNZ business plan? How?**

As per above.

**5. What work or action on the issue has been done, and what was the outcome?**

There has been collaboration between a few Councils with regards to obtaining legal advice on an agreement proposed by Kāinga Ora pursuant to section 213 Agreement of the Building Act 2004 with regards to certain existing consents together with advice on the risks Councils are exposed to as a consequence of Consentium taking over BCA functions in their districts.

Kāinga Ora declined to give an indemnity for matters that it had assumed liability for under the proposed section 213 Agreement. It further declined to provide information as to how it satisfied MBIE that it will be in a position to meet its share of civil liability if claims arise.

**6. Any existing relevant legislation, policy or practice**

As outlined above, Kāinga Ora is a Crown Entity subject to the Crowns Entities Act 2004 (CEA). Section 15(b) of the CEA specifically sets out that a Crown entity is a separate legal entity to the Crown. Section 176 of the CEA and section 49(1)(a) of the Public Finance Act 1989 (PFA) specify that the Crown is not liable to contribute towards the payment of any debts or liabilities of a Crown entity.

There is no statutory guidance on the liability of the Crown entity in tort when it is dissolved. It may be that the general position is similar to the dissolution of a company. However, in the Resource Autonomous Crown Entities, Independent Crown Entities (excluding District Health Boards and Corporations Sole), it is stated at page 59 "Although Crown entities are legally separate from the Crown, in some cases a court may decide that the Crown is liable for the agency. This will depend largely on its statutory functions and the extent of control exercised over the entity by Ministers and other central government agencies".

Section 65ZD of the CEA empowers a Minister to give a person, organisation or government an indemnity or guarantee on behalf of the Crown if it appears to the Minister to be necessary or expedient in the public interest to do so. The indemnity or guarantee may be given on any terms and conditions that the Minister thinks fit. Any guarantee can be given in respect of performance or non-performance by another person, organisation or government. Accordingly, a Minister could provide an indemnity or guarantee to Councils in the event that Kāinga Ora is dissolved, or sells its properties prior to the 10 year holding period currently contemplated.

In most states in Australia, state-backed warranties are a “last resort mechanism” protecting owners from losses arising from defective buildings, for example the Competition and Consumer Act 2010 (Cth), Part VIA and Proportionate Liability Act 2005 (NT). These act as state-backed defects insurance, covering the cost of rectifying defects for new house construction if the builder is insolvent or disappears before rectifying the defects. In its report Liability of Multiple Defendants, the Law Commission considered recommending the introduction of state-backed warranties in New Zealand if a proportionate liability regime was implemented, replacing the current joint and several

**7. Outcome of any prior discussion at a Zone or Sector meeting**

None.

**8. Evidence of Support from Zone/Sector meeting or five Council's**

As outlined above there has been collaboration from some Councils with regards to seeking legal advice on the matter and during this collaboration there was the shared concerns around exposure to future liability claims with regards to Consentium's activities, this no doubt will be indicative of concerns across the sector.

**9. Suggested course of action by LGNZ envisaged**

LGNZ seeking legal protection/indemnity from the Crown in favour of all Councils for any civil liability claim brought against a Council with regards to building consent functions carried out by Consentium, as any such costs should not be borne by ratepayers.

LGNZ seeking a state-backed warranty to be put in place in the event Kāinga Ora is disestablished, in favour of subsequent owners of Kāinga Ora properties, covering any and all liability Kāinga Ora/Consentium would have had in relation to those properties in order to prevent owners from pursuing Councils in respect to those losses, as any such costs should not be borne by ratepayers.

## Remits not going to AGM

The remit Screening Committee has referred the following remits to the National Council of LGNZ for action, rather than to the Annual General Meeting for consideration. The Remit Screening Committee's role is to ensure that remits referred to the AGM are relevant, significant in nature and require agreement from the membership. In general, proposed remits that are already LGNZ policy, are already on the LGNZ work programme or technical in nature will be referred directly to the National Council for their action.

The following remits have been declined.

### 1. Meeting Quorum and Attendance

**Remit:** That LGNZ calls on the Government to introduce legislation that would update the Local Government Act 2002 to enable members attending meetings via audio link or audiovisual link to be counted as forming part of the quorum of the meeting.

**Proposed by:** Manawatū District Council

**Supported by:** Zone Three

**Recommendation:** That the remit is declined on the basis that it was previously debated and endorsed at the 2020 AGM.

The following remits are referred directly to the National Council for action because they reflect existing local government policy or address matters that are primarily technical in nature.

### 1. Increase Roadside breath testing

**Remit:** That LGNZ engage directly with relevant ministers and government agencies to advocate for an increase in the number of roadside breath test and mobile deterrence road safety enforcement activities.

**Proposed by:** Auckland Council

**Supported by:** Auckland Zone

**Recommendation:** That the remit is referred to the National Council for action.

## **2. Fly tipping**

**Remit:** That LGNZ advocate the Litter Act 1979 be amended to allow for 'cost recovery' in instances where littering/fly tipping is 'more than minor' and the identity of the perpetrator is discoverable.

**Proposed by:** Gisborne City Council

**Supported by:** Hauraki District Council, Western Bay of Plenty District Council, New Plymouth District Council, Hastings District Council, Manawatū District Council, Ruapehu District Council, Napier City Council, Rotorua District Council, Whakatāne District Council, Wairoa District Council, Waikato District Council; and Whanganui District Council.

**Recommendation:** That the remit is referred to the National Council for action

## **3. Maritime Rules**

**Remit:** That LGNZ recommend Central Government establish and improve the Maritime Rules for recreational vessels in relation to personal flotation devices, vessel registration, and licensing of skippers.

**Proposed by:** Northland Regional Council

**Supported by:** Zone One

**Recommendation:** That the remit is referred to the National Council for action.

## **4. Alcohol Licencing for appeals**

**Remit:** That amendment be made to the Sale and Supply of Alcohol Act 2012 to enhance opportunities for the community to participate in the alcohol licensing process.

**Proposed by:** Whanganui District Council

**Supported by:** Zone Three

**Recommendation:** That the remit is referred to the National Council for action.