

I hereby give notice of the following Ordinary meeting:

<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Thursday 27 June 2019
<b>Time</b>	9.30am
<b>Venue</b>	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

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## **Open Agenda**

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### **Membership**

Chair:

Mayor Jason Smith

Members:

Deputy Mayor Peter Wethey

Councillor Anna Curnow

Councillor Victoria del la Varis-Woodcock

Councillor Julie Geange

Councillor Libby Jones

Councillor Karen Joyce-Paki

Councillor Jonathan Larsen

Councillor Andrew Wade

Jason Marris

**General Manager Governance, Strategy and Democracy**

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\* Attachment A: Annual Plan 2019/2020 is circulated under a separate cover.

## **Ordinary meeting of Kaipara District Council**

**Thursday 27 June 2019 in Dargaville**

### **1 Opening**

#### **1.1 Karakia**

#### **1.2 Present**

#### **1.3 Apologies**

#### **1.4 Confirmation of agenda**

Council to confirm the agenda.

#### **1.5 Conflict of interest declaration**

Elected members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as Councillors and any private or other external interest they might have. It is also considered best practice for those members to the Executive Team attending the meeting to also signal any conflicts that they may have with an item before Council.

### **2 Presentations and Petitions**

#### **2.1 Graeme Ramsey, Baylys Beach Community Centre Trust**





### **3 Minutes**

#### **3.1 Confirmation of Open Council minutes 30 May 2019**

**General Manager Governance, Strategy and Democracy**

**1601.23**

##### **Recommended**

*That the unconfirmed Open minutes of the Kaipara District Council meeting held 30 May 2019 be confirmed as a true and correct record.*



<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Thursday 30 May 2019
<b>Time</b>	Meeting commenced at 9.35am Meeting concluded at 4.22pm
<b>Venue</b>	Kaihu Hall – 43 Kaihu Wood Road, Kaihu
<b>Status</b>	Unconfirmed

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## **Open Minutes**

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### **Membership**

Chair: Mayor Jason Smith  
Members: Deputy Mayor Peter Wethey  
Councillor Anna Curnow  
Councillor Victoria del la Varis-Woodcock  
Councillor Julie Geange  
Councillor Libby Jones  
Councillor Karen Joyce-Paki  
Councillor Jonathan Larsen  
Councillor Andrew Wade

Jason Marris  
**General Manager Governance, Strategy and Democracy**

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**Minutes of the Ordinary meeting of  
Kaipara District Council  
Thursday 30 May 2019 in Kaihu**

## 1 Opening

### 1.1 Karakia

Francis Toko opened the meeting with a karakia.

### 1.2 Present

Mayor Jason Smith, Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis-Woodcock, Julie Geange (via audio link 1 – 7.4), Libby Jones (1 - 7.5), Karen Joyce-Paki, Jonathan Larsen (1 – 7.6) and Andrew Wade

#### In Attendance

Name	Designation	Item(s)
Louise Miller	Chief Executive	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All
Fran Mikulicic	General Manager Regulatory, Planning and Policy	1 - 7.7
Sue Davidson	General Manager Risk, IT and Finance	All
Darla Blake	General Manager Community Customer Service	All
Francis Toko	Iwi Relations Manager	1 - 7.1
Kathie Fletcher	Policy Manager	1 – 5.5
Paul Waanders	District Planner	1 – 5.5
Hamish Watson	Parks and Recreation Manager	1 – 5.3
Darlene Lang Gent	Community Relationships Manager	1 – 5.3
Jenny Rooney	Funding Coordinator	1 – 5.3
Lisa Salter	Library Manager	6.2 – 7.3
John Burt	Property and Commercial Advisor	7 – 7.5
Michael Juer	Property Manager and Business Analyst Digital Transformation	7.3 – 7.7
Lisa Hong	Governance Advisor	All
Tanya Wilson	Governance Advisor	All (Minute-taker)

#### Adjournments

Reason	Start	Finish
Morning Tea	11.00am	11.13am
Lunch	12.02pm	12.32pm
Afternoon Tea	2.50pm	3.00pm
Afternoon Tea	4.10pm	4.13pm

### 1.3 Apologies

Nil.

## 1.4 Confirmation of agenda

Moved Smith/Curnow

That the Kaipara District Council confirms the agenda for the meeting held 30 May 2019.

Carried

## 1.5 Conflict of interest declaration

Nil.

## 2 Presentations and Petitions

### 2.1 Chris Fife, Sponsorship and Funding Coordinator for Northern Wairoa Rugby Union and Northern Wairoa Delegate on the Northland Rugby Union

Pioneer Rugby Park

Chris Fife spoke in the public forum.

### 2.2 Dorothy Gorrie

Kaihu Cycle Trail

Dorothy Gorrie spoke in the public forum.

## 3 Minutes

### 3.1 Confirmation of Open Council minutes 02 May 2019

General Manager Governance, Strategy and Democracy 1601.23

Moved del la Varis-Woodcock/Jones

*That the unconfirmed Open minutes of the Kaipara District Council meeting held 02 May 2019 be confirmed as a true and correct record.*

Carried

### 3.2 Open Committee minutes confirmed in April 2019

General Manager Governance, Strategy and Democracy 16/Variou

Moved Curnow/Wethey

*That Kaipara District Council notes the confirmed Open minutes of the following committee meeting:*

- *Mangawhai Community Park Governance Committee meeting held 21 January 2019.*

Carried

## 4 Notice of Motion

### 4.1 Notice of Motion, Deputy Mayor Peter Wethey

**Moved Wethey/Larsen**

*That the Council directs the Chief Executive to:*

- a) *Contract an audit of the processes and procedures used by the Council's Regulatory team in their assessment of all resource consent applications that are received by Council.*
- b) *This audit to measure the efficiency by which these assessments are conducted so that Council can better gauge whether the current human resources allocated to this task match the work load generated by the volume of applications received.*
- c) *That a statistically relevant sample of applicants who have submitted consent applications to Council within the last 12 months, are surveyed as part of this audit and so determine Council's reputational standing for the handling of this activity.*
- d) *That the audit be carried out by a suitably qualified, independent, third party contractor.*
- e) *That the results of the audit be reported back no later than the Council meeting scheduled for 29 August 2019.*

**Carried**

## 5 Decision

### 5.1 Reserve Contributions Contestable Fund

**Community Funding Co-ordinator 4705.14**

**Moved Smith/del la Varis-Woodcock**

*That Kaipara District Council:*

- a) *Approves the 2019 Reserves Contribution Contestable Fund Timeline as circulated in Attachment A "2019 Timeline" and set out below:*

<b>Timeline</b>	
<b>Date</b>	<b>Action</b>
30 May 2019	<b>Council meeting</b>
June 2019	Media Release
01 July 2019	Applications open
13 September	Applications close
16 September – October 2019	Assess applications against criteria
November or December 2019	<b>Council meeting (to determine outcome)</b>
December 2019	Outcome letters to applicants
January-February 2020	Agreements/Contracts put in place with successful applicants
January-March 2020	Successful applicants are required to provide health and safety documentation before physical works commence and funding is released.

- b) *Approves the Reserves Contribution Contestable Fund Application process as circulated in Attachment B "Application Templates".*

**Carried**

## 5.2 Notices of Motion from 28 March 2019 Council Meeting

**General Manager Governance, Strategy and Democracy 1601.23**

**General Manager Risk, Information Technology and Finance**

**Moved del la Varis-Woodcock/Curnow**

*That Kaipara District Council:*

- a) *Notes that \$300,000 per annum has been allocated over the next two financial years from reserves contributions to a pool of contestable funds for the community to apply for.*
- b) *Requests the Chief Executive inform Mangawhai Activity Zone and Kaiwaka Sports Association of the process, once approved, to apply for funding from the pool of contestable funds.*
- c) *Notes that the Kaiwaka Sports Association request may also be accommodated from reserves contributions from the Kaiwaka and surrounds catchment, in a future report to Council assuming the project is prioritised by the community during the review of the Kaiwaka Township Improvement Plan.*

**Carried**

## 5.3 District Plan – Refining NZ Company Limited Designation Conditions

**District Planner 3805.01**

**Moved Geange/Curnow**

*That Kaipara District Council:*

- a) *Approves the amendment of the Operative Kaipara District Plan by including the conditions attached to the Designation of The New Zealand Refining Company Limited D63.*

**Carried**

**Meeting adjourned for morning tea at 11.00am**

**Meeting reconvened at 11.20am**



#### 5.4 Proposed Regional Plan Decisions

District Planner 3820.06

Moved Joyce-Paki/Curnow

*That Kaipara District Council:*

- a) *Notes the report and decisions of the Northland Regional Council on the Proposed Regional Plan; and*
- b) *Resolves that no appeal is lodged against the decisions of the Northland Regional Council.*
- c) *Delegates to the General Manager Regulatory, Planning and Policy the decision to join as a section 274 party to any appeal that may be lodged.*

**Carried**

#### 5.5 Temporary Road Closure Approval – Spirit of Matariki 2019

Corridor Access Co-ordinator 3208.0

Moved Jones/Geange

*That Kaipara District Council:*

- a) *Approves the application for the temporary road closure of Victoria Street, Dargaville within the vicinity of the band rotunda and Central Hotel, and includes the intersection of Edward Street, Dargaville as shown on the proposed Traffic Management Diagram (Attachment A to this report) on Saturday 06 July 2019 from 3pm to 10pm. A condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure.*

**Carried**

### 6 Information

#### 6.1 Quarterly Strategic and Performance Measures Report for Third Quarter Ending 31 March 2019

Administration Manager 2002.02.19/May

Moved Wade/Curnow

*That Kaipara District Council notes the Quarterly Strategic and Performance Measures Report for Third Quarter Ending 31 March 2019 and the Strategic Plan Quarterly Report January – March 2019.*

**Carried**

#### 6.2 Chief Executive's report for April 2019

Chief Executive 2002.02.18/May

Moved Smith/Wethey

*That Kaipara District Council notes the Chief Executive's Report for April 2019.*

**Carried**

### 6.3 Resolutions Register

Governance Advisor 1202.05

Moved Curnow/del la Varis-Woodcock

*That Kaipara District Council notes the Resolutions Register dated 23 May 2019.*

**Carried**

**Meeting adjourned for lunch at 12.02pm**

**Meeting reconvened at 12.32pm**

Unconfirmed

## 7 Public Excluded Council minute items 30 May 2019

The meeting went into Public Excluded session at 12.32pm

Moved Curnow/Smith

*That the public be excluded from the following part of the proceedings of this meeting namely:*

- Confirmation of Public Excluded Council minutes 02 May 2019
- Public Excluded Committee minutes confirmed in April 2019
- Dargaville Civic Buildings
- Mangawhai Civic Buildings investigation
- Mangawhai Pensioner Housing
- Regulatory Shared Services Agreement Contract
- Procurement of Electronic Document and Records Management System (EDRMS)
- Contract 706 Extension

*And that Bill Shepherd and Malcolm Nicholson from Northland Regional Council remain for item 6.3 'Dargaville Civic Buildings'.*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
Confirmation of Public Excluded Council minutes 02 May 2019	S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Public Excluded Committee minutes confirmed in April 2019	S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Dargaville Civic Buildings	S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Mangawhai Civic Buildings investigation</i>	<i>S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Mangawhai Pensioner Housing</i>	<i>S7(2)(a) to protect the privacy of natural persons, including that of deceased natural persons.</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Regulatory Shared Services Agreement Contract*</i>	<i>S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). S7(2)(b) to protect information where the making available of the information would disclose a trade secret; or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Procurement of Electronic Document and Records Management System (EDRMS)</i>	<i>S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Contract 706 Extension</i>	<i>S7(2)(i) to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

**Carried**



## 8 Open Council agenda 30 May 2019

The meeting returned to Open session at 4.22pm

### Closure

The meeting closed at 4.22pm

Confirmed .....

Chair .....

Kaipara District Council

Dargaville

Unconfirmed



### 3.2 Open Committee minutes confirmed in May 2019

General Manager Governance, Strategy and Democracy

16/Various

#### Recommended

*That Kaipara District Council notes the confirmed Open minutes of the following committee meetings:*

- *Funding Committee for Rural Travel Fund meeting held 25 October 2018;*
- *Taharoa Domain Governance Committee meeting held 12 February 2019;*
- *Remuneration and Development Committee meeting held 13 February 2019; and*
- *Raupo Drainage Committee meeting held 21 February 2019.*





<b>Meeting</b>	Funding Committee (Rural Travel Fund)
<b>Date</b>	Thursday 25 October 2018
<b>Time</b>	Meeting commenced at 3.30pm Meeting concluded at 3.53pm
<b>Venue</b>	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville
<b>Status</b>	Confirmed

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## Minutes

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### Membership

Chair: Chris Biddles

Members: Councillor Victoria del la Varis-Woodcock, Roxanne Kelly, Karen Smales and Vern Stevens

Staff and Associates:

Funding Co-ordinator, Governance Advisor (Minute-taker)

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3.1	Rural Travel Fund: Summary of Applications 2018/2019 Round One.....	4
<b>Closure</b>	.....	<b>5</b>

Confirmed

**Minutes of the Funding Committee for Sport New Zealand KiwiSport Rural Travel Fund  
Thursday 25 October 2018 in Dargaville**

**1 Opening**
**1.1 Karakia**

Councillor del la Varis-Woodcock opened the meeting with a karakia.

**1.2 Present**

Chris Biddles (Chair), Councillor del la Varis-Woodcock, Roxanne Kelly, Karen Smales and Vern Stevens

**In Attendance**

Name	Designation	Item(s)
Jenny Rooney	Funding Co-ordinator	All
Lisa Hong	Governance Advisor	All (Minute-taker)

**1.3 Apologies**

Nil.

**1.4 Confirmation of Agenda**

The Committee confirmed the Agenda.

**1.5 Conflict of Interest Declaration**

Nil.

**2 Confirmation of Minutes**
**2.1 Funding Committee (Rural Travel Fund) minutes 31 October 2017 and 30 April 2018**

Administration Assistant      1612.02

**Moved      Stevens/Smales**

*That the unconfirmed minutes of the Funding Committee (Rural Travel Fund) meeting held 31 October 2017 and 30 April 2018 be confirmed as a true and correct record.*

**Carried**

### 3 Decision

#### 3.1 Rural Travel Fund: Summary of Applications 2018/2019 Round One

Funding Co-ordinator 2109.02.03

Moved Smales/Stevens

*That the Funding Committee (Rural Travel Fund):*

- 1 *Receives the Funding Co-ordinator's report 'Rural Travel Fund: Summary of Applications 2018/2019 Round One' and its Attachments 1 and 2 dated 15 October 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Believes it has complied with the Rural Travel Fund scheme's decision-making criteria:*
  - *for either more students to access current opportunities or for students who currently participate to access new opportunities;*
  - *for either during school or out-of-school times;*
  - *for either primary or secondary school aged students;*
  - *in partnership with a school or club; and*
- 4 *Awards grants to agreed applications:*

<b>Applicant</b>	<b>Applied</b>	<b>Granted</b>
<i>Dargaville High School</i>	<i>\$3,339.70</i>	<i>\$3,000.00</i>
<i>Dargaville Intermediate</i>	<i>\$1,620.00</i>	<i>Ineligible</i>
<i>Mangawhai Beach School</i>	<i>\$1,365.00</i>	<i>\$1,000.00</i>
<i>Maungaturoto Amateur Swimming Club</i>	<i>\$636.50</i>	<i>\$700.00</i>
<i>Northland Basketball Inc</i>	<i>\$1,000.00</i>	<i>Ineligible</i>
<i>Otamatea High School</i>	<i>\$1,427.55</i>	<i>\$1,400.00</i>
<i>Ruawai College</i>	<i>\$1,400.00</i>	<i>\$1,400.00</i>
<i>Ruawai Primary School</i>	<i>\$1,000.00</i>	<i>\$1,000.00</i>
<b>Applications total</b>	<b>\$11,788.75</b>	<b>\$8,500.00</b>

Carried

**Closure**

Councillor del la Varis-Woodcock closed the meeting with a karakia.

The meeting closed at 3.53pm.

**Confirmed**      **08 May 2019**

**Chair**            **Chris Biddles**

**Kaipara District Council**  
**Dargaville**

Confirmed



**Taharoa Domain Governance Committee**

Ordinary meeting held

<b>Date</b>	Tuesday 12 February 2019
<b>Time</b>	Meeting commenced at 2.10pm Meeting concluded at 3.40pm
<b>Venue</b>	Lake Waikare Centre, Taharoa Domain
<b>Status</b>	Confirmed

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**Minutes**

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**Membership**

Chair: Ric Parore  
Members: Alan Nesbit  
Councillor Karen Joyce-Paki  
Councillor Andrew Wade

**Staff and Associates:**

Parks and Recreation Manager, Financial Services Manager, Policy Analyst, Governance Advisor  
(Minute-taker)

Jason Marris  
**General Manager Governance, Strategy and Democracy**

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<b>Closure .....</b>		<b>5</b>

Confirmed



**Minutes of the Ordinary meeting of Taharoa Domain Governance Committee**
**Tuesday 12 February 2019, Taharoa Domain**
**1 Opening**
**1.1 Karakia**

Iwi Relations Manager opened the meeting with a karakia.

**1.2 Present**

Ric Parore (Chair), Councillor Karen Joyce-Paki, and Councillor Andrew Wade

In attendance	Designation	Item(s)
Tanya Cook	NorchTec	4.0, 4.4
Hamish Watson	Parks and Recreation Manager	All
Andrew Howells	Domain Manager	All
Kathie Fletcher	Policy Manager	All
Mark Schreurs	Policy Analyst	All
Francis Toko	Iwi Relations Manager	All
Tanya Wilson	Governance Advisor	All
Lisa Hong	Governance Advisor	All (minute-taker)

**1.3 Apologies**

**Moved Parore/Joyce-Paki**

*That the apology of Sonny Nesbit be received.*

**Carried**

**1.4 Confirmation of Agenda**

**Moved Wade/Parore**

*That the Taharoa Domain Governance Committee:*

- 1 *Confirms the agenda of 12 February 2019 with the addition of the tabled report 'Kai Iwi Lakes Food Web Studies' to the agenda as item 4.0; and*
- 2 *Notes that the aforementioned report was not included in the agenda as this matter was brought to Council after the agenda was published; and*
- 3 *Notes that the decision could not be delayed until the next meeting as it pertains to potential work to be undertaken before the next meeting on 14 May 2019.*

**Carried**

## 1.5 Conflict of Interest Declaration

Nil.

## 2 Deputations and Presentations

Nil.

## 3 Confirmation of Minutes

### 3.1 Taharoa Domain Governance Committee minutes 15 November 2018

General Manager Governance, Strategy and Democracy 1606.18

Moved Joyce-Paki/Wade

*That the minutes of the Taharoa Domain Governance Committee meeting on 15 November 2018 be confirmed as a true and correct record.*

Carried

## 4 Decision/Information

### 4.0 Kai Iwi Lakes Food Web Studies

Policy Analyst 4702.24.05

Moved Joyce-Paki/Parore

*That the Taharoa Domain Governance Committee delegates the Chief Executive, in consultation with the Chair, to approve or deny authorisation under section 50 of the Reserves Act 1977 for the Northland Fish and Game Council and NorthTec to take samples of macroinvertebrates from the Kai Iwi Lakes as part of their research, after receiving recommendations from the Dune Lakes Galaxias Working Group (to be determined at the Working Group's meeting on 26 February 2019).*

Carried

### 4.4 Kai Iwi Lakes Dune Lakes Galaxias Working Group update

[Secretarial Note: Tanya Cook from NorthTec spoke to this item. This item was taken out of order to facilitate the external presenter, Tanya Cook (NorthTec).]

Policy Analyst 4702.24.05

Moved Wade/Joyce-Paki

*That the Taharoa Domain Governance Committee notes the 'Kai Iwi Lakes Dune Lakes Galaxias Working Group update' report giving an update on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group and its members.*

Carried

#### 4.1 Taharoa Domain Operations Update - November 2018 to January 2019

Parks and Recreation Manager 4702.24.02.02

[Secretarial note: The Committee requested staff to urgently prioritise biosecurity projects (including boat inspections and possible construction of a cleaning station), prior to further investigating the construction of a boat ramp. The Committee requested that information regarding helicopters and drones be added to the booking confirmation email, website and other public communication (e.g. signs, pamphlets).]

**Moved Joyce-Paki/Parore**

*That the Taharoa Domain Governance Committee notes the 'Taharoa Domain Operations Update - November 2018 to January 2019' report.*

**Carried**

#### 4.2 Financial report for the period ended 31 December 2018

Financial Services Manager 4702.24.02.01

**Moved Joyce-Paki/Parore**

*That the Taharoa Domain Governance Committee notes the 'Financial report for the period ended 31 December 2018'.*

**Carried**

#### 4.3 Taharoa Domain – Camping Facilities

Parks and Recreation Manager 4702.24.02

**Moved Joyce-Paki/Wade**

*That the Taharoa Domain Governance Committee notes the 'Taharoa Domain – Camping Facilities' report.*

**Carried**

#### Closure

Iwi Relations Manager closed the meeting with a karakia.

**Meeting closed at 3.40pm.**

**Confirmed 14 May 2019**

**Chair Ric Parore**

**Kaipara District Council**

**Dargaville**



## Remuneration and Development Committee

## Minutes

<b>Date</b>	Wednesday 13 February 2019
<b>Time</b>	Meeting commenced at 2.45pm Meeting concluded at 3.47pm
<b>Venue</b>	Kauri Museum Function Centre Board Room – 5 Church Road, Matakōhe
<b>Status</b>	Confirmed

**Membership**

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey and Councillors Anna Curnow, Libby Jones and Andrew Wade

## Staff and Associates:

General Manager People and Capability, Governance Advisor

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Confirmed

**Minutes of the Ordinary meeting of Remuneration and Development Committee  
Tuesday 13 February 2019, Matakōhe**

**1 Opening**

At 2.00pm, the Committee was informed that Councillor Curnow was unexpectedly delayed so quorum could not be met. Pursuant to Standing Order 10.5, the Chair decided to wait for a longer period.

The meeting opened at 2.45pm.

**1.1 Present**

Mayor Jason Smith (Chair), Deputy Mayor Wethey and Councillor Curnow.

**In Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Hannah Gillespie	General Manager People and Capability	All
Lisa Hong	Governance Advisor	All (Minute-taker)

**1.2 Apologies**

**Moved Curnow/Wethey**

*That the apologies of Councillors Jones and Wade be received.*

**Carried**

**1.3 Confirmation of Agenda**

**Moved Smith/Curnow**

*That the Remuneration and Development Committee confirms the Agenda for 13 February 2019.*

**Carried**

**1.4 Conflict of Interest Declaration**

Nil.

**2 Confirmation of Minutes**
**2.1 Confirmation of Open Remuneration and Development Committee minutes 06 April 2018**

**Governance and Procedural Advisor 1613.02**

**Moved Smith/Curnow**

*That the unconfirmed Open minutes of the Remuneration and Development Committee meeting held 06 April 2018 be confirmed as a true and correct record.*

**Carried**

## 3 Decision

## 3.1 Chief Executive review process

**General Manager Governance, Strategy and Democracy****General Manager People and Capability 22/SPF/D**

[Secretarial Note: Additional supporting documents (1) LGNZ Equip Limited's 'Kaipara District Council Executive Performance Programme' dated 31 January 2019<sup>i</sup> and (2) Watson Peters' 'Kaipara District Council Executive Performance and Support' dated January 2019<sup>ii</sup> were tabled at the meeting.]

**Moved Smith/Curnow**

*That the Remuneration and Development Committee:*

- 1 *Approves that LGNZ Equip Limited is engaged to deliver the Equip Executive Performance Programme for the Chief Executive; and*
- 2 *Delegates the General Manager People and Capability the authority to finalise the agreement with LGNZ Equip Limited for period ending 30 June 2020 subject to the costs being met in the existing budgets; and*
- 3 *Notes that once the engagement has been confirmed, LGNZ Equip Limited will commence the process with the Remuneration and Development Committee to conduct the Chief Executive's performance review; and*
- 4 *Notes that key priorities and performance measures will be developed and finalised with Council and the Chief Executive.*

**Carried**

## 4 Information

## 4.1 Elected member collective development

**General Manager Governance, Strategy and Democracy****22/SPF/D****Moved Smith/Curnow**

*That the Remuneration and Development Committee:*

- 1 *Notes that the priorities for collective elected member development for the remainder of 2019 were identified as iwi relations training and governance development; and*
- 2 *Notes that a workshop on iwi relations was held on 29 January 2019, and that a suite of on demand webinars covering governance related topics have been made available to elected members.*

**Carried**



- 5 Public Excluded Remuneration and Development Committee minute items  
13 February 2019

**Meeting went into Public Excluded session at 3.45pm.**

**Moved Smith/Wethey**

*That the public be excluded from the following part of the proceedings of this meeting namely:*

- *Confirmation of Public Excluded Remuneration and Development Committee minutes  
06 April 2018.*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Confirmation of Public Excluded Remuneration and Development Committee minutes 06 April 2018</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(b)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</i>	<i>Section 48(1)(a) that the public conduct of the whole or relevant part of the proceedings of the meeting would likely to result in the disclosure of information for which good reason for withholding would exist</i>

**Carried**

6 Open Remuneration and Development Committee minutes 13 February 2019

**Meeting returned to Open session at 3.46pm.**

Closure

Meeting closed at 3.47pm.

Confirmed : 08 May 2019

Chair: Jason Smith

**Kaipara District Council**  
**Dargaville**

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<sup>i</sup> Kaipara District Council Executive Performance Programme (LGNZ Equip Limited, 31 January 2019)

<sup>ii</sup> Kaipara District Council Executive Performance and Support (WatsonPeters, January 2019)

<b>Meeting</b>	<b>Raupo Drainage Committee</b>
<b>Date</b>	Thursday 21 February 2019
<b>Venue</b>	Raupo Drainage Board Offices – Wharf Road, Ruawai
<b>Time</b>	Meeting commenced at 10.10am Meeting concluded at 11.37am
<b>Status</b>	Confirmed

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## **Minutes**

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### **Membership**

Chair: Ian Beattie

Members: Greg Gent, David Hart, Brian Madsen, Ross McKinley, Ken Whitehead,  
Councillor Anna Curnow, Mayor Jason Smith

Staff and Associates:

Land Drainage Co-ordinator, Governance Advisor (Minute-taker)

## Contents

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	<b>Closure .....</b>	<b>6</b>

Confirmed

**Minutes of the Ordinary meeting of the Raupo Drainage Committee**  
**Thursday 21 February 2019 in Ruawai**

**1 Opening**
**1.1 Present**

Chair: Ian Beattie

 Members: Councillor Anna Curnow, Brian Madsen (left at 11.30am), Ross McKinley,  
 Mayor Jason Smith and Ken Whitehead

**In Attendance**

Name	Designation	Item(s)
Wayne Crump	Drainage Co-ordinator	All
Tanya Wilson	Governance Advisor	All
Lisa Hong	Governance Advisor	All (minute-taker)

**1.2 Apologies**
**Moved Beattie/Smith**
*That the apologies of Greg Gent and David Hart be received.*
**Carried**
**1.3 Confirmation of Agenda**

The Committee confirmed the Agenda.

**1.4 Conflict of Interest Declaration**

Nil.

**1.5 Deputations and Presentations**
**Clive Smith**

Clive Smith spoke in the public forum regarding machine cleaning of G Canal and lack of alligator weed in Smiths Canal.

## 2 Confirmation of Minutes

### 2.1 Raupo Drainage Committee Minutes 15 November 2018

General Manager Governance, Strategy and Democracy 1603.23

**Moved Curnow/Smith**

*That the unconfirmed minutes of the Raupo Drainage Committee meeting held on 15 November 2018 be confirmed as a true and correct record.*

**Carried**

## 3 General

### 3.1 Raupo Drainage Committee Operations Update - November 2018 to January 2019

Land Drainage Coordinator 4303.24

**Moved Beattie/McKinley**

*That the Raupo Drainage Committee notes the 'Raupo Drainage Committee Operations Update - November 2018 to January 2019' report.*

**Carried**

### 3.2 Financial report for the period ended 31 December 2018

[The Committee requested staff investigate the administrative budget and power cost.]

Financial Services Manager 4303.24

**Moved Curnow/Madsen**

*That the Raupo Drainage Committee receives the Raupo Drainage District financial report for the period ended 31 December 2018.*

**Carried**

### 3.3 General Business

Land Drainage Coordinator gave a verbal update on the work programme.

[Secretarial Note: The Committee noted that the budget allocated to Murphy Bowers Stopbank will not be required for 2018/2019 and requested staff to proceed with the previously committed work programme, and requested staff to report updates on the Murphy Bowers Stopbank.

The Committee noted that all queries regarding the Ruawai Stopbank Walkway Cycletrack will be forwarded to the Ruawai Promotions and Development Group.]

#### 4 Public Excluded minute items 21 February 2019

The meeting went into Public Excluded session at 11.15am.

**Moved Curnow/Beattie**

*That the public be excluded from the following part of the proceedings of this meeting namely:*

- *Rental property behind Raupo Drainage Board Office - verbal update*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Rental property behind Raupo Drainage Board Office - verbal update</i>	<i>S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

**Carried**

## 5 Open minutes 21 February 2019

The meeting returned to open session at 11.25am.

Brian Madsen left the meeting at 11.30am.

### Closure

The meeting closed at 11.37am.

**Confirmed: 16 May 2019**

**Chair: Ian Beattie**

**Kaipara District Council**

**Dargaville**

Confirmed



## 4 Decision



## Annual Plan 2019/2020

**Meeting:** Kaipara District Council Meeting  
**Date of meeting:** 27 June 2019  
**Reporting officer:** Sue Davidson - GM Risk, Information Technology and Finance  
Jason Marris - GM Governance, Strategy and Democracy

### Purpose/Ngā whāinga

To adopt the Annual Plan 2019/2020.

### Executive summary/Whakarāpopototanga

The total rates increase proposed for next year will be 5.26% (excluding water charges and allowing for 1% growth). This was agreed and consulted on during the Long Term Plan 2018/2028 (LTP) process.

The Annual Plan 2019/2020 incorporates the agreed rates increase, and has allowed for key changes since the LTP was adopted in 2018. Of note is that growth continues to increase which has meant provision of additional funding has been provided to cope with the increase and complexity of resource consents being received. This commitment is also to enable Council to meet the resource consent statutory deadlines.

This report also summaries other key changes and highlights, and presents the financial parameters and key capital projects included in the Annual Plan 2019/2020.

### Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Adopts the Annual Plan 2019/2020 (circulated as Attachment A to the 'Annual Plan 2019/2020' report).
- b) Delegates the Mayor and Chief Executive the authority to make minor editorial changes to the Annual Plan 2019/2020.

### Context/Horopaki

Council is required to deliver an Annual Plan, adopted by the end of June each year. The approved Long Term Plan (LTP) is used as the basis for the Annual Plan, and any adjustments that need to be made are included in the Annual Plan process for that year.

In December 2018, Council directed that the Annual Plan be aligned with the total rates increase of 5.26% (after taking into consideration 1% growth and exclusive of water supply rates) that was set via consultation on the LTP.

Council also agreed that there were no significant or material differences to the LTP for the draft Annual Plan, so consultation was not required.

Since December 2018, key changes that have occurred are:

- Council has approved a \$300,000 contestable fund to come from financial contributions.
- Financial contributions have also increased so the budgeted revenue has been increased by \$500,000.
- Land drainage costs have been finalised.

- Central government announced a \$28.24 million funding package for the Kaipara Kick Start projects (Kai, Wharves and Roothing initiatives). The funding has been incorporated in to the Annual Plan.

Key highlights of the Annual Plan 2019/2020 are:

- Supporting growth. Recognition that our district is growing and the need to adjust to this growth.
- The increase in financial contributions means more revenue for community projects, and has helped Council create a contestable fund for the next two years.
- Summary of the Provincial Growth Fund (PGF), the projects that have been agreed to be funded and how it fits in with the Annual Plan.
- Continuation of the District Plan work and what is planned in that area.
- Managing key growth projects in Mangawhai through the Mangawhai Community Plan and supporting the Mangawhai Central development.
- Discussion of key Infrastructure projects occurring in the year, and changes from the LTP. For example, Tomarata Bridge on Insley Street being brought forward in the work programme.
- Reviewing the management of waste and recycling.
- The community planning occurring, highlighting the two projects being completed as a result of partial funding from the Tourism Infrastructure Fund (TIF).
- Improving our services and what is planned for this year such as IT services, regulatory management changes and Dargaville Town Hall remediation.

A Council briefing was held on 06 June 2019 where a draft Annual Plan 2019/2020 document was discussed. Feedback from that briefing has been incorporated into the Annual Plan 2019/2020 available at **Attachment A**.

A report discussing the Annual Plan financials was provided to the Audit, Risk and Finance Committee meeting on 12 June 2019. The committee recommended that Council adopt the Annual Plan 2019/2020.

## Discussion/Ngā kōrerorero

### Look and feel

In preparing the Annual Plan 2019/2020, the following changes have been made to the look and feel of the document:

- Improved layout and graphics to make the information easier to navigate for the reader.
- Increased number of new photographs to add interest to the document and make it more relevant to Kaipara.
- Use of simple language to make it more readable.
- Shortened the document by avoiding repeating information from the LTP, and focusing on the environment Kaipara is working under in year two.

### Financial summary

The LTP stated that the rates increase would be 5.26% (after taking into consideration 1% growth and exclusive of water supply rates). There have been changes made to the Plan at Forecast One and more recently, however, the 5.26% forecast rate increase has been retained.

The PGF projects of \$20.18 million are all funded by third parties (with the exception of \$1,010,000), either by the PGF or the NZ Transport Agency (NZTA), so there is no impact on

Council resources. The immediate effect will be our balance sheet assets will have increased at year end.

Eventually there will be an impact on maintenance requirements. Our auditors confirm that only where the Council has to provide a share of previously uncommitted or planned expenditure could lead to consultation requirements. The \$1 million contribution from Council is for the bridges and this was already provided in Council's budgets in a later year

The Auditor-General expects councils to utilise best financial practice in providing for renewals and fund depreciation unless there are good reasons not to. In this Annual Plan, Council is increasing rates funding of depreciation from 67% to 83% on our stormwater, wastewater and water supply assets. Ultimately the Council needs to be able to meet the cost of renewals when they fall due. At the present time some renewal reserves are negative.

Some capital expenditure planned for this year, for example, the Kaiwaka reticulation renewals and Mangawhai wastewater projects have been deferred to 2020/2021. Capital projects in 2019/2020 will now total \$25 million as it is likely \$6 million of projects will need to be carried forward from 2018/2019. Additional resource has been provided in planning and management of capital projects so delivery should not be as challenging as it has been this year.

### Key capital projects

- Remediation of the Tomarata/Insley Street bridge.
- Start of the Mangawhai Coastal cycleway and walkway.
- Intersection upgrades in Mangawhai to mitigate increased traffic.
- Improvement of access, parking, and ambience of Wood Street, Mangawhai.
- Further investment in Mangawhai wastewater system for growth.
- Kaiwaka and Te Kopuru wastewater to fix compliance issues.
- PGF - Kaipara Kickstart package.

### Key parameters

A comparison between what was adopted in the LTP and the revised figures in the Annual Plan are below at Table One. The PGF funding and anticipated expenditure is included in the Annual Plan 2019/2020.

**Table One: Comparison between the LTP and Annual Plan 2019/2020**

	LTP Year 2 (2019/20)	Annual Plan proposed 2019/20
Rates take	\$37,147	\$36,884
Rates increase	5.26%	5.26%
Total Revenue	\$57,496	\$78,745
Total Expenses	\$48,342	\$55,145
Capital Expenditure (excl PGF)	\$19.9 million	\$25 million
PGF projects (operating and capital)	N/A	\$20.18 million
Closing debt 30 June 2020	\$47,416	\$48,257

While the Council has now budgeted for capital expenditure of \$45 million, debt will only increase approximately \$1 million over that anticipated in year two of the LTP. This is because most capital projects will be financed by grants, subsidies or from reserves.

Public debt will reach \$48.3 million at the end of June 2020. The debt increasing on that forecast in the LTP is primarily due to the Tomarata/Insley Street bridge project being brought forward from 2021.

Council is well within the key debt ratio of "Net interest as a percentage of annual rates" at 7.5% whereas our policy limit is 20%.

## Options

**Option 1** - Adopt the Annual Plan 2019/2020 and provide a delegation to the Mayor and Chief Executive to authorise any minor changes.

Council is legislatively required to adopt the Annual Plan prior to 30 June. This option enables Council to meet its statutory requirements. Following adoption, Council can then set the rate for the financial year.

This is the recommended option.

**Option 2** - Not adopt the Annual Plan 2019/2020. This option would mean that Council would not meet its statutory obligations and would not be able to set the rate for the 2019/2020 financial year.

## Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

## Next steps/E whaiake nei

Once the Annual Plan has been adopted, the next item on this agenda is the report where Council will set the rates for the 2019/2020 financial year.

The Engagement Plan will continue to educate the community on the Annual Plan and its impacts.

## Attachments/Ngā tapiritanga

	Title
A	Annual Plan 2019/2020

Jason Marris and Sue Davidson, 13 June 2019

## **Setting of Rates, Due Dates and Penalties Regime 2019/2020**

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 June 2019  
**Reporting officer:** Sue Davidson, General Manager IT, Risk and Finance

### **Purpose/Ngā whāinga**

To set rates, due dates and penalty dates for the 2019/2020 year.

### **Executive summary/Whakarāpopototanga**

The Local Government (Rating) Act 2002 (the Act) requires Council to adopt, by Council resolution, the rates it intends to set for the financial year. The rates for 2019/2020 can only be set once Council has adopted its Annual Plan 2019/2020 (AP), which includes the Funding Impact Statement for 2019/2020.

The resolution must also include (instalment) due dates for payment. The Act permits Council to apply penalties of up to 10% for payments not received by the due dates and for any arrears of previous year's rates. The penalty amount and dates must also be set by Council resolution.

The Act also requires that within 20 working days after making a resolution, the resolution must be made publicly available on the council's internet site.

### **Recommendation/Ngā tūhunga**

That Kaipara District Council:

- a) Receives the report from the General Manager IT, Risk and Finance, "Setting of Rates, Due Dates and Penalties Regime 2019/2020", meeting date 27 June 2019.
- b) Notes that it is required to make the resolution publicly available on the Council's internet site.
- c) Notes that the Setting of Rates Due Dates and Penalties Regime 2019/2020 report has been reviewed by Council's lawyers.
- d) Sets the rates, due dates for payment and penalties regime for the 2019/2020 financial year, as set out below:

#### **Rates resolution for the 2019/2020 financial year**

The following rates are set for the period commencing on the first day of July 2019 and ending on the last day of June 2020. All rates and amounts are GST inclusive unless otherwise stated.

#### **A. General rate**

Under Section 13 of the Local Government (Rating) Act 2002 (the Act), a General Rate set for all rateable land within the district based on the land value of the land and at different rates in the dollar for different categories of land as set out in the table below.

Area	Differential category*	Rate in the Dollar (including GST)
Rest of district	Residential and small sized lifestyle properties	0.002648
	Other	0.004104
Mangawhai Harbour Restoration Area	Residential and small sized lifestyle properties	0.002669
	Other	0.004137

\* The definitions of these differential categories can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.

### B. Uniform Annual General Charge

Under Section 15 of the Act, a uniform annual general charge on all rateable land within the district of \$728.00 (including GST) per Rating Unit.

### C. Targeted rates for Wastewater – networks

Under Section 16 of the Act, targeted rates for Wastewater in each of the networks referred to in the table below, for operating and maintaining Wastewater treatment plants and pump stations and reticulation repairs and minor upgrades, including renewals and extensions of the respective systems.

The rates are set on a differential basis based on the use to which the land is put and the provision or availability to the land of the Wastewater service provided by, or on behalf of, Council.

Each targeted rate is calculated as:

1. Properties not connected to the Wastewater network as at 30 June 2019, but capable of being connected (being situated within 30 metres of a public sewerage drain to which it is capable of being effectively connected, either directly, or through a private drain) "serviceable":
  - a. A fixed amount per Separately Used or Inhabited Part of a Rating Unit (SUIP) for all units used primarily as a residence; and
  - b. A fixed amount per Rating Unit for all other units.
2. Properties that are connected to the Wastewater network as at 30 June 2019 "connected":
  - a. A fixed amount per SUIP for all units used primarily as a residence; and
  - b. For all other units:
    - i. A fixed amount per Rating Unit; and
    - ii. A charge per pan (urinal or water closet) for each pan after the second.

Wastewater Network*	Differential Category*	Charge per Rating Unit (including GST)	Charge per SUIP (including GST)	Charge per pan (after the second) (including GST)
Dargaville	Residence and connected	-	\$1,012.90	-
	Residence and serviceable	-	\$759.70	-
	Other and connected	\$1,012.90	-	\$506.45
	Other and serviceable	\$759.70	-	-
Glinks Gully	Residence and connected	-	\$1,253.90	-



	Residence and serviceable	-	\$940.40	-
	Other and connected	\$1,253.90	-	\$626.95
	Other and serviceable	\$940.40	-	-
Kaiwaka	Residence and connected	-	\$1,162.50	-
	Residence and serviceable	-	\$871.90	-
	Other and connected	\$1,162.50	-	\$581.25
	Other and serviceable	\$871.90	-	-
Mangawhai	Residence and connected	-	\$1,285.90	-
	Residence and serviceable	-	\$964.40	-
	Other and connected	\$1,285.90	-	\$642.95
	Other and serviceable	\$964.40	-	-
Maungaturoto Township and Maungaturoto Station Village	Residence and connected	-	\$1,401.90	-
	Residence and serviceable	-	\$1,051.40	-
	Other and connected	\$1,401.90	-	\$700.95
	Other and serviceable	\$1,051.40	-	-
Te Kopuru	Residence and connected	-	\$636.90	-
	Residence and serviceable	-	\$477.70	-
	Other and connected	\$636.90	-	\$318.45
	Other and serviceable	\$477.70	-	-

\* The definitions of each network, differential categories and a SUIP can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.

#### D. Targeted rates for Wastewater – capital contributions

Under Section 16 of the Act, targeted rates for all rateable land connected or capable of connection to the Mangawhai wastewater network as at 30 June 2013, based on where the land is situated, as defined on maps in the Appendix of the Annual Plan 2019/2020. The targeted rates for each of the four defined areas (A, D, E and F) are as follows:

Targeted rate*	Fixed amount per Rating Unit (including GST)
Mangawhai Wastewater Capital Contribution A	\$676.00
Mangawhai Wastewater Capital Contribution D	\$569.95
Mangawhai Wastewater Capital Contribution E	\$606.31
Mangawhai Wastewater Capital Contribution F	\$643.26

*\* The full definitions of the land subject to each targeted rate can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.*

### **E. Targeted rates for Stormwater – networks**

Under Section 16 of the Act, targeted rates for Stormwater in each of the following networks, for the purpose of running and maintaining each Stormwater network. The rate is the amount per dollar of the land value for all land situated in the respective Stormwater network.

Stormwater Network*	Rate in the Dollar (Land Value) (including GST)
Baylys	0.001740
Dargaville	0.002756
Kaiwaka	0.000870
Mangawhai	0.000821
Te Kopuru	0.001420

*\*The full definitions of the land subject to each targeted rate can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.*

### **F. Targeted rate Land Drainage – Raupo**

Under Section 16 of the Act, a targeted rate for all rateable land within the Raupo Land Drainage scheme, at different rates in the dollar for different categories of land based on where the land is situated. The rate is an amount per dollar of the land value of the land.

This rate is to fund work undertaken to maintain and improve the current capacity of the land drainage network and stopbanks.

Differential Category*	Rate in the Dollar (Land Value) (including GST)
Raupo District A	0.002379
Raupo District B	0.000201
Raupo Township	0.002859

*\* The full definitions of the land subject to each targeted rate can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.*

### **G. Targeted rates for Land Drainage – other schemes**

Under Section 16 of the Act, targeted rates for Land Drainage in each of the following schemes, for the purpose of maintaining and improving the capacity of the land drainage network and stopbanks. The rate is an amount per dollar of the land value for all land situated in the respective Land Drainage scheme.

Land Drainage Scheme*	Rate in the Dollar (Land Value) (including GST)
Aoroa	0.001413
Arapohue No1	0.000596
Arapohue No2	0.000437
Aratapu Village	0.000573
Awakino Point	0.000529
Awakino Valley	0.000541
Greenhill	0.000265

Hoanga	0.002046
Horehore	0.000633
Kaihu	0.000462
Kopuru Swamp	0.001324
Koremoa	0.000561
Mangatara	0.000454
Manganui	0.000114
Mititai	0.000504
Notorious	0.000809
Oruariki	0.001211
Otiria	0.001276
Owairangi	0.000494
Tangowahine No1	0.000437
Tangowahine No2	0.000739
Tangowahine Valley	0.000139
Tatarariki 1	0.000442
Tatarariki 2	0.002131
Tatarariki 3	0.000848
Te Hapai	0.002063
Tikinui	0.000908
Whakahara	0.000386

\* The definitions of each land drainage scheme can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.

#### H. Targeted rates for Water Supply

Under Sections 16 and 19 of the Act, targeted rates for Water Supply in each of the networks referred to in the table below, for operating and maintaining the Water Supply network. In particular, the costs associated in treating the water for domestic consumption.

The rates are set on a differential basis based on the provision or availability to the land of the water supply service provided by, or on behalf of, Council. Each targeted rate is calculated as:

Metered properties as at 30 June 2019:

1. A scale of charges based on the per cubic metre amount of water consumed.

Other properties (except in the Mangawhai water supply network, where there is no rate set for "other properties"):

2. A fixed amount per rating unit.

Networks	Metered properties*		Other properties*
	Volumetric charge (up to and including the first cubic metre) (including GST)	Volumetric charge (per cubic metre beyond the first cubic metre) (including GST)	Fixed amount per Rating Unit (including GST)
Dargaville	\$123.52	\$3.03	\$92.64
Glinks Gully	\$335.11	\$1.56	\$251.33
Mangawhai	\$123.52	\$2.59	N/A
Maungaturoto (Station Village)	\$291.43	\$4.36	\$218.57

Maungaturoto (Township)	\$268.72	\$3.85	\$201.54
Ruawai	\$180.44	\$3.68	\$135.33

\* The full definitions of each network can be found in the Funding Impact Statement - Rating Tools section of Council's Annual Plan 2019/2020.

#### **I. Targeted rate for Mangawhai Harbour Restoration**

Under Section 16 of the Act, a targeted rate for all rateable land within the Mangawhai Harbour Restoration area of \$80.00 (including GST) per Rating Unit. A map of the Mangawhai Harbour Restoration area can be found in the Appendix of Council's Annual Plan 2019/2020.

#### **J. Targeted rate for Ruawai Tokatoka Hall**

Under Section 16 of the Act, a targeted rate for all rateable land within the Ruawai Tokatoka Hall targeted rate area of \$38.08 (including GST) per Rating Unit. A map of the Ruawai Tokatoka Hall targeted rate area can be found in the Appendix of Council's Annual Plan 2019/2020.

#### **K. Targeted rate for Forestry Roding**

Under Section 16 of the Act, a targeted rate for all rateable land within the Forestry Roding targeted rate area of 0.007345 (including GST) per dollar of the land value for all land situated in the area. A map of the Forestry Roding targeted rate area can be found in the Appendix of Council's Annual Plan 2019/2020.

#### **L. Due dates**

Under Section 24 of the Act, the rates, except targeted rates for metered water supply, will be payable in four equal instalments with the following due dates:

Instalment 1	20 August 2019
Instalment 2	20 November 2019
Instalment 3	20 February 2020
Instalment 4	20 May 2020

Metered water rates will be billed twice during the year. The due date for each billing is the 20th of the month following the delivery of the invoice. The billing and due dates for each area are:

Billing month	Area	Payment due date
July 2019 January 2020	Dargaville (Hokianga Road and side streets) and Glinks Gully	20 August 2019 20 February 2020
August 2019 February 2020	Dargaville (Station and Beach Roads) and Mangawhare	20 September 2019 20 March 2020
September 2019 March 2020	Dargaville (Township East)	20 October 2019 20 April 2020
October 2019 April 2020	Dargaville (Awakino Road and Main Street) and Ruawai	20 November 2019 20 May 2020
November 2019 May 2020	Dargaville (Ranfurly, Plunket and Tirarau Streets); Maungaturoto Railway; Maungaturoto Township and Mangawhai	20 December 2019 20 June 2020
December 2019 June 2020	North Dargaville to Kaihu, Awakino Point and Baylys	20 January 2020 20 July 2020

## M. Penalties

Under Sections 57 and 58 of the Act:

- a) A penalty of 10% of the rates (other than water-by-meter rates) assessed in the 2019/2020 financial year that are unpaid after the due date for each instalment will be added on the relevant penalty date for each instalment stated below, except where a ratepayer has entered into an arrangement by way of direct debit authority, or an automatic payment authority, and honours that arrangement. For each instalment the date the penalty will be added is as follows:

Instalment 1	21 August 2019
Instalment 2	21 November 2019
Instalment 3	21 February 2020
Instalment 4	21 May 2020; and

- b) A penalty of 10% of the amount of all rates (including any penalties) other than water-by-meter rates from any previous financial years that are unpaid on 04 July 2019 will be added on 05 July 2019; and
- c) A penalty of 10% of the amount of all rates to which a penalty has been added under b) and which remain unpaid will be added on 06 January 2020; and
- d) A penalty of 10% of the amount outstanding for water by meter rates charged per invoice will be added on the relevant penalty date for each billing month and area stated below, except where a ratepayer has entered into an arrangement by way of direct debit authority, or an automatic payment authority, and honours that arrangement. For each billing month and area, the date the penalty will be added is as follows:

Billing month	Area	Penalty date
July 2019	Dargaville (Hokianga Road and side streets) and Glinks Gully	21 August 2019
January 2020		21 February 2020
August 2019	Dargaville (Station and Beach Roads) and Mangawhare	21 September 2019
February 2020		21 March 2020
September 2019	Dargaville (Township East)	21 October 2019
March 2020		21 April 2020
October 2019	Dargaville (Awakino Road and Main Street) and Ruawai	21 November 2019
April 2020		21 May 2020
November 2019	Dargaville (Ranfurly, Plunket and Tirarau Streets); Maungaturoto Railway; Maungaturoto Township and Mangawhai	21 December 2019
May 2020		21 June 2020
December 2019	North Dargaville to Kaihu, Awakino Point and Baylys	21 January 2020
June 2020		21 July 2020

- e) Delegates authority to the Revenue Manager and the Revenue Operations Officer to apply penalties to unpaid rates according to the resolutions below:

## Context/Horopaki

This report is required to set the rates, due dates and penalties regime for the 2019/2020 year.

## Discussion/Ngā kōrerorero

Council is required to comply with the decision-making provisions outlined in Part 6 of the Local Government Act 2002.

## Community views

Members of the community have been provided with the opportunity to express their views in relation to Council's proposals for the 2019/2020 financial year via the 2018/2028 LTP consultative procedure. It was decided not to consult with the public on the Annual Plan 2019/2020 as there were no significant or material difference from the LTP 2018/2028.

## Policy impacts

The proposed rates as set out in the resolutions above are in accordance with the Funding Impact Statement included in the AP 2019/2020.

## Financial considerations

The rates proposed to be set through the recommendations in this report are consistent with the financial forecasts included in the final AP 2019/2020 to be considered for adoption by Council prior to its consideration of this report.

## Legal considerations/delegation

The statutory procedure for setting rates is contained in the Local Government (Rating) Act 2002 Section 23(1) and (2) which states as follows:

*'23 Procedure for setting rates*

- (1) Rates must be set by a resolution of the local authority.*
- (2) Rates set by a local authority must—*
  - (a) relate to a financial year or part of a financial year; and*
  - (b) be set in accordance with the relevant provisions of the local authority's long term plan and funding impact statement for that financial year'*

The requirement to have an LTP is outlined in Section 93 of the Local Government Act 2002. The content of the LTP is then determined by Part 1 of Schedule 10 of the Local Government Act 2002. The Funding Impact Statement for 2019/2020 is the Funding Impact Statement in the AP 2019/2020. Clause 20 of Schedule 10 details the requirements for that Funding Impact Statement.

## Options

There are two options to consider:

Option 1: Set the rates as recommended.

Option 2: Not set rates.

If Option 1 is taken the rates proposed to be set through the recommendations in this report are consistent with the financial forecasts included in the AP 2019/2020.

If Option 2 is taken Council may not be able to fund its activities.

The recommended option is **Option 1**.

## Significance and engagement/Hirahira me ngā whakapāpā

Council is required to comply with the decision-making provisions outlined in Part 6 of the Local Government Act 2002. Under Council's Significance and Engagement Policy, a decision in accordance with the recommendation is considered to have a high degree of significance.

## Next steps/E whaiake nei

Rates will be set for the 2019/2020 year with due dates and penalties set in accordance with this rates resolution.

Sue Davidson, 05 June 2019

## **Fees and Charges 2019/2020: Annual Review**

### **Adoption**

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 June 2019  
**Reporting officer:** Fran Mikulicic, General Manager Regulatory, Planning and Policy

### **Purpose/Ngā whāinga**

To adopt the Fees and Charges for financial year 2019/2020.

### **Executive summary/Whakarāpopototanga**

Recommend the adoption and circulation of the Fees and Charges 2019/2020. There was only one submission from Federated Farmers regarding the working dog registration fee received during the consultation period to 30 April 2019.

A hearing was held on 06 June 2019 whereby Federated Farmers presented. Questions from Council were raised to clarify that the Council introduces a dog registration fee of \$22 per working dog for three or more working dogs registered to the same owner.

### **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Adopts the proposed Fees and Charges for 2019/2020 as outlined in the draft schedule, appended to the report as **Attachment A** and circulated in the agenda.

### **Context/Horopaki**

This report is to advise Council of the outcome of the recent community consultation and hearing regarding the proposed Fees and Charges 2019/2020. It also recommends the adoption of these fees and charges as consulted on without amending the working dog fees as requested by the only submitter.

### **Discussion/Ngā kōrerorero**

Each year fees are assessed and adjusted with implementation dates of any changes in fees ideally being 01 July. This allows fees to be advertised at the beginning of that calendar year as part of the annual planning process and the consequences measured before budgets are set.

Council's funding policy is based on a user-pays approach for most of the regulatory activities although sale of alcohol fees, parking and litter infringements are currently set by legislation.

It is acknowledged that any significant increase in fees has the risk of antagonising the community. It is further noted that many of the current fees and charges Kaipara District Council (KDC) has are lower than the other councils in the region. It is appropriate to review the fees annually to reduce the need to make significant changes every other year or to make the ratepayer fund more than the appropriate portion of these activities. It is prudent to have small annual increases to cover inflationary pressures and to ensure the charges cover Council's reasonable costs.

Minor adjustments were made to the Draft Fees and Charges 2019/2020 following Council's recommendation prior to consultation earlier this year. These were approved by the Chief Executive and Mayor and covered the following:

- 1 Removal of the Fire Safety breach fee and Fire Safety and Relocate Building fee (requested by Councillor Larsen).
- 2 The additional wording under Parking fees - (These fees are set by central government legislation) – Page 18 (requested by Councillor Curnow).

Council held the Fees and Charges 2019/2020 hearing on 06 June 2019. Federated Farmers was the only submitter and they wished to be heard. The proposal from Federated Farmers to reduce the registration fee for owners of three or more working dogs to 50% of the fee would result in a loss in revenue of \$10,824. Upon further investigation it was found that Kaipara District Council's fees are comparative with neighbouring councils (see the table below). The only council in our survey to offer multiple working dog discounts was the Far North, offering the sixth dog free.

Council has recently received an increased number of complaints regarding the level of animal control services currently being provided. The Council is planning to improve the level of service over the next 12 months. A decision was made at the Council meeting on 30 May 2019 to bring Animal Control, Noise and Parking functions in-house. It was recognised there would be an additional cost over what has currently been proposed for the 2019/2020 budget and any reduction in the revenue for dogs would add further financial pressure. To achieve this a reduction in fees is not practicable or affordable at this time.

Dog Registration fees have not been increased since 2018 with no proposal to increase in the 2019/2020 financial year.

<b>Dog Registration Fees</b>		
<b>Council</b>	<b>Working dog fee early</b>	<b>Working dog fee late</b>
Kaipara District Council	\$44	\$66
Whangarei	\$50	\$64
FNDC - desexed	\$40	\$60 (sixth dog free)
- non-desexed	\$50	\$70
Gisborne	\$46	\$58
Tauranga Council	\$87	\$130
Whakatane	\$50	\$75

## Options

There are two options provided below to assist Council's decision-making. The current fees and charges cease on 30 June 2019.

**Option A:** Status Quo. Do not increase the fees and charges, instead keep the charging schedule from 2018/2019 and retitle these for the 2019/2020 financial year.

**Option B:** Approve the increased fees and charges proposed in Attachment A, Fees and Charges 2019/2020 which was consulted on.

**Option C:** Approve the increased fees and charges proposed in Attachment A, Fees and Charges 2019/2020 which was consulted on, with the introduction of a dog registration fee of \$22 per working dog for three or more working dogs registered to the same owner.

Option A would put additional burden onto the ratepayers if fees and charges were not incrementally adjusted. Option B is financially prudent and allows for a minor incremental adjustment. Option C would not be financially prudent given the additional costs anticipated in animal management functions in the 2019/2020 financial year. Therefore, Option B is recommended.



## Financial implications

Sufficient revenue must be obtained through the fees and charges to recover a certain percentage of the costs to operate that part of the business as proposed in the revenue and funding policies and budgets being set by the Long Term Plan. Changes to legislation; additional requirements on Council by central government; increasing customer demands for service; changes in technology; as well as general inflation, all put pressure on the organisations provision of service.

Additional efficiencies and process improvements manage to meet some of these added costs, expectations and requirements, however there are some areas of the business that need fees and charges to increase so they can obtain the amount of cost recovery anticipated in the Annual Plan.

Although not the recommended option, we have supplied the financial workings for Option C below. There are 1,700 working dogs currently registered in Kaipara district. If the new registration fee was established 492 dogs would receive the reduced rate of \$22. This equates to a loss of income of \$10,824 as can be seen in the following table.

Dog numbers	Number	Discounted fee	Total revenue
First three dogs at full registration	474	\$44	\$20,856
Over three dogs at reduced registration	492	\$22 proposed	\$10,824
Balance of dogs at full registration	734	\$44	\$32,296
Total working dogs in Kaipara	1,700		\$63,976
Pet Dogs at full registration	3,440	\$66	\$227,040
Total dogs in Kaipara	5,140		\$291,016
Income at Option B			\$301,840
Loss on income at Option C			-\$10,824

## Significance and engagement/Hirahira me ngā whakapāpā

### Low level of significance:

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy.

The public has been consulted and only one submission was received. This submitter wished to be heard and this occurred on 06 June 2019. The public will be informed via the website of Council's final decision.

### Next steps/E whaiake nei

Implementation of the new fees and charges by 01 July 2019.

### Attachments/Ngā tapiritanga

	Title
A	Fees and Charges 2019/2020

Fran Mikulicic, 10 June 2019





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# Kaipara District Council

## Fees and Charges 2019/2020

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Kaipara te Oranga  
**KAIPARA**  
DISTRICT  
Two Oceans Two Harbours



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**Note: All fees include GST unless otherwise specified (Sale of Alcohol fees and charges are GST exclusive).**



## Health Licences

### For premises registered under the Health Act 1956

Description	Annual Inspection Fee \$
<a href="#">Hairdressers/beauty salons/funeral directors</a>	360.00
<a href="#">Campgrounds</a>	520.00

### Other related fees

Description	Annual Fee \$
Itinerant Traders <i>Not a resident in the district prior to the application date; not owning or having entered into a binding lease in writing in the district for at least six months; carries on or engages in any business in the district involving the sale or hire or exposure for sale or hire of goods</i>	150.00
Offensive Trade Licence <i>Refer to Food Act 1956</i>	200.00
Mobile/Stall/ <a href="#">Stall, non-food</a> <a href="#">Stall exempt under Food Act 2014</a>	150.00
Market Stall <i>Registered in another district (endorsed licence)</i>	150.00
Certificate of Inspection <i>Community kitchens</i>	<u>200.00</u>
Re-inspection	\$200 plus any other additional fees charged to Council
Market/ <a href="#">Events</a> Organisers Licence <i>Pro-rata reduction in fee may apply for small market or one-off event</i>	300.00
<a href="#">Water sampling</a> <i>Drinking, septic, pools</i>	150.00
<a href="#">Premises site visit for potential buyers</a>	150.00

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## Fees under the Food Act 2014

### Food Control Plan (FCP)

Description	Fee \$
FCP - New application for registration of <a href="#">template</a> food control plan	250.00
FCP - Registration renewal	250.00
FCP - <a href="#">Verification</a>	690.00
Failure to attend scheduled <a href="#">verification</a> (cancellation within 24 hours)	150.00
Unscheduled verification/ <a href="#">Enforcement</a>	350.00
<a href="#">Verification Corrective Action follow-up</a>	<u>200.00</u>

### National Programmes (NP 1, 2 and 3)

Description	Fee \$
NP New application for registration of National Programme	250.00
NP Registration renewal - two yearly	250.00
NP1 <a href="#">Verification</a> - one-off	350.00
NP2 <a href="#">Verification</a> - three yearly	550.00
NP3 <a href="#">Verification</a> - two yearly	550.00
Failure to attend schedule <a href="#">verification</a> (cancellation within 24 hours)	150.00
Unscheduled verification/ <a href="#">Enforcement Action</a>	350.00
<a href="#">Verification Corrective Action follow-up</a>	<u>200.00</u>
<b><a href="#">Additional Charges</a></b>	
<a href="#">Thermometer</a>	<b>30.00</b>
<a href="#">Additional National Program/Food Control Plan document pack</a>	<b>35.00</b>

***Small or start-up businesses trading three days or fewer, or seasonally for fewer than three months of the year, receive a 25% discount on the FCP fee***

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## Sale of Alcohol (excludes GST)

The following fees are set under the Sale and Supply of Alcohol Act 2012 and exclude GST.

Applicants for a Premises Licence will be required to use a three-step process to determine their premises' cost/risk rating which then determines their fee category and then their fee amounts for both the three-yearly licence application fee and the annual licence fee.

Premises Licences (On, Off, Club Licences).

### 1 Framework for determining cost/risk rating - Table 1

Type of Licensed Premises	Weighting	Latest alcohol sales time	Weighting	Number of enforcements in the last 18 months	Weighting
Liquor Store, Supermarket, Grocery Off-licence	15	On-licences and Clubs before 2.01am; Off-licences before 10.01pm	0	0	0
Night Clubs, Taverns, Adult premises, "Class 1" Restaurants	15	On-licences and Clubs 2:01am-3:01am; Off-licences 10:01pm and later	3	1	10
Off-licence in a Tavern	10	On-licences and Clubs - all other closing times	5	2 or more	20
Hotels, Function Centres, "Class 1" Clubs, "Class 2" Restaurants, Universities, and Polytechnics	10				
Remote sales, "Class 2" Clubs, "Class 3" Restaurants, Other	5				
Theatres/cinemas, Wine cellar doors, BYO Restaurants, "Class 3" Clubs	0-5				





**Definitions:**

- Class 1 restaurants – restaurants with a significant separate bar area which, in the opinion of the relevant territorial authority (TA), operate that bar at least one night a week in the nature of a tavern, such as serving alcohol without meals to tables situated in the bar area.
- Class 2 restaurants – restaurants that have a separate bar (which may include a small bar area) but which, in the opinion of the relevant TA, do not operate that area in the nature of tavern at any time.
- Class 3 restaurants – restaurants that only serve alcohol to the table and do not have a separate bar area.
- Class 1 clubs – clubs which, in the opinion of the TA, are large clubs (with 1,000 or more members of drinking age) and which, in the opinion of the relevant TA, operate in the nature of a tavern (for example a large working men's club, combined clubs, or large 'cossie' clubs).
- Class 2 clubs – clubs which do not fit class 1 or class 3 definitions (for example larger sports clubs, medium-sized Returned Services Association (RSA), many provincial social clubs).
- Class 3 clubs - clubs which, in the opinion of the TA, are small clubs (with up to 250 members of drinking age) and which operate a bar for 40 hours or less per week (for example small sports clubs like bowling clubs, golf clubs, bridge clubs, and small RSAs).
- Enforcement – has the same meaning as a “Holding” under section 288 of the Act, or a previous offence for which a holding may have been issued if the offence had occurred before 18 December 2013.

**2 Fees category (Table 2)**

The total rating is the premises cost/risk rating from Table 1

Total Rating	Fee Category
0-2	Very low
3-5	Low
6-15	Medium
16-25	High
26 plus	Very High

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### 3 Fee amounts (Table 3)

Using the premises cost/risk rating to determine the fee category, estimate the fee payable.

Fee category	Application fee (excludes GST)	Annual fee (excludes GST)
	Total amount payable by applicant	Total amount payable by licensee
Very low	\$320	\$150
Low	\$530	\$340
Medium	\$710	\$550
High	\$890	\$900
Very high	\$1,050	\$1,250

#### Special Licences (excluding GST)

The default fees for Special Licences are:

- \$55 for one or two events covered by the licence that are of a 'small size';
- \$180 for three to 12 events covered by the licence that are of a 'small size', or one to three events that are of a 'medium size'; and
- \$500 for all other Special Licences, including licences for events that are of a 'large size'.
- [\\$55 for Dispensation to allow Consumption of Alcohol in a Public Place](#)

#### Other fees (excluding GST)

Application type	Total amount payable	Amount of total fee transferred/paid to ARLA
Manager's Certificate application	\$275	\$25
Temporary authority	\$258	n/a
Temporary licence	\$258	n/a
Appeal to Alcohol Regulatory and Licensing Authority (ARLA)	\$450	n/a (paid directly to ARLA)
Extract of register (ARLA or District Licensing Committees (DLC))	\$50	\$50 if an extract is sought from the ARLA register
Permanent Club Charter (annual fee due on 30 June of each year and paid to ARLA)	\$920	\$920

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Application type	Total amount payable	Amount of total fee transferred/paid to ARLA
<a href="#">Resource Management Certificate (S.100(f) of the Sale and Supply of Alcohol Act 2012 for new and renewal of premises licences *</a>	\$200*	n/a
<a href="#">Building certificate (s.100 (f) of the Sale and Supply of Alcohol Act 2012) for new and renewal of premises licences</a>	\$200*	
<small>*Further charges may be applied if a property file review and/or inspections are required.</small>		

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**Building Control Fees**

Certificate of Acceptance s97(d) and (e) fee is calculated in two parts:

- Part a) the fee payable under the current schedule had consent been sought; and
- Part b) \$200.00 or 50% of the fee (Part a) whichever is the greater.

**Building Consents - Dwellings/Other Buildings**

Category/Description	Fee \$
Project Information Memorandum (PIM). <i>PIM application fee if applied for separate to building consent</i>	265.00
Domestic fireplaces, removal, demolition building works, connection to reticulated wastewater system and private wastewater system installation (includes inspections, AlphaOne, District Plan review/PIM and GST)	440.00

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**Building Works**

Category/Description	Fee \$
Building Works e.g. garages, carports, decks swimming/spa pools etcetera valued up to \$5,000	980.00
Building Works e.g. garages, carports, decks swimming/spa pools etcetera valued up to \$5,001 - \$10,000	1,260.00
Building Works e.g. garages, alterations, swimming/spa pools etcetera valued \$10,001 - \$19,999	1,830.00
Simple Buildings, Dwelling Additions valued \$20,000 - \$50,000	2,500.00*
Simple Buildings, Dwelling Additions valued \$50,001 - \$100,000	3,130.00*
Dwellings and some Commercial Buildings etcetera - \$100,001 - \$250,000	3,810.00*

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Category/Description	Fee \$
Dwellings and Commercial Buildings etcetera - \$250,001 - \$500,000	4,935.00*
Dwellings, Commercial and Industrial Development - \$500,001 - \$900,000	6,770.00*
Other Building Work valued over - \$900,000	8,820.00*

\* must include BRANZ and DBH levies (this applies to all building work \$20,000 and over).

#### Building Consents - Industry Levies\*

Category/Description	Fee \$
Building Research Authority of New Zealand Levy <i>Fee set in BRANZ Regulations</i>	\$1.00 per \$1,000 for building work valued at \$20,000 and over
Department of Building and Housing Levy <i>Fees set in MBIE Levy</i>	\$2.01 per \$1,000 for building work valued at \$20,000 and over

#### Building Consents - Notice to Fix, Producer Statement Inspections and other building fees

Description	Fee \$
Amendments <i>Per occasion</i> <b>Note: one amendment may incorporate several changes</b>	165.00
Building Consent Exemption <i>Applications made under section K(i) or (ii) of Schedule 1 of the Building Act 2004 - "example" farm building in remote area of farm</i>	330.00
Compliance Schedule and Compliance Schedule Statement <i>Setting up Compliance Schedule with Specified Systems; and Issuing of the Compliance Schedule Statement</i>	330.00
Re-opening of old Building Consents 5+ years old <i>Administration fee</i>	98.00
<i>Inspection fee if required</i>	165.00
Certificate of Public Use (CPU) <i>Public buildings with no Code Compliance Certificate</i>	220.00
<i>Public buildings with no Code Compliance Certificate requiring one inspection</i>	385.00

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Description	Fee \$
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**Note:** Any outstanding fees such as development contributions would need to be settled prior to the issuing of a CPU.

Section 72 Certificate	Registering hazard on Title	285.00
Section 75 Certificate	Amalgamation of two Titles	285.00
Sections 33(1)(b)(ii) and 45(1)(c)	Certificate of Title	35.00
	Each additional attachment to the Title	5.00
Extension of time	Per occasion for each request for extension of time (Sections 52(b) and 93(2)(b))	100.00
Other certificates	Any other certificates, authorities, requirement or action requested of Council under provisions of the Building Act 2004	100.00
Notice to Fix	Includes one inspection to recheck	225.00
	plus disbursements including consultant	
	Further inspections will be charged at the standard rate per inspection	165.00
Decommissioning of a private wastewater system		250.00
Inspections	Standard inspection per occasion or re-inspection as required	165.00
	Building Warrant of Fitness Inspection	165.00
	Building Warrant of Fitness Renewal	120.00
	Fencing of Swimming Pool Inspection	165.00
Building enquiries and pre-application meetings with a Building Inspector	First 15 minutes free, thereafter \$165.00 per hour	
Professional services and specialist input costs if required will be passed on to applicants and invoiced plus 10%		

**Notes:**

- 1 Payment of the full fee will be required on submission of the application. If further costs are incurred in the process, through use of external consultants, this will be invoiced separately. The balance of any fees due for additional inspections or other disbursements including Consultant's fees will need to be paid before the Code Compliance Certificate is issued.
- 2 May require additional inspections from those specified depending on the Building Consent.

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- 3 Where no PIM application has been made in conjunction with a Building Consent application and the work relates to a new building, or increase the footprint of the building, a District Plan Assessment fee will need to be paid.
- 4 For second and subsequent dwellings on a site a **Development Contribution** is payable.
- 5 All commercial building applications are lodged using initial fixed fees which will have actual and reasonable costs charged in addition to the lodgement amount.

**Resource Management**

**Resource consents**

**Note:** All application fees as set out below are the charges fixed pursuant to s36(1) of the Resource Management Act 1991. Where these initial charges do not meet the actual and reasonable costs associated with processing the application, an additional charge may be made in accordance with s36(5) of the Act. Such additional charge may include but are not limited to any or all of the cost to Council of external advice (which will be charged at the Consultants' charge out rate plus 10%); staff time at hourly rate plus overheads; materials, hall hire and other sundry items.

Upon request, Council will provide an estimate of any additional charge likely to be imposed under s36(5).

In-house Council professional fees are as follows:

- General Manager/Manager \$195.00 per hour
- Principal Planner/Senior/Team Leader \$185.00 per hour
- Engineer \$185.00 per hour
- Planner/Analyst \$165.00 per hour
- Monitoring Inspector \$165.00 per hour
- Building Officer \$165.00 per hour
- Environmental Health Officer \$165.00 per hour
- Administrator \$98.00 per hour

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**External** professional fees are set by the consultant (in conjunction with Kaipara District Council). These hourly rates will be passed on to the applicant as charged to Council plus 10% where specialist expertise is required in the assessment of applications.



Description		Fee \$
Resource management enquiries and pre-application meetings with a Council professional		First 15 minutes free thereafter hourly rate per professional as indicated above
<b>Additional fees will be charged over and above if required.</b>		
1	<b>Non-notified subdivisions</b>	
	Boundary adjustment - <i>(where no additional titles or development potential is created)</i>	<del>2100.00</del>
	1 and 2 lots	<del>3350.00*</del>
	3 to 5 lots	<del>4900.00*</del>
	6 to 7 lots	<del>6600.00*</del>
	8 to 10 lots	<del>7770.00*</del>
	11 to 15 lots	<del>10500.00*</del>
	16 to 20 lots	<del>13230.00*</del>
	21+ lots	<del>16000.00*</del>
	<i>*subdivision proposing an environmental benefit (Note: this fee is in addition to that required above per application)</i>	1,000.00
2	Notification - two times the non-notified fee (i.e. non-notified fee is half the notified fee)	
3	District Land Registrar approval of amalgamation condition	180.00
4	Combined subdivision and land use consent = subdivision fee and 50% of land use fee	
5	<b>Land use consents - non-notified</b>	
	Deemed permitted boundary activity; Forestry Permitted Activity	<del>475.00</del>
	Minor works (single <i>bulk and location breach</i> with no engineering assessment required, or signs)	<del>1250.00</del>
	Minor works (2-3 <i>bulk and location breaches</i> with no engineering assessment required)	<del>1900.00</del>
	Permeable <u>surfaces, earthworks, forestry activities (under NES-PF)</u>	<del>3150.00</del>
	Land use consents - other non-notified	<del>3350.00</del>
6	Notified land use consents are two times the non-notified fee (i.e. the non-notified fee is half the notified fee)	
7	Rejection of incomplete applications (s88)	<del>475.00</del>

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Description		Fee \$
8	Hearing fees - all applications (excluding objection hearings)	
(a)	Independent Commissioner sitting with Councillor/Commissioner up to two hours (minimum charge)	1,755.00
	Cost per additional hour	590.00
	Plus Commissioner's fee	As charged to Council
	<b>Or</b>	
(b)	Independent Commissioner up to two hours (minimum charge)	1,650.00
	Cost per additional hour	520.00
	Plus Commissioner's fee	As charged to Council
	<i>Note: Where an Independent Commissioner is requested, any additional costs will be apportioned between the parties in accordance with s36(a)(aa) and (ab)</i>	
9	Consent extensions (s125)	1,365.00
10	Change or cancellation of conditions (s127)	1,365.00
11	Vary to cancel consent notice (s221[3])	1,365.00
12	Objection against consent conditions (s357A)	Nil
13	Certificate of compliance (s139) or existing use certificate	1,050.00
14	Earthworks management plans	As charged to Council plus \$245 administration charge
15	Rights of way (s348 of Local Government Act) lodgement fee (any further costs may be charged)	1,050.00 plus any charges to Council
16	Revocation of right of way	210.00 plus any charges to Council

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### Resource consent post approval

Description	Fee \$
Certificates ** (e.g. consent notices, survey plan approvals, covenants, easements etcetera) *Note there will be a minimum charge of one hour per certificate + Balance to be paid before certificate released	165.00 per hour plus any charges to Council
Bond administration fee <b>Note:</b> There will be a minimum charge of one hour.	100.00 per hour plus any charges to Council
Vehicle Crossing Permit for Subdivision only – processing fee	125.00
Resource Consent post-approval inspections.	Council's professional fees per hour plus any charges to Council

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### Designation and Heritage Orders

**Note:** The charges shown relating to designations and heritage orders are administration charges only. Additional charges will be made for consultants and/or experts time as applicable.

Description	Fee \$
Notice of a requirement for a Designation (non-notified)	3,000.00
Notice of a requirement for a Designation (notified)	6,000.00
Outline Plan	1,330.00
Notice of a Heritage Order	1,260.00
Alterations to Designation or Heritage Order	600.00
Removal of Designation	300.00
Removal of Building Line Restriction	300.00 plus any charges to Council

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**Changes to District Plan**

Description	Fee \$
Request to initiate <a href="#">Plan</a> change	15,000.00
<a href="#">Before commencement of Notification processing</a>	15,000.00
<a href="#">Before commencement of Hearing</a>	15,000.00
<i>Note: Additional charges will be made for the actual and reasonable costs involved as applicable refer to hourly rate table.</i>	

**Monitoring, compliance and enforcement  
(excluding engineering inspections)**

Description	Fee \$
Where monitored by Consultant or Contractors	98.00 per hour plus any charges to Council
Where monitored by Council staff (not restricted to Resource Management Act monitoring) <i>At the time of granting Resource Consent an initial assessment of the number of inspections required will be made and payment will be due at the issuing of the Council's decision. If additional inspections are required above those initially assessed then these will be charged at the time of the inspection.</i>	165.00 per hour (inclusive of travelling costs) applicable for each inspection
Abatement Notice fee recovery costs	165.00

**Information requests**

Description	Fee \$
New Land Information Memorandum (LIM)	315.00
Property Enquiries (Not LIM)	68.00

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Description	Fee \$
Photocopies of maps etcetera	Cost of photocopying or printing
Charges made on Council by other bodies	98.00 per hour plus any charges to Council
<a href="#">NES Soil testing site search for potential contamination (file review only) residential – 2 hours approx.</a>	250.00
<a href="#">NES Soil testing site search for potential contamination (file review only) commercial – 2 hours approx.</a>	420.00
Certificate pursuant to Overseas Investment Regulations <i>Note: There will be a minimum charge of one hour and the balance is to be paid before the certificate will be released.</i>	98.00 per hour plus any charges to Council
Certificate for Licensed Motor Vehicle Dealers <i>Note: There will be a minimum charge of one hour and the balance is to be paid before the certificate will be released.</i>	145.00 per hour plus any charges to Council
Any other certificates, authorities, requirement or action requested of Council under the Resource Management Act or other legislation <i>Note: There will be a minimum charge of one hour.</i>	Council's professional fee per hour plus any charges to Council
Assets enquiries prior to resource consent lodgement	98.00 per hour plus any charges to Council
Valuation for Reserves Contributions <i>Note: There will be a minimum charge of one hour.</i>	98.00 per hour plus any charges to Council

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## Development Contributions

For development anywhere in the district a Development Contribution may be payable if the effect of the development is for the Council to incur capital expenditure to provide new or additional infrastructure assets or assets of increased capacity.

The Policy helps Council to fund the capital expenditure needed to provide infrastructure capacity for new growth. Some Development Contributions apply across the district while other contributions apply only to particular areas

Description	Fee \$
Application to postpone or remit payment of Development Contributions	2,780.00
<ul style="list-style-type: none"> <li>Administration - (\$410.00)</li> <li>Processing/reporting - (\$665.00)</li> <li>Hearing (minimum one hour) - (\$1,680.00)</li> </ul>	Plus \$440.00 per subsequent hour of Hearing

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## Dog, Stock and Noise

### Dog control

Description	Annual Fee \$
Dog registration per non-working dog (if paid by 31 August 2018)	66.00
Dog registration per working dog as defined under the Dog Control Act 1996 (if paid by 31 August 2018)	44.00
Dog Registration per dog for 20 or more dogs registered to the same owner (if paid by 31 August 2018)	44.00
Dog Registration fee for any non-working dog/s registered after 31 August 2018	99.00
Dog Registration for working dogs registered after 31 August 2018	66.00
Replacement tags	2.00
Dog collars	
<ul style="list-style-type: none"> <li>Small</li> <li>Medium</li> </ul>	8.00 10.00

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Description	Annual Fee \$
Transfer from another country (pro-rata for balance of registration year)	Pro-rata
Re-homed or rescued dog registered after 31 August*	93.00
*Registration of re-homed or rescued dog registered after 31 August where new owner produces:	
<ul style="list-style-type: none"> <li>• Proof of acquisition of dog from SPCA; or</li> <li>• Proof of acquisition of dog from Pound; or</li> <li>• Vet bill to prove treatment/examination of injured/found dog.</li> </ul>	

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**Surcharges and other fees as set by the Dog Control Act 1996**

Description	Fee \$
Probationary owners (registration fee plus 50%)	93.00
Dangerous dogs (registration fee plus 50%)	93.00
Failure to comply with the Dog Control Act or Bylaw	300.00
Keeping an unregistered dog	300.00
Fraudulent sale or transfer of a dangerous dog	500.00
Failure to keep a dog under control	200.00
Allowing dangerous dogs at large unmuzzled	300.00
Microchipping dog	As charged to Council plus 10%

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**Impounding dogs and sustenance of dogs in the Pound (including transporting of animals from Dargaville to Whangarei Pound)**

Description	Fee \$
Transport to Whangarei - per occasion	275.00
First impounding in the current financial year of a dog registered to a probationary dog owner	120.00

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Description	Fee \$
Second impounding in the current financial year of a dog registered to a probationary dog owner	170.00
Third impounding in the current financial year of a dog registered to a probationary dog owner	220.00
Sustenance fees - per dog per day or part thereof in the pound	28.00

**Other charges**

Description	Fee \$
Permit to keep more than than two dogs in a residential area. <i>As a once-only charge for the duration of the time more than two dogs reside on the property.</i>	75.00

**Stock control**

Description	Fee \$
Stock impounding <i>Transportation of stock (truck) actual cost plus fee per animal</i>	120.00
Stock sustenance <i>Daily sustenance for horses and cattle per animal</i>	48.00
<i>Daily sustenance for other animal per animal</i>	38.00

**Stock droving**

Description	Fee \$
Callout and Droving <i>Normal hours (0500-1700) per hour per person</i>	75.00
<i>Hours between 1700-2200 per hour per person</i>	85.00
<i>Hours between 2200-0500 per hour per person</i>	130.00

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Description	Fee \$
<i>Weekends and public holidays per hour per person (e.g. if Friday is a public holiday then the public holiday charge starts from 1700 Thursday night and ends 0500 the first normal day e.g. Monday morning)</i>	130.00
<i>Plus mileage from boundaries of Dargaville and Mangawhai - based on AA approved per kilometre</i>	1.00

### Noise Control

Description	Fee \$
Charge to cover seizure, impounding, transporting, storing and return of property under section 336 Resource Management Act 1991 - per response	224.00
Infringement notices for:	
• <u>  </u> contravening s9 offences	300.00
• <u>  </u> contravening an excessive noise direction	500.00
• <u>  </u> contravening an abatement notice	750.00

### Stationary Vehicle Charges

#### Parking fees – (These fees are set by central government legislation)

Description	Fee \$
P10 Up to 30 minutes	10.00
P10 More than 30 minutes but no more than 1 hour	15.00
P10 More than 1 hour but not more than 2 hours	20.00
P10 More than 2 hours but not more than 4 hours	30.00
P10 More than 4 hours but no more than 6 hours	40.00
P10 More than 6 hours	57.00
P60 Up to 30 minutes	10.00

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Description		Fee \$
P60	More than 30 minutes but no more than 1 hour	15.00
P60	More than 1 hour but not more than 2 hours	20.00
P60	More than 2 hours but not more than 4 hours	30.00
P60	More than 4 hours but no more than 6 hours	40.00
P60	More than 6 hours	57.00

#### Unregistered and unlicensed motor vehicle

Description		Fee \$
C101	No current Warrant of Fitness – Private	200.00
C201	No current Warrant of Fitness – Commercial	600.00
P401	Unregistered motor vehicle	200.00
P402	Unlicensed motor vehicle	200.00
P403	Registration plates not affixed in prescribed manner	200.00
P404	Displayed other than authorised registration plate	Ind 200.00*
P405	Displayed other than authorised motor vehicle licence	Ind 200.00*
P406	Displayed item likely to be mistaken for plate or licence	Ind 200.00*
P407	Displayed item with intent to deceive	Ind 200.00*
P408	Obscured or indistinguishable registration plate	Ind 200.00*
P409	Obscured or indistinguishable licence label	Ind 200.00*
P410	Used vehicle label not affixed in prescribed manner	Ind 200.00*
P411	Current licence label not affixed in prescribed manner	Ind 200.00*

**Note** \*Where this is a corporate-owned vehicle the charge is \$1,000 rather than the \$200.00

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### Illegal parking

Description	Fee \$
Parked on a clearway per occasion	60.00
Parked on broken yellow line	60.00
Inconsiderate parking	60.00
Double parked	60.00
Parked on a bus stop	40.00
Parked on a loading zone	40.00
Parked on a mobility stand	150.00
Parked within 500 millimetres of a fire hydrant	40.00
Parked obstructing a vehicle entrance	40.00
Incorrect kerb parking	40.00

### Bylaw fees and charges

Description	Fee \$
Use of public land for events or for commercial vendor activities	minimum fee 550.00
<i>Note: In high demand areas Council may run a competitive bid process to determine appropriate fees.</i>	
Amusement Gallery (licence under Part 6 Kaipara District Council General Bylaws 2008)	760.00
Bus Stop and Taxi Stand	0.00
<u>Temporary Street Closure</u>	
• <u>Closures for hill climbs, car rallies and similar</u>	non-refundable fee 600.00
	plus Bond 5,825.00

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Description	Fee \$
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<ul style="list-style-type: none"> <li>Closures for processions etcetera in urban areas <i>(this fee may be reduced at Council's discretion to assist charity events)</i></li> </ul>	non-refundable fee 290.00
Class 4 Gambling Venue and Board Venue Application (under Part 7 Kaipara District Council Class 4 Gambling Venue Policy)	760.00
Onsite Wastewater Disposal System inspection	250.00

### Amusement Device Regulations

Description	Fee \$
For one device, for the first seven days of proposed operation or part thereof	10.00
For each additional device operated by the same owner, for the first seven days or part thereof	2.00
For each device, \$1.00 for each further period of seven days or part thereof	1.00

### Litter Infringements

Description	Fee \$
Depositing litter or having deposited litter of less than one litre in volume, and leaving it in or on a public place, or in or on private land without the consent of its occupier.	120.00
Depositing litter or having deposited litter of more than one litre and less than 20 litres* in volume, and leaving it in or on a public place, or in or on private land without the consent of its occupier.	200.00
Depositing litter or having deposited litter of more than 20 litres* and less than 120 litres** in volume and leaving it in or on a public place, or in or on private land without the consent of its occupier.	300.00
Depositing litter or having deposited litter of more than 120 litres** in volume and leaving it in or on a public place, or in or on private land without the consent of its occupier.	400.00

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Description	Fee \$
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Depositing animal remains or having deposited animal remains and leaving them in or on a public place, or in or on private land without the consent of its occupier.	400.00
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\*20 litres is the approximate maximum capacity of two standard supermarket bags in normal conditions

\*\*120 litres is the approximate maximum capacity of a standard "wheelie bin" in normal conditions

## Community Asset fees and charges

### Roading

Description	Fee \$
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Vehicle crossing permit, including processing and pre-approval inspection, pre-pour and final inspection (when not related to a subdivision)	485.00
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Vehicle crossing additional inspection (when not related to a subdivision)	180.00
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Application for a RAPID rural number (urban numbers no charge)	42.00
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Application for No Spray Zone	
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Urban	190.00
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Rural	225.00
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Stock underpass inspection	260.00 plus mileage
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<a href="#">Roading Licence to Occupy annual monitoring fee</a>	<a href="#">160.00</a>
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### Road stopping and road signage

Description	Fee \$
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Administration costs	360.00
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External charges	As charged to Council
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**Note:** These charges will apply where the intended road stopping is for private benefit.

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## Road corridor access request fees (Utilities Access Act 2010)

Description	Fee \$
<b>Basic fee</b>	
Standard processing fee	100.00
<b>Inspection fees (based on length of exaction)</b>	
Minimum fee	100.00
Up to 200 metres (fee per metre)	1.60
200 metres plus (fee per metre)	1.05
<b>Additional non-compliance fees</b>	
Late notice (per day)	345.00
Further delay (per day)	38.00
Extra processing (per notice)	100.00
Follow-up inspections (per inspection)	150.00

### Notes:

- 1 Inspection fee. Will only be charged if inspections are made. Late Notice fee. Only applies where a 'Road Work Notice' is not obtained within the required time. It will not be charged if repair is a result of an emergency event.
- 2 Further delay fee. Only applies once the Principal or their Contractor has been notified of the need of a Road Work Notice and further delays occur in the obtaining of a notice.
- 3 Extra processing fee. Only applies where the information required to be supplied is either incomplete, not correct, or is not supplied within the required time.
- 4 Follow-up Inspection fee. Only applies where a further inspection is required to ensure faulty work is remedied.
- 5 Good work or faulty work is identified during inspections and is assessed using the requirements of the National Code of Practice for Utilities Access to the Transport Corridors.
- 6 No fees will be charged for works carried out by contractors working on Council Utilities Maintenance or Construction Contracts.

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### Overweight permit

Description	Fee \$
Overweight permit (annual permit for vehicles carrying weight in excess of 8.2 tonnes per axle)	130.00

### Refuse collection and disposal

Description	Fee \$
Two refuse collection contracts are operational in the district, one east of Ruawai and one covering Ruawai Township and the area west of Ruawai. The contractors use a pre-printed bag system and the charges for these are as set by the contractor (in conjunction with Council).	
Illegally dumped litter fee	Removal of illegally dumped rubbish by the contractor where offender is identified as per litter infringement fines

### Stormwater disposal

Description	Fee \$
Inspection fees	360.00
Connection fee	As per approved contractor's quote plus 15%
<i>Connections to public infrastructure are undertaken by Council contractors.</i>	
<i>The connection fee is costed for a standard residential connection. It includes a "y" junction and piping to the boundary.</i>	
<i>If a connection is not standard or the distance from the main to the boundary exceeds 2.0 metres, Council reserves the right to recover actual costs.</i>	

### Wastewater disposal

Description	Fee \$
Inspection fees	360.00
Physical connection fee	As per approved contractor's quote plus 15%
<i>Connections to public infrastructure shall be undertaken by Council's contractors.</i>	

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### Rates postponement

Description	Fee \$
<b>Statutory Land Charge</b>	95.00 per hour**
Preparation and registration of a Statutory Land Charge	<i>**plus any charges to Council plus 10% of the amount postponed for the first year of postponement and thereafter at 6.99% of the amount postponed</i>
Preparation and registration of the release of a Statutory Land Charge	95.00 per plus charges to Council

### Water supply

Description	Fee \$
<b>Existing connection point</b>	
Provide 20 millimetre meter and non-testable backflow preventer	275.00
Provide 25 millimetre meter and non-testable backflow preventer	520.00
<b>New connection</b>	
<b><i>Normal residential connection with testable backflow preventer</i></b>	
Provide 20 millimetre connection, testable backflow preventer and meter	1,650.00
Provide 25 millimetre connection, testable backflow preventer and meter	2,040.00
<b><i>Normal residential connection with non-testable backflow preventer</i></b>	
Provide 20 millimetre connection, non-testable backflow preventer and meter	1,400.00
Provide 25 millimetre connection, non-testable backflow preventer and meter	1,820.00

### Notes

- Council's contractor will provide all necessary components to complete the connection from the main to the property boundary. If the distance from the main to the boundary exceeds 2.0 metres, Council reserves the right to recover actual costs.



- 2 Council's contractor will provide the meter and install onto an existing connection at the boundary
- 3 Council's contractor will only make the physical connection to the Council main and install the toby/anglemain valve. The applicant will carry out all other physical works.
- 4 This section applies where applicable to all connections:
  - 4(a) Where a larger meter is required a quote will be obtained from Council's contractor. This quoted cost plus 15% shall be paid to Council prior to work commencing.
  - 4(b) Where a connection is not straightforward (e.g. crossing a road or lifting cobblestones) a quote will be obtained from Council's contractor. The quoted cost plus 15% shall be paid to Council prior to work commencing.
  - 4(c) Where land is being subdivided, it is the subdivider's responsibility to provide a water connection to each lot and connect the development's water supply reticulation system to the public system. In all cases connection to the Council main shall be done by Council's contractor and payment shall be made directly by the subdivider to Council's contractor.

**Other connection/disconnection**

Description	Fee \$
Annual inspection fee for backflow preventer	85.00
Water reconnection fee or removal of water flow restrictor	290.00
Water disconnection fee	290.00

**Water meter reading**

Description	Fee \$
Water meter testing fee <i>(if requested by the consumer and not found faulty)</i>	150.00
Water meter check reading <i>(if found to be incorrect, fee to be refunded)</i>	80.00
Final water meter reading	45.00



### Pensioner housing

Description	Fee \$
Fagan Place Mangawhai	per week 146.00*
Kauri Court Dargaville	per week 130.00*
Awakino Road Dargaville	per week 130.00*
Bledisloe Street Ruawai	per week 130.00*

\*The fee will be increased by CPI plus minor rounding annually.

### Cemeteries

Description	Fee \$
<b>a) Plot purchase</b>	
For purchase of each 2.4 x 1.2 metre plot with exclusive right of burial in perpetuity (Includes maintenance)	1,420.00
For any child up to eleven years (Mt Wesley cemetery only)	360.00
<b>b) Interment fees</b>	
Single depth burial of any person up to eleven years	360.00
Single depth burial of any person	950.00
Extra depth	1,015.00
Stillborn and newborn	175.00
Additional fee for Short Notice burial (Under 2 Working Day Minimum)	400.00
Additional fees for any interment taking place on Saturday or Sunday	625.00
Additional fees for any interment taking place on a Public Holiday	1,180.00

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Description	Fee \$
<b>c) Other fees</b>	
Ash burial taking place on a Public Holiday	480.00
Interment of Ashes (digging fee)	185.00
Disinterment of any body in the cemetery	1,890.00
Out of District fee (at Council's discretion)	370.00
Ash Wall purchase of plaque (no interment)	300.00
Ash Plot (purchase and maintenance)	360.00
Oversize casket	190.00
Concrete Work (works to concrete berms, headstones, plaques, below ground concrete capping at the customer's request)	200.00

### Campgrounds

Fees at Council's campgrounds vary from camp to camp and are subject to change without notice. Further details may be obtained from Council's Customer Service Centres.

### Lake Waikare Education Centre at Taharoa Domain

Description	Fee \$
<u>Private/profit-making group rate</u>	For 24 hours 300.00 per hour 60.00 Bond 300.00
<u>Community Group rate</u>	For 24 hours 150.00 per hour 30.00 Bond 150.00
<u>Social Services/voluntary rate</u>	For 24 hours 100.00 per hour 20.00 No bond

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**Dargaville Town Hall (Northern Wairoa War Memorial Hall) hire**

Description				Fee
				\$
Area	Private / profit-making rate	Community group rate	Social service / voluntary rate	
Auditorium	\$200 per day <b>OR</b> \$50 per hour	\$80 per day <b>OR</b> \$20 per hour	\$40 per day <b>OR</b> \$10 per hour	
Conference Room (does not include use of the kitchen)	\$100 per day <b>OR</b> \$25 per hour	\$60 per day <b>OR</b> \$15 per hour	\$30 per day <b>OR</b> \$10 per hour	
Conference Room and Kitchen (no cooking – for tea, coffee and light refreshments only)	\$120 per day <b>OR</b> \$30 per hour	\$70 per day <b>OR</b> <del>\$18.00</del> per hour	\$35 per day <b>OR</b> \$10 per hour	
<u>Auditorium and Kitchen</u>	<del>\$250 per day <b>OR</b></del> <del>\$40 per hour</del>	<del>\$110 per day <b>OR</b></del> <del>\$28 per hour</del>	<del>\$55 per day <b>OR</b></del> <del>\$15 per hour</del>	
Kitchen (alone)	\$100 per day <b>OR</b> \$25 per hour	\$60 per day <b>OR</b> \$15 per hour	\$30 per day <b>OR</b> \$10 per hour	
Whole Facility	\$380 per day <b>OR</b> \$80 per hour	\$180 per day <b>OR</b> \$50 per hour	\$80 per day <b>OR</b> \$20 per hour	

All hires will include shared use of the foyer. ANZAC Theatre operates most days with multiple screenings throughout the day. The Citizens Advice Bureau and the Community Wellness for Older Adults also use part of the foyer, kitchen and toilet facilities for a few hours during work days.

Hirers will be invoiced directly for any damage and cleaning costs. A Bond Authorisation Form with a cheque or credit card information for \$400 (for whole facility) or \$200 (for partial use) will be required for most hirers.

These fees and charges can be varied at the discretion of Council for exceptional circumstances.

For more information, please contact Council's Administration Team at [administrationrequests@kaipara.govt.nz](mailto:administrationrequests@kaipara.govt.nz)

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## Hire Charge Guidelines

### 1 Definition of Private or Profit-Making

- Any private function, not open to the public.
- Any function or activity run for the profit of a business, private individual, family or Family Trust or firm.
- Any Government department.
- All Churches and political parties, union or employer organisations.

### 2 Definition of Community Group

- All non-profit-making groups; all income used for groups aims.
- Be open to all members of the target community without restriction of religious or political belief.
- All groups operating a service or activity beneficial to the community; providing a recreation, cultural or community service or activity.
- Schools from within local area / District boundaries.
- Have no other source of income other than members' fees, fundraising and grants.

### 3 Definition of Social Service and Voluntary

Those groups which primarily exist to provide social services to address particular needs in the community.

Those groups which primarily exist to provide a co-ordinating function for a number of common interest community groups, working in partnership with Council. Examples include: Youth Aide, Blue Light, OSCAR, Regional Sports Trusts, Blood Donor Collection, Mental Health, Shared Vision, Council's Health Forum and Youth Forum.

Activities and functions organised by partners in conjunction with Council's projects and / or programmes.

### 4 Council Reserve of Rights

Council reserves the right to amend Charges, Hire Guidelines and Conditions of Hire from time to time without notice.

The status of some groups or organisations can change depending on the project, programme or activity requiring facilities. Council reserves the right to decide which rate type is applicable on the merits of any such applications.

***Example:*** A Church wanting to run a youth event for the benefit of local youth or community open to all, any fees charged are to cover costs or for the benefit of the community and not as profit, is different to the same Church wanting to hire facilities for their Church services or run house.

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## Dargaville Library

Description		Fee \$
Membership	Dargaville Public Library is free for Kaipara residents and ratepayers	
	<a href="#">Replacement</a> card (adult member)	2.00
	<a href="#">Replacement</a> card (junior member)	1.00
	Borrower outside Kaipara District (six months subscription)	15.00
	Borrower outside Kaipara District (12 months subscription)	30.00
	Visitor to Kaipara District (up to three months)	20.00
		(\$10.00 refundable)
<a href="#">Library Bags</a>		3.00
Rental items	Best Sellers	3.00 for 1 week
	DVDs	3.00 for 1 week
	<a href="#">Premium DVD Subscription – six months</a>	25.00
	<a href="#">Premium DVD Subscription – one year</a>	50.00
	Rental Fiction	1.00 for 3 weeks
Overdue fees	Late return fee for DVDs and Best Sellers	1.00 per day
	Third and final overdue notice fee ( <a href="#">adult member</a> )	5.00
Printing and photocopying	A4 black and white	0.20 per page
	A3 black and white	0.40 per page
	A4 colour	2.00 per page
	A3 colour	4.00 per page

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Description		Fee \$
<u>Laminating</u>	<u>A4</u>	<u>2.00 per page</u>
	<u>A3</u>	<u>3.00 per page</u>
Facsimile	A4 sent nationally	1.00 <u>up to 5 pages</u>
	A4 sent internationally	3.00 <u>up to 5 pages</u>
Scanning to email		1.00 up to 10 pages
		1.00 per 10 pages thereafter
Printing from internet computer	A4	0.20 per page
Interloans	From libraries with reciprocal agreement	\$5.00 for 4 weeks unless notified of another date
	From libraries without reciprocal agreement	\$20.00
Lost/damaged items		replacement cost or repair fee charged per item plus \$6.00 administration fee

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### General fees

Description		Fee \$
Photocopying: black and white	A4 per page	0.20
	A3 per page	0.40
Photocopying: colour	A4 per page	2.00
	A3 per page	4.00
General Bylaws	Per section	7.50
	Full bound copy	55.00
2013 Operative District Plan	Text and maps	490.00
Engineering Standards	Full bound copy	55.00



Description		Fee \$
Council information provided on CD	Per CD	40.00
<a href="#">Council information provided on a USB</a>	<a href="#">Per USB</a>	<a href="#">15.00</a>
File Search, Customer Enquiries etcetera		95.00 per hour <a href="#">or part thereof</a> plus the cost per page
Local Government Official Information and Meetings Act (LGOIMA) requests		First hour free then \$76.00 per hour plus photocopying as per above rates

draft

## **Policy on Dogs and Dog Management Bylaw 2019 – Adoption**

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 June 2019  
**Reporting officer:** Mark Schreurs, Policy Analyst

### **Purpose/Ngā whāinga**

To adopt the Policy on Dogs and Dog Management Bylaw 2019.

### **Executive summary/Whakarāpopototanga**

This report provides an overview of the draft Policy on Dogs and Dog Management Bylaw 2019 (the Policy and Bylaw) consultation process and the recommendations of the Hearing Panel.

The Draft Policy and Bylaw was adopted for public consultation at the 28 February 2019 Council meeting. At the same meeting, responsibility to hear submissions and make recommendations to Council was delegated to a hearing panel (the Hearing Panel) consisting of Mayor Smith, Councillors Curnow and Joyce-Paki.

Public consultation on the draft Policy and Bylaw took place from 05 March 2019 to 10 April 2019. A hearing was held across two days, one in Dargaville on 20 May 2019 and one in Mangawhai on 23 May 2019. Deliberations were held on 04 June 2019. **Attachment A** has the resolutions from the Deliberations, and **Attachment B** is the Draft Policy and Bylaw as consulted on with track changes recording the amendments made in response to submissions.

The Hearing Panel is now recommending the final Policy on Dogs and Dog Management Bylaw 2019 (**Attachment C**) to Council for adoption.

### **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Adopts the Policy on Dogs and Dog Management Bylaw 2019 as presented in Attachment C to the circulated “Policy on Dogs and Dog Management Bylaw 2019 – Adoption” report; and
- b) Directs the Chief Executive to undertake a review of the effectiveness of the Policy on Dogs and Dog Management Bylaw 2019, 12 months after its adoption and to report back to Council on the review findings.

### **Context/Horopaki**

Section 10 of the Dog Control Act 1996 requires Council to adopt a Policy on Dogs (“The Policy”), while section 20 requires Council to adopt a Dog Management Bylaw (“The Bylaw”) to give effect to the Policy. The Policy sets out the approach Council takes to managing dogs in the district. This includes setting areas where dogs must be kept on a leash and where dogs are not allowed. The Bylaw is the legal instrument which gives effect to the approach set out in the Policy, as well as making rules around picking up dog droppings in public places, wandering dogs, etcetera.

The Policy and Bylaw are required to be reviewed not less than every 10 years. The scheduled review of Council’s 2009 Policy and Bylaw identified changes were needed to address the dog

control issues the district was facing. This led to the development of a new Draft Policy and Bylaw. Council approved the Draft Policy and Bylaw for Public Consultation at its 28 February 2019 Council meeting. In addition, Council established a Hearing Panel consisting of Mayor Smith, Councillors Curnow and Joyce-Paki and delegated them the authority to hear submissions and recommend to Council the final wording of the Policy on Dogs and Dog Management Bylaw.

The consultation period opened on 05 March 2019 and closed on 10 April 2019.

241 submissions were received over this period, several from multiple submitters or multiple signatories. During the submission period a meeting was held with representatives from Mana Whenua on 03 April 2019 at the Kaipara District Council's Dargaville office. It was agreed that the feedback given by Mana Whenua at that meeting would be recorded and regarded as a submission from Mana Whenua. Mana Whenua being Ngati Whatua, Te Uri o Hau, Te Roroa and Te Kuihi.

A hearing was held across two days, one in Dargaville on 20 May 2019 and one in Mangawhai on 23 May 2019. 22 submitters spoke at the hearing.

Following a deliberations meeting on 04 June 2019, the Hearing Panel is now able to recommend the final wording of the Policy on Dogs and Dog Management Bylaw 2019 (**Attachment C**) to Council for adoption.

## Discussion/Ngā kōrerorero

This section sets out the key changes recommended by the Hearing Panel. In considering these changes, the Hearing Panel noted that all changes to the Draft Policy and Bylaw need to be within the scope of the Statement of Proposal and must be based on points raised by submitters unless they are minor in nature and do not deviate from the overall direction of a provision e.g. correcting typos. The Hearing Panel noted that any major changes outside the scope of the Statement of Proposal might require further consultation.

### a) Mangawhai Surf Beach

Submitters generally supported the northern part of the Mangawhai Surf Beach being made a recommended off-leash area, together with the proposal to make the Mangawhai Heads Reserve and adjoining beaches an on-leash area all year round.

The Hearing Panel is recommending that the proposal be retained in the final Policy and Bylaw but that the extent of the recommended off-leash area be extended south to the first set of rocks on the Mangawhai Surf Beach. This recognises the popularity of this area with dog walkers and that these rocks pose a more appropriate landmark from which to commence the off-leash area. In addition, the Hearing Panel is recommending that dogs be allowed off-leash in Picnic Bay before 10am and after 5pm.

### b) Mangawhai Cliffs Walking Track

The proposal had been to allow dogs on the Mangawhai Cliffs Walking Track provided they be kept on a leash. However, the Bream Trail Residents' Association has informed Council, through the submission process, that the easements which establish the walking track deliberately exclude provisions which could allow the public to take dogs over this land. That is, the easements do not allow the public to walk their dogs there.

The Hearing Panel is therefore recommending that no dog access rules be placed on this walking track and that dog access be dictated directly by the easement provisions.

### c) Mangawhai Harbour Beaches

The Mangawhai Heads Estuary Beach (Alamar Crescent area) was by far the most contentious issue. 382 submitters opposed the proposal to make this beach a fulltime on-leash area.



Under the 2009 rules, dogs are allowed to be exercised off-leash on this beach before 9am and after 6pm. For the remainder of the day, this beach is an on-leash area.

The submissions revealed this area is an important and very popular dog exercise area. It is particularly prized for its easy access and the opportunity to let dogs swim in an area without large waves.

However, submitters also raised concerns over the plight of the fairy terns/tara iti (New Zealand's rarest bird). The ability of these birds to feed in the Mangawhai Harbour is key to the reproductive success of this species. Dogs running about off-leash disturbs these birds from feeding and effectively reduces the amount of habitat available to them.

These two submission points; that off-leash access to the harbour is needed to allow dogs to swim, and that dogs need to be controlled around the harbour to protect the fairy terns, led the Hearing Panel to reconsider the dog access areas proposed for the Mangawhai Harbour.

The Hearing Panel recommends that all Mangawhai Harbour beaches, harbour edge reserves, mangrove areas etcetera. be made on leash areas with the following exceptions where dogs shall be allowed off leash before 10am and after 5pm:

- a) Picnic Bay down to Mean Low Water Springs;
- b) The Mangawhai estuary beach and adjoining reserves from the Alamar Crescent boat ramp to the rocks at Bullet Point down to Mean Low Water Springs.
- c) Lincoln Street Reserve and adjoining beach down to Mean Low Water Springs.
- d) The beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs.

In addition, dogs are to be prohibited from the beach around the Mangawhai sandspit.

#### **d) Mangawhai Heads Holiday Park (Alamar Crescent)**

The Draft Policy and Bylaw proposed prohibiting dogs from the Mangawhai Heads Holiday Park. This was requested by the Mangawhai Heads Holiday Park and supported by a number of submitters. However, there were others who requested that dogs be allowed access through this area provided they were on-leash. It was also identified correctly that the map of the proposed dog prohibited area shown in the Draft Policy did not accurately reflect the Holiday Park's lease area.

Given that the number of submitters in favour of the prohibition is double that of those opposing and given that the Holiday Park themselves have requested this, the Hearing Panel recommends that the prohibition be included in the final. It is further recommended that the map of this area be amended to correctly show that dogs are prohibited from the Holiday Park's lease area.

#### **e) The Wood Street Shops - Mangawhai Heads**

75 submitters requested dogs be permitted at the shopping complex on the corner of Wood Street and Fagan Place, Mangawhai Heads.

This is a clear majority and the Hearing Panel is recommending that the Wood Street Shops be an on-leash area rather than a dog prohibited area.

#### **f) Mangawhai Community Park**

On the whole, the proposal to promote Mangawhai Community Park as an off-leash area was supported. However, the Hearing Panel agreed with a number of submitters who raised concerns about dogs being off-leash in some areas of the Park, most notably:

- a) the Mangawhai Activity Zone (MAZ);
- b) the Mangawhai Museum;
- c) Ambulance Station;

- d) Fire Station; and
- e) Mangawhai Community Wastewater Treatment Plant.

The Hearing Panel has recommended the dog access areas for Mangawhai Community Park be amended to recommend most of the Park as an off-leash area, prohibit dogs from MAZ and require dogs to be on a leash around the Mangawhai Museum, Historic Village, Fire and Ambulance Stations.

#### **g) Whakapirau**

Submitters from Whakapirau requested that more of the beach be available to dogs off-leash. On assessing their concerns, the Hearing Panel is recommending that the on-leash area of the beach be shortened to make the area south of Regent Street an off-leash area.

This would provide a large area of the beach for dogs to be exercised off-leash in addition to all the area stretching to the south of Whakapirau.

#### **h) Pahi**

A large number of submitters (49) called for the dog access rules in Pahi to remain unchanged. The number of submitters calling for this has led the Hearing Panel to recommend that the proposed rules for Pahi be amended to be similar to those presently in place.

#### **i) Baylys**

It was requested that the extent of the on-leash area on the beach adjoining the Baylys urban area be reduced. In response, the Hearing Panel has recommended that the on-leash area be reduced to the area extending from the stream flowing out of Chases Gorge to the stream flowing out of Cynthia Place.

In addition, it is recommended to grant the request to make Ocean View Terrace and the reserve on Ocean View Terrace an on-leash area.

#### **j) The West Coast Beaches, the dotterels**

In their submission, Mana Whenua called for additional protection to be placed over areas of Ripiro Beach and the West Coast where dotterels nest. In addition, they supported an area of Ripiro Beach near Pouto being made an on-leash area and called for the site of the Kaipara North Head Lighthouse to be made an on-leash area as well. Better protection of birds on Ripiro Beach was also supported by the Royal Forest and Bird Protection Society of New Zealand.

In response, the Hearing Panel is recommending:

- a) Manuwhetai (the area of beach south of the mouth of the Waipoua River) be made an on-leash area;
- b) Waihopai (the area around the first stream on Ripiro Beach south of Aranga Beach) be made an on-leash area;
- c) The proposal to make the beach in the Pouto area an on-leash area be retained in the final Policy; and
- d) The site of the Kaipara North Head Lighthouse be made an on-leash area. This approach has been discussed with Heritage New Zealand and is supported by them.

#### **k) Roads in the Waipoua Forest**

In their submission, Mana Whenua called for some additional roads in the vicinity of Waipoua Forest to be made on leash areas. The intention of this is to protect kiwi.

The Hearing Panel is recommending dogs be required to be kept on a leash on the following roads:

- a) Marlborough Road – excluding the first 2.3 kilometres of Marlborough Road as measured from the intersection of Marlborough Road and Kaikohe Road;
- b) Waoku Road;
- c) Waipoua Settlement Road;
- d) Lookout Road;
- e) State Highway 12 from the intersection with Waipoua Settlement Road to the Kaipara/Far North boundary.

It should be noted that working dogs are exempt from these restrictions while being used for the purposes for which they are kept.

#### **l) Cemeteries**

Submitters suggested dogs defecating and urinating on cemeteries and running over monuments is considered disrespectful. There were calls for dogs to be prohibited or required to be kept on a leash in cemeteries.

The Hearing Panel is recommending that all Council controlled cemeteries be made on-leash areas. It is considered this will result in dog owners keeping their dogs under closer supervision while in these hallow areas.

#### **m) Northern Wairoa Memorial Park**

The Hearing Panel is recommending dogs be required to be kept on a leash around the Sportville complex and on the part of Northern Wairoa Memorial Park adjoining Logan Street. The fields and bush walks will continue to be promoted as a recommended off-leash area.

#### **Out of scope submission points**

The follow matters are outside the scope of the Policy and Bylaw (they relate to enforcement and implementation of the rules rather than what the rules should be) however, they are worth noting as they were repeatedly raised by submitters:

- a) the need for better enforcement of dog control rules, be they the current rules or the proposed rules;
- b) requests for “doggy doo bins” (bins dedicated to the disposal of dog faeces); and
- c) requests for a fenced dog park.

These points can be addressed through other areas of Council’s business.

#### **Options**

There are two options to consider, these are to either adopt the Policy and Bylaw as recommended by the Hearing Panel or to not adopt the Policy and Bylaw.

If Council adopts the Policy and Bylaw as recommended by the Hearing Panel, the rules and policies set out in **Attachment C** will become operative on 08 July 2019.

If Council decides not to adopt the recommendations, then Council will need to hold the hearings again and make their own decision as a full Council. This is not an ideal approach and sound reasons will need to be given should Council wish to take this path.

#### **Policy and planning implications**

This review is the statutory 10-year review required under the Local Government Act 2002 of the Policy on Dogs and Dog Management Bylaw. If the Policy and Bylaw is not adopted at the June 2019 meeting Council has two years before the current bylaw lapses. As soon as the bylaw lapses Council can no longer enforce the bylaw.

It is a statutory requirement for Council to have a Policy on Dogs and a Bylaw to enforce the Policy under the Dog Control Act 1996. If the bylaw lapses Council will not be meeting its legal obligations.

It is recognised that the recommended Policy on Dogs and Dog Management Policy provides for a different approach to the current Policy and Bylaw. It has been recommended by the Hearing Panel that the Policy and Bylaw be reviewed in 12 months' time from their adoption. This is to help assess effectiveness of the Policy and Bylaw and to identify any adjustments that need to be made.

### **Financial implications**

There are no financial implications with this recommendation to Council.

There will be a cost around regulatory enforcement of this Policy and Bylaw. Council will need to consider the best way to monitor and enforce this Policy and Bylaw. There were many submitter comments urging better enforcement of the dog control rules. In particular, there were concerns raised about the lack of response to wandering dogs.

These matters will need to be addressed through Council's dog control activity. Any increase in service may result in increased dog registration fees.

There will be a cost to review signage, replace signage and provide for new signage. Where possible this will be undertaken within existing budgets, but could also be reflected in any future dog registration fees.

### **Risks and mitigations**

While the Draft Policy and Bylaw has been amended in response to submissions, and every effort has been made to propose rules with the public's best interests at heart, it will never be possible to please everyone. Given the diversity of views and that many people consider their dogs an extension of their family, some emotive responses to the new rules are anticipated.

In addition, it is anticipated there may be some confusion between the 2009 rules and 2019 rules. This confusion will be addressed through clear public communications and updated signage.

The Hearing Panel has recommended that the 2019 Policy and Bylaw be reviewed 12 months after its adoption to assess its effectiveness. If deficiencies are identified, further changes may be proposed. Any such changes will require full public consultation in accordance with the special consultative procedure as modified by the Dog Control Act 1996. Any small changes as a result will be considered an amendment of rather than a full review of the Policy and Bylaw. This will mean that the next statutory review period will still be programmed for 10 years' time in 2029. Any substantial changes required may be considered a full review which will then affect the timing of the next statutory review.

## **Significance and engagement/Hirahira me ngā whakapāpā**

The [Council's Significance and Engagement Policy has been considered](#). The Draft Policy and Bylaw triggered the need for community engagement under the Dog Control Act 1996. It was therefore consulted on between 05 March 2019 and 10 April 2019. A hearing was held on 20 May 2019 and 23 May 2019. Deliberations were held on 04 June 2019. This report provides the outcome of this engagement process and presents the Hearing Panel's recommendations to Council for adoption.

## **Next steps/E whaiake nei**

If the Policy and Bylaw is adopted by Council, it will amend the existing 2009 Policy and Bylaw. To make the Bylaw operative a public notice needs to be placed in a local newspaper. The anticipated public notice will appear in the Mangawhai Focus and Kaipara Lifestyle on 08 July 2019 and will stipulate the Bylaw will come into force on that date.

## Attachments/Ngā tapiritanga

	Title
A	Resolutions of the Hearing Panel Deliberations on 04 June 2019
B	Recommended Policy on Dogs and Dog Management Bylaw 2019 with changes shown
C	Recommended final wording of the Policy on Dogs and Dog Management Bylaw 2019

Mark Schreurs, 12 June 2019



<b>Meeting</b>	Policy on Dogs and Dog Management Bylaw Deliberations
<b>Date</b>	Tuesday 04 June 2019
<b>Time</b>	Meeting commenced at 9.07am Meeting concluded at 1.01pm
<b>Venue</b>	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

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## **Deliberations Minutes**

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**Hearing Panel:**

Chair: Mayor Jason Smith  
Members: Councillor Anna Curnow  
Councillor Karen Joyce-Paki

# Policy on Dogs and Dog Management Bylaw Deliberations

## Tuesday 04 June 2019 in Dargaville

### 1 Opening

#### 1.1 Karakia

Councillor Joyce-Paki open the meeting with a karakia.

#### 1.2 Present

Mayor Jason Smith (Chair), Councillor Anna Curnow, Councillor Karen Joyce-Paki

##### In Attendance

Name	Designation	Item(s)
Kathie Fletcher	Policy Manager	All
Mark Schreurs	Policy Analyst	All
Rachel Sheppard	Licensing Team Leader	All
Lisa Hong	Governance Advisor	All (Minute-taker)

#### 1.3 Apologies

Nil.

#### 1.4 Confirmation of Agenda

**Moved**     **Smith/Curnow**

*That the Hearing Panel confirms the agenda for 04 June 2019.*

**Carried**

#### 1.5 Conflict of Interest Declaration

Name	Interest
Councillor Joyce-Paki	Councillor Joyce-Paki disclosed that she is an employee of the Department of Conservation (DOC). She advised that she did not participate in the formulation of the submission and will not take part in discussions around the endangered species in the Mangawhai Estuary.



## 2 Deliberations

### 2.1 Deliberations Report – Policy on Dogs and Dog Management Bylaw

#### Review

Policy Analyst                      3502.05

Moved            Smith/Curnow

*That the Hearing Panel:*

- a) *Recommends Kaipara District Council to adopt the Draft Policy on Dogs and the Dog Management Bylaw, circulated as Attachment B with the amendments as agreed by the meeting.*
- b) *Delegates the Mayor and Chief Executive the authority to make final amendments to the Draft Policy on Dogs and the Dog Management Bylaw as agreed by the Panel, for recommendation to Council.*
- c) *Recommends to Kaipara District Council to investigate appropriate and effective enforcement of the final Dog Management Bylaw, with appropriate delegations.*

**Carried**

[Secretarial Note:

The Hearing Panel agreed with the staff recommendations as outlined in the report, with the following amendments (map numbers refer to maps that were included in the proposed draft policy and bylaw).

General:

- 1) “Public play equipment” be defined.
- 2) All playgrounds be marked on the maps.
- 3) Maps to clearly indicate where the footpath is an on-leash area when next to a prohibited area.
- 4) Under section 4.2, add clause about the importance of dog control around farmed animals, especially around calving and lambing season.
- 5) The definitions section to reference the definitions in the current legislation.

Mangawhai:

- 6) Map 8 – on-leash area to be extended to the whole southern boundary (to the sand spit) with off-leash exceptions “before 10 am and after 5 pm” at (a) Picnic Bay, (b) Alamar Crescent boat ramp to the rocks at Bullet Point, (c) Lincoln Street reserve and (d) Kainui Street reserve.
- 7) Map 5 –
  - The boundary with the Mangawhai Golf Club be clarified (refer to July 2018 Council decision on ‘Mangawhai golf course reserve status exchange and surrender of lease/variation of lease or grant of new licence’).
  - Prohibited area to include all Mangawhai Activity Zone recreation area.
  - On-leash area to include the fire station, the ambulance station and the central parking lot.

Pahi:

- 8) Map 11 – the area of beach north of Dems Road not be marked as a recommended off-leash area, and that the policy/bylaw will be silent on this matter.

Dargaville:

- 9) Map 15 – Sportsville complex and the Logan Street reserve (including the basketball court) be an on-leash area, and that the policy/bylaw to include other events at Memorial Park under the “Off-Leash and Under Control” section (p.11 of the attachment B).

Baylys Beach:

- 10) Map 21 – the on-leash area be reduced to between the two creeks on the beach (roughly around Ocean View Terrace and Cynthia Place respectively).
- 11) Map 20 – the policy/bylaw stay silent on the area surrounding Balys Beach (greater Ripiro Beach area) instead of marking it as a recommended off-leash area.]

## Closure

The meeting closed at 1.01pm.

**Kaipara District Council**

**Dargaville**



# Kaipara District Policy on Dogs and Dog Management Bylaw

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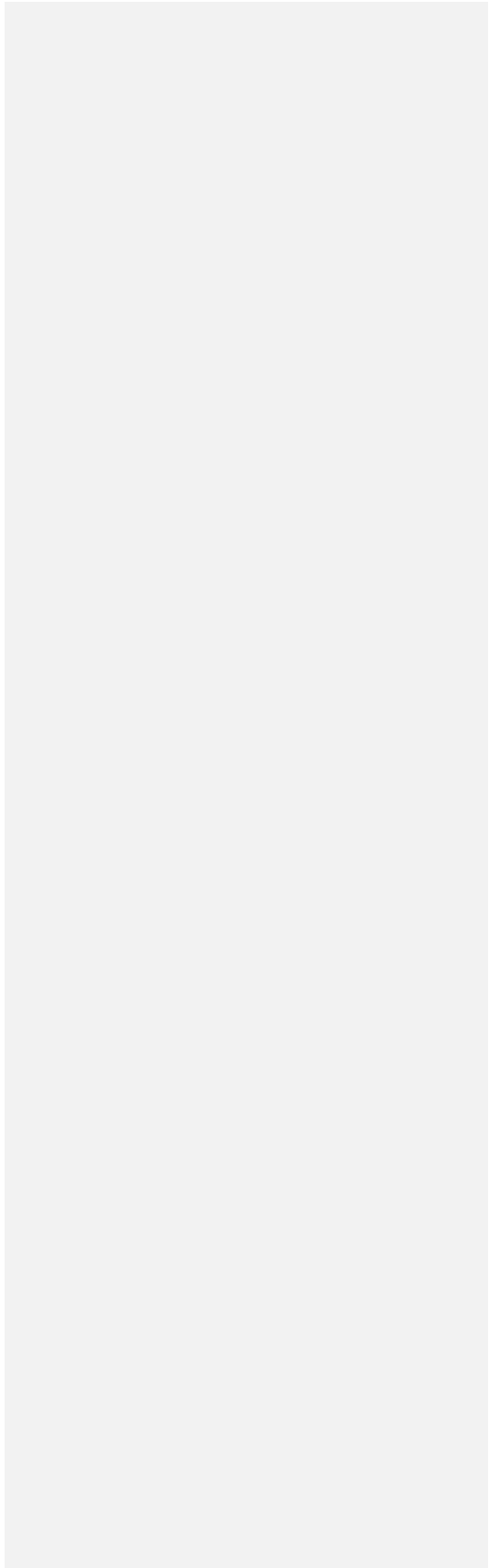
June 2019



This Policy is made pursuant to Section 10 of the  
Dog Control Act 1996.

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## Kaipara District Policy on Dogs

### 1 Background

The Dog Control Act 1996 (the Act) section 10 requires Council to adopt a policy on dogs. This Policy has been developed in accordance with the Act and, as per section 10(4) of the Act, gives regard to:

- a) the need to minimise danger, distress, and nuisance to the community generally;
- b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
- c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) the exercise and recreational needs of dogs and their owners.

The Council recognises that the majority of dog owners are responsible and that most interaction between dogs and the public is positive. This Policy aims to achieve a balance between the control of dogs and recognition of the health benefits of dog ownership. The Policy also aims to keep dogs as a positive part of Kaipara communities by maintaining opportunities for dog owners to take their dogs into public places, while adopting measures to minimise any inherent problems caused by dogs.

As well as protecting the safety of our community and recognising that dog owners are responsible for the exercise of their dogs, Council also recognises the need to protect other animals including wildlife, and significant habitats of indigenous fauna.

Council's Dog Management Bylaw 2019 gives effect to Council's Policy on Dogs 2019 and should be read in conjunction with this Policy.

### 2 Objectives

This Policy on Dogs aims to:

1. Prevent injury, distress and nuisance from dogs.
2. Identify dog access areas.
3. Provide for the neutering of menacing dogs.
4. Minimise potential danger or distress to [farmed animals, other animals and](#) protected wildlife.
5. Promote responsible dog ownership.

### 3 Interpretation

In this Policy, unless the context requires otherwise, the following words and phrases shall have the following meanings:

**'The Act'** unless otherwise stated means the Dog Control Act 1996.

**'Authorised Officer'** means any person authorised by the Council to act on its behalf.

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**'The Bylaw'** means the Kaipara District Dog Management Bylaw.

**'Confined'** means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

**'Council'** means the Kaipara District Council.

**'Disability Assist Dog'** shall have the same meaning as given to it in the Dog Control Act 1996.

[Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Disability Assist Dog' means a dog certified by one of the organisations listed in Schedule 5 of the Dog Control Act 1996 as being a dog that has been trained \(or is being trained\) to assist a person with a disability.](#)

**'District'** means the district of the Kaipara District Council.

**'Leash'** means a restraint capable of restraining the dog and held by a person or fixed to an object physically capable of restraining the dog.

**'Menacing Dog'** means any dog classified as menacing under sections 33A or 33C or 33ED of the Dog Control Act 1996.

**'Neutered Dog'** means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

**'Nuisance'** has the same meaning as defined in section 29(k) of the Health Act 1956.

[Explanatory Note: As at 30 May 2019, the definition in section 29\(k\) of the Health Act 1956 read: 'Nuisance' means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health](#)

**'Off-Leash and Under Control'** means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. [Any dog that does not immediately return to its owner when called shall be deemed not under control.](#)

**'On-Leash'** means that a dog is kept under control by means of a leash which is attached to the dog so that the dog cannot break loose, and which is tethered to an immovable object or held by a person physically capable of restraining and controlling the dog.

**'Owner'** in relation to any dog, shall have the same meaning as given to it in the Dog Control Act 1996.

[Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Owner' in relation to any dog, means every person who:](#)

- [a\) owns the dog; or](#)
- [b\) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or](#)

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- c) the parent or guardian of a person under the age of 16 years who  
i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and  
ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

**'Playground'** means an outdoor area developed or marked out as a playground that contains fixed children's play equipment or objects. This includes swings, slides, roundabouts etc. but does not include outdoor exercise equipment, outdoor sports equipment such as basketball hoops or skateboard areas.

**'Premises'** means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

**'Public Place'** shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Public Place'

- a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and  
b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.



**'Road'** shall have the same meaning as in section 315 of the Local Government Act 1974.

Explanatory Note: As at 30 May 2019, the definition in section 315 of the Local Government Act 1974 read: 'Road' means the whole of any land which is within a district, and which:

- a) immediately before the commencement of this Part [Part 21 of the Local Government Act 1974] was a road or street or public highway; or  
b) immediately before the inclusion of any area in the district was a public highway within that area; or  
c) is laid out by the council as a road or street after the commencement of this Part [Part 21 of the Local Government Act 1974]; or  
d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or  
e) is vested in the council as a road or street pursuant to any other enactment;

**Deleted:** 'Reserve' shall have the same meaning as given to it in the Reserves Act 1977.

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and includes:

f) except where elsewhere provided in this Part [Part 21 of the Local Government Act 1974], any access way or service lane which before the commencement of that Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:

g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof:

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roadway Powers Act 1989.

**'Rural'** means any land zoned Rural, Maori Purposes: Maori Land or Maori Purposes: Treaty Settlement Land in the Operative Kaipara District Plan.

**'Under Control'** in relation to a dog, means that the owner or person appearing to be in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**'Urban'** means land zoned residential, commercial or industrial in the Operative Kaipara District Plan.

**'Working Dog'** shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: **'Working Dog'** means:

a) any disability assist dog:

b) any dog:

i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or

ii) kept solely or principally for the purposes of herding or driving stock; or

iii) kept by the Department of Conservation or any officer or employee of that

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department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or

v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or

vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

**For the avoidance of doubt:** Nothing in this Policy absolves any dog owner from their responsibilities as defined by the Dog Control Act 1996 or other legislation.

**Enforcement:** The regulatory aspects of the Kaipara District Policy on Dogs are applied through the Kaipara District Dog Management Bylaw 2019 which should be read in conjunction with this Policy.

#### 4 Policies

1. Council will provide for the dog access areas which are identified in Schedule 1 and Schedule 3 of this Policy.

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2. Council will promote the responsible ownership of dogs, including care and control around people, protected wildlife, [farmed animals](#), other animals, property and natural habitats.

What does it mean to be a responsible dog owner?

- Register and microchip your dog.
- Teach your dog basic obedience (keep your dog under control at all times).
- Ensure your dog has adequate exercise.
- Know the best locations where you are allowed to exercise your dog.
- Be particularly vigilant near children and closely supervise interaction.
- If your dog ignores commands: put your dog on-leash, shorten the leash, or avoid the area altogether (even if in an off-leash area).
- Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.
- Ensure your dog cannot leave your property by itself.
- Know when your dog must be on a leash, and always carry a leash.
- [Pick up after your dog and carry the means \(e.g. a bag\) to pick-up your dog's faeces and properly dispose of it.](#)
- [Ensure your dog does not disturb people, protected wildlife, farmed animals and other animals.](#)

3. All dogs registered within the district and classified as menacing by Council or any other territorial authority must be neutered.
4. Council will regulate, dog access in public places, and specific owner obligations to minimise dog aggression and nuisance not already covered in legislation in accordance with a bylaw enacted under section 20 of the Act, and which is consistent with this Policy.
5. Dog registration fees will be reviewed annually. All fees relating to dogs will be set out in Council's Schedule of Fees and Charges. These include dog registration fees, surcharges as set by the Act, impounding fees and infringement fees.
6. The Council will, unless satisfied that the circumstances of the events are such that disqualification is not warranted, disqualify from owning any dog any owner who:
  - a. Commits three or more infringement offences within a continuous period of 24 months;
  - b. Is convicted of any offence (not being part of an infringement offence) against the Act;
  - c. Is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, or section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980.
7. The Council will, unless it has disqualified that person from being an owner of a dog under section 25(1) of the Act, classify as probationary any owner who:
  - a. Is convicted of an offence (not being an infringement offence) against the Act or Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog, or any offence against

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section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980; or

b. Commits three infringement offences within 24 months.

8. Council will require every person it classifies as a probationary owner to undertake, at their own expense, a dog owner education programme or a dog obedience course (or both).

9. Infringement notices will be issued by Council's Authorised Officers where they have reasonable cause to believe that any person has committed an infringement offence under the Act. It is not necessary for an Authorised Officer to witness the offence.

5 Changes to this Policy

This Policy, including its Schedules, may be amended at any time, using the "special consultative procedure" under the Local Government Act 2002 in accordance with sections 10(8) and 10(8A) of the Dog Control Act 1996.

Schedule 1: ~~Off-leash~~, On-leash and ~~Prohibited~~ Areas

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**Deleted:** Off-leash

Council imposes three types of dog access rules for public spaces within the district:

a) Off-leash area – dogs may have access to this shared space off-leash and under control.

b) On-leash area – dogs may have access to this shared space on-leash and under control.

c) Prohibited area – no dog access.

**Restricted and Prohibited access areas** – The following rules are in place to ensure the safety of the public, to reduce the risk of any dog-related harm while also providing for the well-being and recreational needs of dogs and their owners.

Refer to Clause 3 of the Dog Management Bylaw for Disability Assist Dog and Working Dog access exemptions.

*Note:* By default, all public places within the district (including beaches and roads) are off-leash areas unless identified as an on-leash area or a dog prohibited area.

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Area where rules apply	Map Reference	Dog access status
<b>District-wide</b>		
Within 10 metres of all public except where there is an approved fence separating the dog from the playground.	District-wide	Prohibited
All public roads in urban areas, including the footpath and berm.	District-wide	On-leash
All Council controlled cemeteries	District-wide	On-leash
<b>Mangawhai and surrounds</b>		
Mangawhai Sand Spit Beach down to Mean Low Water Springs.	Map 1, 2 & 3	Prohibited
Mangawhai Heads Reserve including the adjoining beach/foreshore (excluding Picnic Bay) down to Mean Low Water Springs and as far as the first set of rocks on the Mangawhai Surf Beach.	Map 1, 2 & 3	On-leash
Picnic Bay (as mapped in Schedule 3).	Map 2, 1 & 3	On-leash between 10am and 5pm. Off leash outside these hours.
Mangawhai Harbour beaches and adjoining reserves from the Alamar Crescent boat ramp to Mangawhai Heads Reserve down to Mean Low Water Springs.	Map 1, 2, 3 & 5	On-leash
The Mangawhai Estuary beach and adjoining reserves from the Alamar Crescent Boat ramp to the rocks at Bullet Point down to Mean Low Water Springs.	Map 3, 1 & 5	On-leash between 10am and 5pm. Off leash outside these hours.
Mangawhai Harbour beaches and adjoining reserves from the rocks at Bullet Point to the Lincoln Street reserve down to Mean Low Water Springs.	Map 3, 1, & 4	On-leash
Mangawhai Heads Holiday Park (Alamar Crescent).	Map 5, 3 & 1	Prohibited

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Deleted: Camp Ground

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Area where rules apply	Map Reference	Dog access status
The shopping complex on the corner of Wood Street and Fagan Place, Mangawhai.	Map <del>6, 3 &amp; 1</del>	<del>On-leash</del>
<u>The Mangawhai Activity Zone (MAZ)</u>	<u>Map 4 &amp; 1</u>	<u>Prohibited</u>
<u>The MAZ car park, Mangawhai ambulance station and fire station, including the public walking track behind the ambulance station and fire station.</u>	<u>Map 4 &amp; 1</u>	<u>On-leash</u>
<u>Mangawhai Museum and Historic Village</u>	<u>Map 4 &amp; 1</u>	<u>On-leash</u>
<u>Lincoln Street reserve and adjoining beach down to mean low water springs.</u>	<u>Map 1</u>	<u>On-leash between 10am and 5pm. Off leash outside these hours.</u>
<u>Mangawhai Harbour beaches and reserves from the southern end of the Lincoln Street reserve to the Molesworth Drive causeway down to mean low water springs.</u>	<u>Map 1 &amp; 4</u>	<u>On-leash</u>
Mangawhai Harbour beaches <u>adjoining reserves and mangrove areas</u> around Mangawhai Village from <u>the Molesworth Drive causeway</u> to <u>the Insley Street causeway</u> down to Mean Low Water Springs – <u>excluding the beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs.</u>	Map <del>7</del>	On-leash
<u>The beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs.</u>	<u>Map 7</u>	<u>On-leash between 10am and 5pm. Off leash outside these hours.</u>
<u>Mangawhai Harbour beaches, adjoining reserves and mangrove areas along the southern edge of the harbour from the Insley Street causeway to the Mangawhai Sandspit down to Mean Low Water Springs.</u>	<u>Map 7 &amp; 1</u>	<u>On-leash</u>
<b>Whakapirau</b>		
<u>The beach and esplanade down to Mean Low Water Springs from the wharf to</u>	Map <del>9</del>	On-leash

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Area where rules apply	Map Reference	Dog access status
<a href="#">Regent Street</a>		
<b>Pahi</b>		
Pahi Reserve.	Map <a href="#">10</a>	On-leash
<a href="#">The beach area known as Dems Road (including the esplanade reserve at Dems Road) down to mean low water springs.</a>	Map <a href="#">10</a>	On-leash
<a href="#">The Beach from Fisher Street, around Fenwicks Point to the Moreton Bay Fig Tree.</a>	Map <a href="#">10</a>	On-leash
<b>Paparoa</b>		
Paparoa – the Village Green.	Map <a href="#">15</a>	On-leash
<b>Tinopai</b>		
Tinopai – the reserves and beach down to Mean Low Water Springs from the Tinopai Hall to the Komiti Road bridge over the Komiti Creek.	Map <a href="#">11</a>	On-leash
<b>Dargaville</b>		
Dargaville waterfront from Totara Street to the Band Rotunda on Victoria Street.	Map <a href="#">13</a>	On-leash
Pou Tu Te Rangī Pa.	Map 12	Prohibited
Harding Park and Old Mt Wesley Cemetery.	Map 12	On-leash
<a href="#">Sportsville – the carpark, courts, roadway and buildings as mapped in Schedule 3.</a>	Map <a href="#">14</a>	On-leash
<a href="#">The part of Northern Wairoa Memorial Park adjoining Logan Street as mapped in Schedule 3.</a>	Map <a href="#">14</a>	On-leash
<b>Pouto</b>		
Ripiro Beach near Pouto Point – from the Kaipara North Head Lighthouse to a point 400 metres south of the end of Pouto Road and extending down to mean low water springs.	Map <a href="#">17</a>	On-leash

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Area where rules apply	Map Reference	Dog access status
<a href="#">The site of the Kaipara North Head Lighthouse.</a>	<a href="#">Map 17</a>	<a href="#">On-leash</a>
<b>Glinks Gully</b>		
Ripiro Beach at Glinks Gully – the area extending from Marine Drive to Mean Low Water Springs.	<a href="#">Map 18</a>	<a href="#">On-leash</a>
<b>Baylys Beach</b>		
Ripiro Beach at Baylys Beach – the area extending <a href="#">from the stream flowing out of Chases Gorge to the stream flowing out of Cynthia Place.</a>	<a href="#">Map 19</a>	<a href="#">On-leash</a>
<a href="#">Ocean View Terrace and the reserve on Ocean View Terrace</a>	<a href="#">Map 19</a>	<a href="#">On-leash</a>
<b>Aranga Coast Area</b>		
<a href="#">Manuwhetai (the area of beach south of the mouth of the Waipoua River) from the Kaipara/Far North Boundary to the Muriwai Stream.</a>	<a href="#">25</a>	<a href="#">On-leash</a>
<a href="#">Waihaupai (the area around the first stream on Ripiro Beach south of Aranga Beach) from 300 metres north of the mouth of the Waihaupai Stream to 200 metres south of the mouth of Waihaupai Stream, extending down to mean low water springs.</a>	<a href="#">26</a>	<a href="#">On-leash</a>
<b>Kai Iwi Lakes</b>		
Kai Iwi Lakes (Taharoa Domain).	<a href="#">Map 20</a>	<a href="#">Prohibited</a>
<b>Northern Kaipara</b>		
Trounson Park Road between Aranga Station Road intersection and McLean Road intersection.	<a href="#">Map 21 &amp; 22</a>	<a href="#">On-leash</a>
Mangatu Road between McLean Road intersection and Trounson Park Road intersection.	<a href="#">Map 21 &amp; 22</a>	<a href="#">On-leash</a>
<a href="#">Marlborough Road – excluding the first 2.3</a>	<a href="#">27 &amp; 29</a>	<a href="#">On-leash</a>

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Area where rules apply	Map Reference	Dog access status
<a href="#">kilometres of Marlborough Road as measured from the intersection of Marlborough Road and Kaikohe Road.</a>		
<a href="#">Waoku Road</a>	<a href="#">28</a>	<a href="#">On-leash</a>
<a href="#">Waipoua Settlement Road</a>	<a href="#">27</a>	<a href="#">On-leash</a>
<a href="#">Lookout Road</a>	<a href="#">27</a>	<a href="#">On-leash</a>
<a href="#">State Highway 12 from the intersection with Waipoua Settlement Road to the Kaipara/Far North boundary.</a>	<a href="#">27 &amp; 29</a>	<a href="#">On-leash</a>

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In addition to the above, dog access to many areas of public conservation land in the Kaipara district is controlled by the Department of Conservation (DOC). It should be noted that dog access restrictions imposed by Council do not apply on public conservation land where DOC has imposed their own restrictions under section 26ZS of the Conservation Act 1987. Dog access restrictions on DOC land as at the date of adoption of this Policy are listed in Schedule 2. Please visit <https://www.doc.govt.nz/> and put in keyword "dog" for further information.

**Recommended off-leash Areas** – These areas have been identified as particularly suitable for dogs being off-leash and under control; however, this is by no means an exclusive list. These shared public areas will be promoted as off leash as they are able to provide for the well-being and recreational needs of dogs and their owners, as well as providing for other recreational needs.

<a href="#">Recommended Off-Leash and Under Control</a>
Mangawhai – Mangawhai Community Park <a href="#">walking trails</a> .
Mangawhai – Mangawhai <a href="#">Surf Beach</a> north of the <a href="#">first set of rocks</a> .
Kaiwaka – the reserve on the corner of Settlement Road and State Highway 1.
Dargaville – Northern Wairoa Memorial Park (when the fields are not being used for sports <a href="#">or events</a> ).
Te Kopuru – Te Kopuru Domain.

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Deleted: Ripiro Beach – anywhere as far south as the southern end of Lake Wairere other than the on-leash areas adjoining Glinks Gully and Baylys Beach and the Waihopai Stream. ... [4]

#### Schedule 2: Department of Conservation Controlled and Open Dog Areas

In addition to those dog access restrictions imposed by Council, DOC are also able to impose restrictions on the land they administer under [section 26ZS](#) of the Conservation Act 1987.

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This Policy shall identify any land within the Kaipara District that is included in a controlled dog area or open dog area under [section 26ZS](#) of the Conservation Act 1987.

There are four different dog access rules applicable. These are:

- a) **Controlled Dog Areas: No Access ('Controlled No Access')** – These areas are prohibited to dogs at all times.
- b) **Controlled Dog Areas: Entry by Permit for Management and/or Recreational Hunting Subject to Conditions ('Controlled Permit')**:
  - the number of hunting dogs is limited to three per hunter;
  - all farm dogs must at all times be under the supervision of their owner or other responsible person.
- c) **Open Dog Areas: Lead Subject to Conditions ('Open Lead')**:
  - all dogs shall be kept on a lead not exceeding three linear metres;
  - faeces to be removed.
- d) **Open Dog Areas: Free Subject to Condition ('Open Free')**:
  - at all times dogs must be under control by voice command.

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The following table sets out the rules that apply under [section 26ZS](#) of the Conservation Act 1987 to different areas of the Conservation estate in the Kaipara district.

Area Name	Dog Access Rule	DOC Map Reference
Waipoua Forest	Controlled Permit	O06017
Taha Moana Sce. Res.	Controlled Permit	O06018
Katui Sce. Res.	Controlled Permit	O06019
Katui Cemetery Res.	Controlled No Access	O06020
Donnelleys Crossing Sce. Res.	Controlled Permit	O06021
Muriwai	Controlled Permit	O06024
Waipoua River	Controlled Permit	O06026
Marlborough Road Sce Res	Controlled Permit	O06035
Kaikohe Road Marginal Strip	Controlled Permit	O06049
Trounson Kauri Park Sce. Res.	Controlled No Access	O07001
Kaihu North Railway Line	Controlled Permit	O07002
Maunganui Bluff Sce. Res.	Controlled Permit	O07003
Aranga Beach	Controlled Permit	O07004
Ureti Camping Res.	Controlled Permit	O07005
Ureti Marginal Strip	Controlled Permit	O07006
Waihaupai Stream Marginal Strip	Controlled Permit	O07007
Shag Lake Marginal Strip	Controlled Permit	O07008
Donnelleys Crossing Marginal Strip	Controlled Permit	O07009
Marlborough Forest	Controlled Permit	P06012
Tutamoe Sce Res	Controlled Permit	P06013
Waiokumurau Esp Res	Controlled Permit	P06019
Marlborough Forest Addn	Controlled Permit	P06021
Waiokumurau Stream Marginal Strip No 1	Controlled Permit	P06029
Waiokumurau Stream Marginal Strip No 2	Controlled Permit	P06030
Mangakahia River Marginal Strip No 4	Controlled Permit	P06031
Marlborough Cemetery'	Controlled No Access	P07001
Marlborough School'	Controlled Permit	P07002
Whatoro	Controlled Permit	P07003
Kaihu Forest	Controlled Permit	P07005
Pakotai Sce Res	Controlled Permit	P07006
Houto Quarry Res	Controlled Permit	P07008
Houto Forest	Controlled Permit	P07009
Paerata Govt Purp Wildlife Res	Controlled Permit	P07011
Kaihu Sce Res	Controlled Permit	P07013
Waimata Settlement Sce Res	Controlled Permit	P07014
Kairara	Controlled Permit	P07015
Taraire Sce Res	Controlled Permit	P07016
Avoca	Controlled Permit	P07017
Omamari Govt Purp Wildlife Mgmt Res	Controlled Permit	P07018
Mamaranui Farm Settlement Sce Res	Controlled Permit	P07019
Awakino Govt Purp Wildlife Mgmt Res	Controlled Permit	P07020
Tangowahine Sce Res	Controlled Permit	P07021
Pukehuia	Open Free	P07022

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Area Name	Dog Access Rule	DOC Map Reference
Rehutai	Controlled Permit	P07023
Curnow Road Gemstone'	Controlled Permit	P07024
Mititai Road'	Open Free	P07025
Curnow Road'	Open Free	P07026
Waiotama Res'''	Controlled Permit	P07029
Babylon Marginal Strip	Controlled Permit	P07031
Rehutai Marginal Strip	Controlled Permit	P07032
Kaihu River Marginal Strip No 1	Controlled Permit	P07033
Kaihu River Marginal Strip No 2	Controlled Permit	P07034
Kaihu River Marginal Strip No 3	Controlled Permit	P07035
Omamari Marginal Strip	Controlled Permit	P07036
Opouteke Stream Marginal Strip No 3	Controlled Permit	P07037
Awakino Stream Marginal Strip No 1	Controlled Permit	P07038
Tangowahine Stream Marginal Strip No 1	Controlled Permit	P07039
Tangowahine Stream Marginal Strip No 2	Controlled Permit	P07040
Kaihu River Marginal Strip No 4	Controlled Permit	P07041
Kaihu River Marginal Strip No 5	Controlled Permit	P07042
Kaihu River Marginal Strip No 6	Controlled Permit	P07043
Awakino River Marginal Strip No 2	Controlled Permit	P07044
Wairoa River Marginal Strip No 1	Controlled Permit	P07045
Wairoa River Marginal Strip No 2	Controlled Permit	P07046
Wairoa River Marginal Strip No 3	Controlled Permit	P07047
Manganui River Marginal Strip No 1	Controlled Permit	P07051
Manganui River Marginal Strip No 2	Controlled Permit	P07052
Wairoa River Marginal Strip No 4	Controlled Permit	P07053
Wairoa River Marginal Strip No 5	Controlled Permit	P07054
Wainui Lake'	Controlled Permit	P08002
Tikinui	Controlled Permit	P08003
Schick Road'	Controlled Permit	P08004
Matanginui	Controlled Permit	P08005
Tomb Point	Controlled Permit	P08006
Tangitiki'	Controlled Permit	P08007
Montgomeries Memorial Bush Sce Res	Controlled No Access	P08008
Whakahara	Controlled Permit	P08009
Tokatoka'	Controlled Permit	P08010
Tokatoka Sce Res	Controlled Permit	P08011
Ruawai	Controlled Permit	P08014
Awaroa	Controlled Permit	P08015
Whakatu	Controlled Permit	P08016
Tatarariki	Controlled Permit	P08018
Black Lake	Controlled Permit	P08019
Mahuta Gap Marginal Strip	Controlled Permit	P08020
Wairoa River Marginal Strip No 6	Controlled Permit	P08021
Wairoa River Marginal Strip No 7	Controlled Permit	P08022
Wairoa River Marginal Strip No 8	Controlled Permit	P08023

Area Name	Dog Access Rule	DOC Map Reference
Wairoa River Marginal Strip No 9	Controlled Permit	P08024
Wairoa River Marginal Strip No 10	Controlled Permit	P08025
Koremoa Marginal Strip	Controlled Permit	P08026
Tomb Point Marginal Strip	Controlled Permit	P08027
Tangitiki Bay Marginal Strip No 1	Controlled Permit	P08028
Tangitiki Bay Marginal Strip No 2	Controlled Permit	P08029
Wairoa River Marginal Strip No 11	Controlled Permit	P08030
Lucich Road Marginal Strip	Controlled Permit	P08031
Pouto North Marginal Strip	Controlled Permit	P08032
Pouto North'	Controlled Permit	P09001
Rototuna Lake	Controlled Permit	P09002
Punahaere Creek	Controlled Permit	P09003
Rotopouua Creek	Controlled Permit	P09004
Pouto	Controlled Permit	P09005
Punahaere GPWM Res	Controlled Permit	P09006
Tangihua Forest	Controlled Permit	Q07026
Manganui Riv Wildlife Mgmt Res	Controlled Permit	Q07030
Ruarangi	Open Free	Q07055
Tauraroa River Marginal Strip No 2	Controlled Permit	Q07062
Manganui River Marginal Strip No 3	Controlled Permit	Q07063
Manganui River Marginal Strip No 4	Controlled Permit	Q07064
Parahi Sce Res	Controlled No Access	Q08001
Omaru River	Controlled No Access	Q08002
Pukekohe Hill Sce Res	Controlled Permit	Q08003
Mareretu Forest	Controlled Permit	Q08004
Waipu Gorge Forest	Controlled Permit	Q08009
Waipu Gorge Sce Res	Controlled Permit	Q08010
Dodd Road	Open Free	Q08011
Hukatere Hall Rec Res	Open Lead	Q08012
Hukatere Sce Res	Controlled Permit	Q08013
Matakohe River Sce Res	Controlled No Access	Q08015
Kauri Bushmans Memorial Sce Res	Controlled No Access	Q08016
Paparoa Creek Sce Res	Controlled Permit	Q08017
Pahi Dom	Open Lead	Q08018
Whakapirau	Controlled Permit	Q08019
Lower Pahi River Sce Res	Controlled Permit	Q08020
Te Opu Sce Res	Controlled Permit	Q08023
Whakapirau Sce Res	Controlled Permit	Q08024
Whakapirau Creek	Controlled Permit	Q08025
Arapaoa River Sce Res	Controlled Permit	Q08026
Te Kowhai Creek Sce Res	Controlled Permit	Q08027
Hokorako	Controlled Permit	Q08028
Maungaturoto	Open Lead	Q08029
Maungaturoto Sce Res	Controlled Permit	Q08030
Te - Uri - O - Hau Sce Res	Controlled Permit	Q08031

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Area Name	Dog Access Rule	DOC Map Reference
Cooks Stream Sce Res	Controlled No Access	Q08032
Pukekaroro Sce Res	Controlled No Access	Q08033
Kaiwaka Park Dom	Open Lead	Q08034
Takahoa Govt Purp Wildlife Mgmt Res	Controlled Permit	Q08037
Parahi	Controlled No Access	Q08038
Topuni Sce Res	Controlled No Access	Q08039
Collins Sce Res	Controlled No Access	Q08040
Upper Pahi River Sce Res	Controlled Permit	Q08041
Pahi Cemetery Reserve	Controlled No Access	Q08042
Kohatutahi	Controlled Permit	Q08043
Brynderwyn Hills Sce Res	Controlled Permit	Q08045
Topuni	Controlled No Access	Q08046
Te Awaoteaouhi	Open Free	Q08047
Smoky Hill Sce Res	Controlled Permit	Q08048
Upper Paparoa Creek Sce Res	Controlled Permit	Q08049
Hukatere School Site	Controlled Permit	Q08051
Manganui River Marginal Strip No 5	Controlled Permit	Q08052
Paparoa Creek Marginal Strip No 1	Controlled Permit	Q08054
Paparoa Creek Marginal Strip No 2	Controlled Permit	Q08055
Pahi Marginal Strip	Controlled Permit	Q08056
Te Kiakia Bay Marginal Strip	Controlled Permit	Q08057
Raepere Creek Marginal Strip	Controlled Permit	Q08058
Rocky Point Marginal Strip	Controlled Permit	Q08059
Hokoraka Creek Marginal Strip	Controlled Permit	Q08060
Otamatea River Marginal Strip No 1	Controlled Permit	Q08061
Otamatea River Marginal Strip No 2	Controlled Permit	Q08062
Kaira Creek Marginal Strip	Controlled Permit	Q08063
Hakaru River Marginal Strip No 1	Controlled Permit	Q08064
Kaiwaka Marginal Strip	Controlled Permit	Q08065
Kaiwaka River Marginal Strip No 1	Controlled Permit	Q08066
Kaiwaka River Marginal Strip No 2	Controlled Permit	Q08067
Cook Creek Marginal Strip	Controlled Permit	Q08068
Hakaru River Marginal Strip No 2	Controlled Permit	Q08069
Maungaturoto Marginal Strip	Controlled Permit	Q08070
Wairau River Marginal Strip	Controlled Permit	Q08074
Kohatutahi Marginal Strip	Controlled Permit	Q08075
Mangawhai River Marginal Strip	Controlled Permit	Q08076
Maxwell Creek Marginal Strip	Controlled Permit	Q08077
Kanono	Controlled Permit	Q09001
Kahuparere	Controlled Permit	Q09003
Pukekura Historic Area	Controlled Permit	Q09004
Signal Station Road Esp Res	Controlled Permit	Q09005
Oruawharo River Marginal Strip	Controlled Permit	Q09006
Lake Humuhumu Marginal Strip	Controlled Permit	Q09007
Lake Rotootuaauru Marginal Strip	Controlled Permit	Q09008

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Area Name	Dog Access Rule	DOC Map Reference
Tauhara Marginal Strip	Controlled Permit	Q09009
Tauhara Creek Marginal Strip	Controlled Permit	Q09010
Lake Kanono Marginal Strip	Controlled Permit	Q09011
Lake Kahuparere Marginal Strip	Controlled Permit	Q09012
Lake Waingata Marginal Strip	Controlled Permit	Q09013
Lake Rotokawau (Pouto) Marginal Strip	Controlled Permit	Q09014
Pouto Lakes Marginal Strip	Controlled Permit	Q09015
Pouto Marginal Strip	Controlled Permit	Q09016
Bream Tail Sce Res	Controlled Permit	R08001
Robert Hastie Memorial Sce Res	Controlled Permit	R08002
Molesworth	Open Free	R08003
Mangawhai Wildlife Ref	Controlled No Access	R08004
Mangawhai Harbour Marginal Strip No 1	Controlled Permit	R08005
Tara Creek Marginal Strip	Controlled Permit	R08007
Mangawhai Harbour Marginal Strip No 3	Controlled Permit	R08008
Mataraua Forest	Controlled Permit	O06016
Maitahi Wetland Scientific Reserve	Controlled Permit	P07055
Tangihua Access	Controlled Permit	Q07085
Kaihu Railway Line	Controlled Permit	P07004
Kaihu North Railway Line	Controlled Permit	O07002

### Schedule 3: Maps

This section includes a series of maps showing where in the district the dog access rules set out in Schedule 1 and Schedule 2 apply.

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Amended Maps to be inserted here.

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**This Bylaw is made pursuant to Section 20 of the Dog Control Act 1996 and to the Local Government Act 2002.**

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3	Exemptions	<del>26</del>	Deleted: 41
4	Dog Access Areas <i>Dog Control Act 1996 s 20(1)(a-d)</i>	<del>26</del>	Deleted: 41
5	Changes to Dog Management Bylaw <i>Dog Control Act 1996 s 10(7),(8),&amp;(8A)</i>	<del>26</del>	Deleted: 41
6	Shelter and Housing <i>Dog Control Act 1996 s 20(1)(e)</i>	<del>26</del>	Deleted: 42
7	Confinement of Dogs <i>Dog Control Act 1996 s 20(1)(g)</i>	<del>27</del>	Deleted: 42
8	Removal of Faeces <i>Dog Control Act 1996 s 20(1)(h)</i>	<del>27</del>	Deleted: 42
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12	Dogs In or On Vehicles <i>Dog Control Act 1996 s 20(1)(l)</i>	<del>28</del>	Deleted: 43
13	Diseased Dogs <i>Dog Control Act 1996 s 20(1)(l)</i>	<del>29</del>	Deleted: 44
14	Nuisance <i>Dog Control Act 1996 s 20(1)(f, l)</i>	<del>29</del>	Deleted: 44
15	Number of Dogs <i>Dog Control Act 1996 s 20(1)(f)</i>	<del>29</del>	Deleted: 44
16	Offences and Penalties	<del>30</del>	Deleted: 45

*Explanatory note: The Dog Management Bylaw 2019 supplements rather than duplicates other dog owner obligations, including but not limited to, the Dog Control Act 1996, Animal Welfare Act 1999 and related codes of welfare, Reserves Act 1977, Conservation Act 1987, Wildlife Act 1953, Resource Management Act 1991 and the Operative Kaipara District Council District Plan.*

*Council's Policy on Dogs 2019 should be read in conjunction with this Bylaw.*

- 1 Former Bylaw Repealed
  - 1.1. At the date this Bylaw comes into force, the Kaipara District Council Dog Management Bylaw 2009 shall be repealed.
  - 1.2. All approvals, permits and other acts of authority that originated under the Kaipara District Council Dog Management Bylaw 2009 and all applications shall, for the purposes of this Bylaw, continue as if they had originated under this Bylaw.
  - 1.3. The revocation of the Kaipara District Council Dog Management Bylaw 2009 shall not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw, and such proceedings may continue to be dealt with and completed.

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1.4. The Kaipara District Dog Management Bylaw 2019 comes into force on 31 July 2019.

## 2 Interpretation

In this Bylaw, unless the context requires otherwise, the following words and phrases shall have the following meanings:

**'The Act'** unless otherwise stated means the Dog Control Act 1996.

**'Authorised Officer'** means any person authorised by the Council to act on its behalf.

**'The Bylaw'** means the Kaipara District Dog Management Bylaw.

**'Confined'** means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

**'Council'** means the Kaipara District Council.

**'Disability Assist Dog'** shall have the same meaning as given to it by the [Dog Control Act 1996](#).

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: **'Disability Assist Dog'** means a dog certified by one of the organisations listed in Schedule 5 of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability.*

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**'District'** means the district of the Kaipara District Council.

**'Leash'** means a restraint capable of restraining the dog and held by a person/ fixed to an object physically capable of restraining the dog.

**'Menacing Dog'** means any dog classified as menacing under sections 33A or 33C or 33ED of the Dog Control Act 1996.

**'Moped'** shall have the same meaning as given to it by the Land Transport Act 1998.

*Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read: **'Moped'** means a motor vehicle (other than a power-assisted pedal cycle) that has:*

- a) 2 or 3 wheels; and
- b) a maximum speed not exceeding 50 kilometres per hour; and
- c) either
  - i. an engine cylinder capacity not exceeding 50 cc; or
  - ii. a power source other than a piston engine.

**'Motorcycle'** shall have the same meaning as given to it by the Land Transport Act 1998.

*Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read: **'Motorcycle'***

- a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with

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- a sidecar; and
- b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the New Zealand Transport Agency; but
- c) does not include a moped

**'Motor Vehicle'** shall have the same meaning as given to it by the Land Transport Act 1998.

Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read: **'Motor Vehicle'**

- a) means a vehicle drawn or propelled by mechanical power; and
- b) includes a trailer; but
- c) does not include:
  - i. a vehicle running on rails; or
  - ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
  - iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
  - iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
  - v. a pedestrian-controlled machine; or
  - vi. a vehicle that the New Zealand Transport Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
  - vii. a mobility device

**'Neutered Dog'** means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

**'Nuisance'** has the same meaning as defined in section 29(k) of the Health Act 1956.

Explanatory Note: As at 30 May 2019, the definition in section 29(k) of the Health Act 1956 read: **'Nuisance'** means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health

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**'Off-Leash and Under Control'** means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**'On-Leash'** means that a dog is kept under control by means of a leash which is attached to the dog so that the dog cannot break loose, and which is tethered to an immovable object or held by a person physically capable of restraining and controlling the dog.

'Owner' in relation to any dog, shall have the same meaning as given to it in the Dog Control Act 1996.

**Deleted:** 'Owner' in relation to any dog, shall have the same meaning as given to it by the Act.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Owner' in relation to any dog, means every person who:

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who
  - i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
  - ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

**'Premises'** means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

'Public Place' shall have the same meaning as given to it in the Dog Control Act 1996.

**Deleted:** 'Public Place' shall have the same meaning as given to it by the Act.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Public Place'

- c) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- d) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

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**'Quad bike'** means a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.

**'Road'** shall have the same meaning as in section 315 of the Local Government Act 1974.

*Explanatory Note: As at 30 May 2019, the definition in section 315 of the Local Government Act 1974 read: 'Road' means the whole of any land which is within a district, and which:*

- a) immediately before the commencement of this Part [Part 21 of the Local Government Act 1974] was a road or street or public highway; or
- b) immediately before the inclusion of any area in the district was a public highway within that area; or
- c) is laid out by the council as a road or street after the commencement of this Part [Part 21 of the Local Government Act 1974]; or
- d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- e) is vested in the council as a road or street pursuant to any other enactment;

and includes:

- f) except where elsewhere provided in this Part [Part 21 of the Local Government Act 1974], any access way or service lane which before the commencement of that Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988;
- g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roadway Powers Act 1989.

**'Rural'** means any land zoned Rural, Maori Purposes: Maori Land or Maori Purposes: Treaty Settlement Land in the Operative Kaipara District Plan.

**'Under Control'** in relation to a dog, means that the owner or person appearing to be in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**Deleted:** 'Road' shall have the same meaning as in section 315 of the Local Government Act 1974.

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'Urban' means land zoned residential, commercial or industrial in the Operative Kaipara District Plan.

'Working Dog' shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Working Dog' means:

a) any disability assist dog;

b) any dog:

i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or

ii) kept solely or principally for the purposes of herding or driving stock; or

iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or

v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or

vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority,

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[being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.](#)

**Deleted:** 'Working Dog' shall have the same meaning as given to it by the Act.

### 3 Exemptions

3.1 Disability Assist Dogs are exempt from prohibitions on Dog Access Areas under Clause 4.

3.2 Working Dogs are exempt from restrictions and prohibitions on Dog Access Areas (Clause 4) and Confinement of Dogs (Clause 7), if they are being used for the purpose for which they are kept.

### 4 Dog Access Areas *Dog Control Act 1996 s 20(1)(a-d)*

4.1 Every person in charge of a dog must ensure that the dog does not enter or remain in any place identified as a Prohibited Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

4.2 Every person in charge of a dog must ensure that the dog is kept on a leash and under control in any place identified as an On-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

4.3 [Every person in charge of a dog must ensure that the dog is kept under control in any area identified as an Off-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.](#)

**Deleted:** A person in charge of a dog may exercise the dog off-leash and under control in any area identified as an Off-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

### 5 Changes to Dog Management Bylaw *Dog Control Act 1996 s 10(7), (8), & (8A)*

5.1 This Bylaw may be amended at any time using the "special consultative procedure" under the Local Government Act 2002 and must be amended to be consistent with any amendment to the Council's Policy on Dogs.

### 6 Shelter and Housing *Dog Control Act 1996 s 20(1)(e)*

6.1 Dogs must have access to dry and shaded shelter. This:

- a) applies when a dog is on land or premises owned or occupied by the dog's owner or the person in charge of the dog; but
- b) does not apply when a dog is temporarily tethered or confined.

6.2 When keeping a dog in accordance with sub-clause 6.1, the owner of, and every person in charge of, the dog must:

- a) ensure that the dog has access at all times to an area (a lying area) that:
  - i. is large enough to allow the dog to stand up, turn around, and lie down in a natural position;

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- ii. is fully shaded;
  - iii. is dry;
  - iv. is ventilated; and
  - v. provides the dog with protection from extremes of heat and cold;
- b) ensure that the dog has access at all times to water;
  - c) ensure that the dog has access at all times to an area in which to urinate and defecate away from its lying area; and
  - d) ensure that faeces or urine do not accumulate in any area in which the dog is kept.

7 Confinement of Dogs *Dog Control Act 1996 s 20(1)(g)*

7.1 The person in charge of a dog shall, from half an hour after sunset until half an hour before sunrise, keep the dog tied up or otherwise confined, unless the dog is on a leash or under continuous control.

8 Removal of Faeces *Dog Control Act 1996 s 20(1)(h)*

8.1 The person in charge of a dog that defecates in a public place or on private land or premises where the occupier does not consent, must immediately remove the faeces and hygienically dispose of it e.g. by placing it in an appropriate waste container.

8.2 This clause does not apply to working dogs if they are being used for the purpose for which they are kept and are not within an urban area, beach or Council administered reserve.

8.3 It is not a requirement that an Authorised Officer sight the offence being committed when issuing an infringement under Clause 8 of this bylaw. If there is sufficient evidence based on a member of the public witnessing the event, Council may infringe the owner of that dog under the Act.

*Explanatory Note:* Clause 8 does not apply to land or premises occupied by the owner of the dog and which is not a public place.

9 Bitches in Season *Dog Control Act 1996 s20(1)(i)*

9.1 No bitch in season is permitted in any public place, other than when being transported to a registered veterinary clinic for treatment.

9.2 Every person in charge of a bitch in season must ensure that the bitch is confined but adequately exercised on private land or premises.

10 Impounding *Dog Control Act 1996 s20(1)(j)*

10.1 An Authorised Officer may impound any dog:

- a) that is unattended in a public place and which is causing a nuisance, disturbance or distress.

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- b) straying in a public place or onto private property, whether or not it is causing a nuisance, disturbance or distress.
- c) that is not confined and is not under the immediate control of its owner.

10.2 Full compliance with the Act, Council's Policy on Dogs and Council's Dog Management Bylaw is required before any dog may be released from impoundment. For avoidance of doubt, this includes the neutering of menacing dogs as required by Council's Policy on Dogs.

11 Neutering *Dog Control Act 1996 s 20(1)(k)&(l)*

11.1 Any dog owned by an owner classified as Probationary under the Act must be neutered.

11.2 Where any dog has been impounded on more than two occasions, Council will require the neutering of that dog prior to the dog's release from the pound.

12 Dogs In or On Vehicles *Dog Control Act 1996 s 20(1)(l)*

12.1 A person who leaves a dog in a stationary vehicle must ensure that the dog does not display signs of shade-seeking behaviour, as well as one or more of the following signs consistent with heat stress:

- a) excessive panting;
- b) excessive drooling;
- c) hyperventilation.

Shade-seeking means that the dog is compulsively seeking out and placing, or attempting to place, itself in the shadiest, coolest part of the vehicle that it can access.

12.2 The owner of, and every person in charge of, a dog transported on the open deck or open trailer of a moving motor vehicle (other than a moped, a motorcycle, or a quad bike) on a public road must:

- a) ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage); and
- b) if the dog is secured by a tether, ensure that the tether is short enough to prevent the dog's legs from reaching over the sides of the open deck of the vehicle or open trailer, but long enough to allow the dog to stand or lie down in a natural position.

12.3 Clause 12.2 does not apply when working dogs are unsecured on the open deck or open trailer of a moving motor vehicle on a public road while involved in driving or managing livestock (for example, when moving livestock from one paddock to another that is down the road).

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12.4 No person shall leave a dog in or on any unattended motor vehicle unless that person takes measures to render it impossible for the dog to leave the vehicle, or cause a nuisance to the public.

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13 Diseased Dogs

*Dog Control Act 1996 s 20(1)(l)*

- 13.1 No dog infected with a contagious disease may be permitted in any public place.
- 13.2 Every person in charge of a dog must ensure that any dog infected with a contagious disease is confined on their land or premises in such a manner that it cannot leave the land or premises, other than when being transported to a registered veterinary clinic for treatment.

14 Nuisance

*Dog Control Act 1996 s 20(1)(f, l)*

- 14.1 No person shall cause any dog to become unmanageable or aggressive.
- 14.2 A person must not keep a dog on any land or premises if the dog causes any nuisance or disturbance, is injurious to health, or prevents lawful access to land or premises.
- 14.3 A person in charge of a dog must ensure that when the dog is accommodated and/or confined on a property the dog is prevented from entering into or onto any adjoining land.
- 14.4 If any dog causes any nuisance or disturbance or is injurious to health, an Authorised Officer may, by notice in writing, require within a specified time the owner of the dog to:
- a) reduce the number of dogs kept on the owner's premises;
  - b) construct, reconstruct, alter or otherwise improve the kennels or other accommodation used to house, contain or restrain the dog;
  - c) require the dog to be tied up or otherwise confined during specified periods;
  - d) take action to minimise or resolve the nuisance.

[Explanatory note: Excessive barking or howling shall be addressed under section 55 of the Dog Control Act 1996, not this bylaw.](#)

15 Number of Dogs

*Dog Control Act 1996 s 20(1)(f)*

- 15.1 No more than two dogs may be kept at an urban property, unless a permit to do so has been applied for on the prescribed form and upon payment of the prescribed fee and granted by the Council. Council may specify conditions when granting a permit allowing more than two dogs on an urban property. Approval of such permit will be at Council's discretion.
- 15.2 The Council may by resolution fix a fee for a permit issued in respect to sub-clause 15.1. Such fee shall be additional to any Registration Fees.
- 15.3 Where a dog owner is in breach of sub-clause 15.1 or a permit or condition of a permit issued in respect to sub-clause 15.1, Council may impound any additional dogs on the property. This may be extended to include a bitch in whelp where this is deemed necessary for the well-being of the puppies.

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*Explanatory note:* Conditions of a permit issued in respect to sub-clause 15.1 may include but are not limited to:

- A limit on the period of time for which the permit is valid;
- The right to revoke or review the permit at any time; and
- Requirements to meet all of the dogs' physical needs.

16 Offences and Penalties

16.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the Act and the Local Government Act 2002.

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Mangawhai cliffs track.	Map 1	On-leash

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Pahi – the area of beach above Mean Low Water Springs in front of Bonham Street and including Fisher Street Reserve.	Map 11	On-leash
Pahi – the beach above Mean Low Water Springs from Fisher Street to the The beach area known as Dems Road (including the esplanade reserve at Dems Road) down to mean low water springs.	Map 1110	On-leash

<b>Page 12: [3] Deleted</b>		<b>Author</b>
Pahi – the area of beach north of the area known as Dems Road.		

<b>Page 12: [4] Deleted</b>		<b>Author</b>
Ripiro Beach – anywhere as far south as the southern end of Lake Wairere other than the on-leash areas adjoining Glinks Gully and Baylys Beach and the Waihopai Stream.		





# Kaipara District Policy on Dogs and Dog Management Bylaw

DRAFT

June 2019



This Policy is made pursuant to Section 10 of the  
Dog Control Act 1996.

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## Kaipara District Policy on Dogs

### 1 Background

The Dog Control Act 1996 (the Act) section 10 requires Council to adopt a policy on dogs. This Policy has been developed in accordance with the Act and, as per section 10(4) of the Act, gives regard to:

- a) the need to minimise danger, distress, and nuisance to the community generally;
- b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
- c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) the exercise and recreational needs of dogs and their owners.

The Council recognises that the majority of dog owners are responsible and that most interaction between dogs and the public is positive. This Policy aims to achieve a balance between the control of dogs and recognition of the health benefits of dog ownership. The Policy also aims to keep dogs as a positive part of Kaipara communities by maintaining opportunities for dog owners to take their dogs into public places, while adopting measures to minimise any inherent problems caused by dogs.

As well as protecting the safety of our community and recognising that dog owners are responsible for the exercise of their dogs, Council also recognises the need to protect other animals including wildlife, and significant habitats of indigenous fauna.

Council's Dog Management Bylaw 2019 gives effect to Council's Policy on Dogs 2019 and should be read in conjunction with this Policy.

### 2 Objectives

This Policy on Dogs aims to:

- 1 Prevent injury, distress and nuisance from dogs.
- 2 Identify dog access areas.
- 3 Provide for the neutering of menacing dogs.
- 4 Minimise potential danger or distress to farmed animals, other animals and protected wildlife.
- 5 Promote responsible dog ownership.

### 3 Interpretation

In this Policy, unless the context requires otherwise, the following words and phrases shall have the following meanings:

**'The Act'** unless otherwise stated means the Dog Control Act 1996.

**'Authorised Officer'** means any person authorised by the Council to act on its behalf.

**'The Bylaw'** means the Kaipara District Dog Management Bylaw.

**'Confined'** means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

**'Council'** means the Kaipara District Council.

**'Disability Assist Dog'** shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Disability Assist Dog' means a dog certified by one of the organisations listed in Schedule 5 of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability*

**'District'** means the district of the Kaipara District Council.

**'Leash'** means a restraint capable of restraining the dog and held by a person or fixed to an object physically capable of restraining the dog.

**'Menacing Dog'** means any dog classified as menacing under sections 33A or 33C or 33ED of the Dog Control Act 1996.

**'Neutered Dog'** means a dog that has been spayed or castrated, and does not include a dog that has been vasectomised.

**'Nuisance'** has the same meaning as defined in section 29(k) of the Health Act 1956.

*Explanatory Note: As at 30 May 2019, the definition in section 29(k) of the Health Act 1956 read: 'Nuisance' means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health.*

**'Off-Leash and Under Control'** means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**'On-Leash'** means that a dog is kept under control by means of a leash which is attached to the dog so that the dog cannot break loose, and which is tethered to an immovable object or held by a person physically capable of restraining and controlling the dog.

**'Owner'** in relation to any dog, shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Owner' in relation to any dog, means every person who:*

- a) Owns the dog; or
- b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) The parent or guardian of a person under the age of 16 years who:
  - i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and

- ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

**'Playground'** means an outdoor area developed or marked out as a playground that contains fixed children's play equipment or objects. This includes swings, slides, roundabouts etcetera but does not include outdoor exercise equipment, outdoor sports equipment such as basketball hoops or skateboard areas.

**'Premises'** means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

**'Public Place'** shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Public Place'*

- a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**'Road'** shall have the same meaning as in section 315 of the Local Government Act 1974.

*Explanatory Note: As at 30 May 2019, the definition in section 315 of the Local Government Act 1974 read: 'Road' means the whole of any land which is within a district, and which:*

- a) immediately before the commencement of this Part [Part 21 of the Local Government Act 1974] was a road or street or public highway; or
- b) immediately before the inclusion of any area in the district was a public highway within that area; or
- c) is laid out by the Council as a road or street after the commencement of this Part [Part 21 of the Local Government Act 1974]; or
- d) is vested in the Council for the purpose of a road as shown on a deposited survey plan; or
- e) is vested in the Council as a road or street pursuant to any other enactment;

and includes:

- f) except where elsewhere provided in this Part [Part 21 of the Local Government Act 1974], any accessway or service lane which before the commencement of that Part was under the control of any council or is laid out or constructed by or vested in any council as an accessway or service lane or is declared by the Minister of Works and Development as an accessway or

service lane after the commencement of this Part or is declared by the Minister of Lands as an accessway or service lane on or after 01 April 1988:

- g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Rounding Powers Act 1989.

**'Rural'** means any land zoned Rural, Maori Purposes: Maori Land or Maori Purposes: Treaty Settlement Land in the Operative Kaipara District Plan.

**'Under Control'** in relation to a dog, means that the owner or person appearing to be in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**'Urban'** means land zoned residential, commercial or industrial in the Operative Kaipara District Plan.

**'Working Dog'** shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Working Dog' means:*

- a) any disability assist dog;
- b) any dog:
  - i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
  - ii) kept solely or principally for the purposes of herding or driving stock; or
  - iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
  - iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
  - v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

- vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
- vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

**For the avoidance of doubt:** Nothing in this Policy absolves any dog owner from their responsibilities as defined by the Dog Control Act 1996 or other legislation.

**Enforcement:** The regulatory aspects of the Kaipara District Policy on Dogs are applied through the Kaipara District Dog Management Bylaw 2019 which should be read in conjunction with this Policy.

#### 4 Policies

- 1 Council will provide for the dog access areas which are identified in Schedule 1 and Schedule 3 of this Policy.
- 2 Council will promote the responsible ownership of dogs, including care and control around people, protected wildlife, farmed animals, other animals, property and natural habitats.

What does it mean to be a responsible dog owner?

- Register and microchip your dog.
- Teach your dog basic obedience (keep your dog under control at all times).
- Ensure your dog has adequate exercise.
- Know the best locations where you are allowed to exercise your dog.
- Be particularly vigilant near children and closely supervise interaction.
- If your dog ignores commands: put your dog on-leash, shorten the leash, or avoid the area altogether (even if in an off-leash area).
- Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.
- Ensure your dog cannot leave your property by itself.
- Know when your dog must be on a leash, and always carry a leash.
- Pick up after your dog and carry the means (e.g. a bag) to pick-up your dog's faeces and properly dispose of it.
- Ensure your dog does not disturb people, protected wildlife, farmed animals and other animals.

- 3 All dogs registered within the district and classified as menacing by Council or any other territorial authority must be neutered.
  - 4 Council will regulate, dog access in public places, and specific owner obligations to minimise dog aggression and nuisance not already covered in legislation in accordance with a bylaw enacted under section 20 of the Act, and which is consistent with this Policy.
  - 5 Dog registration fees will be reviewed annually. All fees relating to dogs will be set out in Council's Schedule of Fees and Charges. These include dog registration fees, surcharges as set by the Act, impounding fees and infringement fees.
  - 6 The Council will, unless satisfied that the circumstances of the events are such that disqualification is not warranted, disqualify from owning any dog any owner who:
    - a. Commits three or more infringement offences within a continuous period of 24 months;
    - b. Is convicted of any offence (not being part of an infringement offence) against the Act;
    - c. Is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, or section 26ZZP of the Conservation Act 1987 or section 56l of the National Parks Act 1980.
  - 7 The Council will, unless it has disqualified that person from being an owner of a dog under section 25(1) of the Act, classify as probationary any owner who:
    - a. Is convicted of an offence (not being an infringement offence) against the Act or Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog, or any offence against section 26ZZP of the Conservation Act 1987 or section 56l of the National Parks Act 1980; or
    - b. Commits three infringement offences within 24 months.
  - 8 Council will require every person it classifies as a probationary owner to undertake, at their own expense, a dog owner education programme or a dog obedience course (or both).
  - 9 Infringement notices will be issued by Council's Authorised Officers where they have reasonable cause to believe that any person has committed an infringement offence under the Act. It is not necessary for an Authorised Officer to witness the offence.
- 5 Changes to this Policy

This Policy, including its Schedules, may be amended at any time, using the "special consultative procedure" under the Local Government Act 2002 in accordance with sections 10(8) and 10(8A) of the Dog Control Act 1996.



## Schedule 1: Off-leash, On-leash and Prohibited Areas

Council imposes three types of dog access rules for public spaces within the district:

- a) Off-leash area – dogs may have access to this shared space off-leash and under control.
- b) On-leash area – dogs may have access to this shared space on-leash and under control.
- c) Prohibited area – no dog access.

**Restricted and Prohibited access areas** – The following rules are in place to ensure the safety of the public, to reduce the risk of any dog-related harm while also providing for the well-being and recreational needs of dogs and their owners.

Refer to Clause 3 of the Dog Management Bylaw for Disability Assist Dog and Working Dog access exemptions.

*Note:* By default, all public places within the district (including beaches and roads) are off-leash areas unless identified as an on-leash area or a dog prohibited area.

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Area where rules apply	Map Reference	Dog access status
<b>District-wide</b>		
Within 10 metres of all public except where there is an approved fence separating the dog from the playground.	District-wide	Prohibited
All public roads in urban areas, including the footpath and berm.	District-wide	On-leash
All Council controlled cemeteries	District-wide	On-leash
<b>Mangawhai and surrounds</b>		
Mangawhai Sand Spit Beach down to Mean Low Water Springs.	Map 1, 2 & 3	Prohibited
Mangawhai Heads Reserve including the adjoining beach/foreshore (excluding Picnic Bay) down to Mean Low Water Springs and as far as the first set of rocks on the Mangawhai Surf Beach.	Map 1, 2 & 3	On-leash
Picnic Bay (as mapped in Schedule 3).	Map 2, 1 & 3	On-leash between 10am and 5pm. Off-leash outside these hours.
Mangawhai Harbour beaches and adjoining reserves from the Alamar Crescent boat ramp to Mangawhai Heads Reserve down to Mean Low Water Springs.	Map 1, 2, 3 & 5	On-leash
The Mangawhai Estuary beach and adjoining reserves from the Alamar Crescent boat ramp to the rocks at Bullet Point down to Mean Low Water Springs.	Map 3, 1 & 5	On-leash between 10am and 5pm. Off-leash outside these hours.
Mangawhai Harbour beaches and adjoining reserves from the rocks at Bullet Point to the Lincoln Street reserve down to Mean Low Water Springs.	Map 3, 1, & 4	On-leash
Mangawhai Heads Holiday Park (Alamar Crescent).	Map 5, 3 & 1	Prohibited
The shopping complex on the corner of Wood Street and Fagan Place, Mangawhai.	Map 6, 3 & 1	On-leash

Area where rules apply	Map Reference	Dog access status
The Mangawhai Activity Zone (MAZ)	Map 4 & 1	Prohibited
The MAZ car park, Mangawhai ambulance station and fire station, including the public walking track behind the ambulance station and fire station.	Map 4 & 1	On-leash
Mangawhai Museum and Historic Village	Map 4 & 1	On-leash
Lincoln Street reserve and adjoining beach down to Mean Low Water Springs.	Map 1	On-leash between 10am and 5pm. Off-leash outside these hours.
Mangawhai Harbour beaches and reserves from the southern end of the Lincoln Street reserve to the Molesworth Drive causeway down to Mean Low Water Springs.	Map 1 & 4	On-leash
Mangawhai Harbour beaches, adjoining reserves and mangrove areas around Mangawhai Village from the Molesworth Drive causeway to the Insley Street causeway down to Mean Low Water Springs – excluding the beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs.	Map 7	On-leash
The beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs.	Map 7	On-leash between 10am and 5pm. Off-leash outside these hours.
Mangawhai Harbour beaches, adjoining reserves and mangrove areas along the southern edge of the harbour from the Insley Street causeway to the Mangawhai Sand Spit down to Mean Low Water Springs.	Map 7 & 1	On-leash
<b>Whakapirau</b>		
The beach and esplanade down to Mean Low Water Springs from the wharf to Regent Street.	Map 9	On-leash
<b>Pahi</b>		
Pahi Reserve.	Map 10	On-leash

Area where rules apply	Map Reference	Dog access status
The beach area known as Dems Road (including the esplanade reserve at Dems Road) down to Mean Low Water Springs.	Map 10	On-leash
The Beach from Fisher Street, around Fenwicks Point to the Moreton Bay Fig Tree.	Map 10	On-leash
<b>Paparoa</b>		
Paparoa – the Village Green.	Map 15	On-leash
<b>Tinopai</b>		
Tinopai – the reserves and beach down to Mean Low Water Springs from the Tinopai Hall to the Komiti Road bridge over the Komiti Creek.	Map 11	On-leash
<b>Dargaville</b>		
Dargaville waterfront from Totara Street to the Band Rotunda on Victoria Street.	Map 13	On-leash
Pou Tu Te Rangi Pa.	Map 12	Prohibited
Harding Park and Old Mt Wesley Cemetery.	Map 12	On-leash
Sportsville – the carpark, courts, roadway and buildings as mapped in Schedule 3.	Map 14	On-leash
The part of Northern Wairoa Memorial Park adjoining Logan Street as mapped in Schedule 3.	Map 14	On-leash
<b>Pouto</b>		
Ripiro Beach near Pouto Point – from the Kaipara North Head Lighthouse to a point 400 metres south of the end of Pouto Road and extending down to Mean Low Water Springs.	Map 17	On-leash
The site of the Kaipara North Head Lighthouse.	Map 17	On-leash
<b>Glinks Gully</b>		
Ripiro Beach at Glinks Gully – the area extending from Marine Drive to Mean Low Water Springs.	Map 18	On-leash

Area where rules apply	Map Reference	Dog access status
<b>Baylys Beach</b>		
Ripiro Beach at Baylys Beach – the area extending from the stream flowing out of Chases Gorge to the stream flowing out of Cynthia Place.	Map 19	On-leash
Ocean View Terrace and the reserve on Ocean View Terrace.	Map 19	On-leash
<b>Aranga Coast Area</b>		
Manuwhetai (the area of beach south of the mouth of the Waipoua River) from the Kaipara/Far North Boundary to the Muriwai Stream.	25	On-leash
Waihaupai (the area around the first stream on Ripiro Beach south of Aranga Beach) from 300 metres north of the mouth of the Waihaupai Stream to 200 metres south of the mouth of Waihaupai Stream, extending down to Mean Low Water Springs.	26	On-leash
<b>Kai Iwi Lakes</b>		
Kai Iwi Lakes (Taharoa Domain).	Map 20	Prohibited
<b>Northern Kaipara</b>		
Trounson Park Road between Aranga Station Road intersection and McLean Road intersection.	Map 21 & 22	On-leash
Mangatu Road between McLean Road intersection and Trounson Park Road intersection.	Map 21 & 22	On-leash
Marlborough Road – excluding the first 2.3 kilometres of Marlborough Road as measured from the intersection of Marlborough Road and Kaikohe Road.	27 & 29	On-leash
Waoku Road	28	On-leash
Waipoua Settlement Road	27	On-leash
Lookout Road	27	On-leash

Area where rules apply	Map Reference	Dog access status
State Highway 12 from the intersection with Waipoua Settlement Road to the Kaipara/Far North boundary.	27 & 29	On-leash

In addition to the above, dog access to many areas of public conservation land in the Kaipara district is controlled by the Department of Conservation (DOC). It should be noted that dog access restrictions imposed by Council do not apply on public conservation land where DOC has imposed their own restrictions under section 26ZS of the Conservation Act 1987. Dog access restrictions on DOC land as at the date of adoption of this Policy are listed in Schedule 2. Please visit <https://www.doc.govt.nz/> and put in keyword “dog” for further information.

**Recommended off-leash Areas** – These areas have been identified as particularly suitable for dogs being off-leash and under control; however, this is by no means an exclusive list. These shared public areas will be promoted as off leash as they are able to provide for the well-being and recreational needs of dogs and their owners, as well as providing for other recreational needs.

Recommended Off-Leash and Under Control
Mangawhai – Mangawhai Community Park walking trails.
Mangawhai – Mangawhai Surf Beach north of the first set of rocks.
Kaiwaka – the reserve on the corner of Settlement Road and State Highway 1.
Dargaville – Northern Wairoa Memorial Park (when the fields are not being used for sports or events).
Te Kopuru – Te Kopuru Domain.

## Schedule 2: Department of Conservation Controlled and Open Dog Areas

In addition to those dog access restrictions imposed by Council, the Department of Conservation (DOC) is also able to impose restrictions on the land they administer under [section 26ZS](#) of the Conservation Act 1987.

This Policy shall identify any land within the Kaipara District that is included in a controlled dog area or open dog area under [section 26ZS](#) of the Conservation Act 1987.

There are four different dog access rules applicable. These are:

- a) **Controlled Dog Areas: No Access ('Controlled No Access')** – These areas are prohibited to dogs at all times.
- b) **Controlled Dog Areas: Entry by Permit for Management and/or Recreational Hunting Subject to Conditions ('Controlled Permit'):**
  - the number of hunting dogs is limited to three per hunter;
  - all farm dogs must at all times be under the supervision of their owner or other responsible person.
- c) **Open Dog Areas: Lead Subject to Conditions ('Open Lead'):**
  - all dogs shall be kept on a lead not exceeding three linear metres;
  - faeces to be removed.
- d) **Open Dog Areas: Free Subject to Condition ('Open Free'):**
  - at all times dogs must be under control by voice command.

The following table sets out the rules that apply under [section 26ZS](#) of the Conservation Act 1987 to different areas of the Conservation estate in the Kaipara district.

Area Name	Dog Access Rule	DOC Map Reference
Waipoua Forest	Controlled Permit	O06017
Taha Moana Scenic Reserve	Controlled Permit	O06018
Katui Scenic Reserve	Controlled Permit	O06019
Katui Cemetery Reserve	Controlled No Access	O06020
Donnelleys Crossing Scenic Reserve	Controlled Permit	O06021
Muriwai	Controlled Permit	O06024
Waipoua River	Controlled Permit	O06026
Marlborough Road Scenic Reserve	Controlled Permit	O06035
Kaikohe Road Marginal Strip	Controlled Permit	O06049
Trounson Kauri Park Scenic Reserve	Controlled No Access	O07001
Kaihu North Railway Line	Controlled Permit	O07002
Maunganui Bluff Scenic Reserve	Controlled Permit	O07003
Aranga Beach	Controlled Permit	O07004
Ureti Camping Reserve	Controlled Permit	O07005
Ureti Marginal Strip	Controlled Permit	O07006
Waihaupai Stream Marginal Strip	Controlled Permit	O07007
Shag Lake Marginal Strip	Controlled Permit	O07008
Donnelleys Crossing Marginal Strip	Controlled Permit	O07009
Marlborough Forest	Controlled Permit	P06012
Tutamoe Scenic Reserve	Controlled Permit	P06013
Waiokumarau Esplanade Reserve	Controlled Permit	P06019
Marlborough Forest Addn	Controlled Permit	P06021
Waiokumarau Stream Marginal Strip No 1	Controlled Permit	P06029
Waiokumarau Stream Marginal Strip No 2	Controlled Permit	P06030
Mangakahia River Marginal Strip No 4	Controlled Permit	P06031
Marlborough Cemetery	Controlled No Access	P07001
Marlborough School	Controlled Permit	P07002
Whatoro	Controlled Permit	P07003
Kaihu Forest	Controlled Permit	P07005
Pakotai Scenic Reserve	Controlled Permit	P07006
Houto Quarry Reserve	Controlled Permit	P07008
Houto Forest	Controlled Permit	P07009
Paerata Govt Purp Wildlife Reserve	Controlled Permit	P07011
Kaihu Scenic Reserve	Controlled Permit	P07013
Waimata Settlement Scenic Reserve	Controlled Permit	P07014
Kairara	Controlled Permit	P07015
Taraire Scenic Reserve	Controlled Permit	P07016
Avoca	Controlled Permit	P07017
Omamari Govt Purp Wildlife Mgmt Reserve	Controlled Permit	P07018
Mamaranui Farm Settlement Scenic Reserve	Controlled Permit	P07019
Awakino Govt Purp Wildlife Mgmt Reserve	Controlled Permit	P07020



Area Name	Dog Access Rule	DOC Map Reference
Tangowahine Scenic Reserve	Controlled Permit	P07021
Pukehuia	Open Free	P07022
Rehutai	Controlled Permit	P07023
Curnow Road Gemstone	Controlled Permit	P07024
Mititai Road	Open Free	P07025
Curnow Road	Open Free	P07026
Waiotama Reserve	Controlled Permit	P07029
Babylon Marginal Strip	Controlled Permit	P07031
Rehutai Marginal Strip	Controlled Permit	P07032
Kaihu River Marginal Strip No 1	Controlled Permit	P07033
Kaihu River Marginal Strip No 2	Controlled Permit	P07034
Kaihu River Marginal Strip No 3	Controlled Permit	P07035
Omamari Marginal Strip	Controlled Permit	P07036
Opouteke Stream Marginal Strip No 3	Controlled Permit	P07037
Awakino Stream Marginal Strip No 1	Controlled Permit	P07038
Tangowahine Stream Marginal Strip No 1	Controlled Permit	P07039
Tangowahine Stream Marginal Strip No 2	Controlled Permit	P07040
Kaihu River Marginal Strip No 4	Controlled Permit	P07041
Kaihu River Marginal Strip No 5	Controlled Permit	P07042
Kaihu River Marginal Strip No 6	Controlled Permit	P07043
Awakino River Marginal Strip No 2	Controlled Permit	P07044
Wairoa River Marginal Strip No 1	Controlled Permit	P07045
Wairoa River Marginal Strip No 2	Controlled Permit	P07046
Wairoa River Marginal Strip No 3	Controlled Permit	P07047
Manganui River Marginal Strip No 1	Controlled Permit	P07051
Manganui River Marginal Strip No 2	Controlled Permit	P07052
Wairoa River Marginal Strip No 4	Controlled Permit	P07053
Wairoa River Marginal Strip No 5	Controlled Permit	P07054
Wainui Lake	Controlled Permit	P08002
Tikinui	Controlled Permit	P08003
Schick Road	Controlled Permit	P08004
Matanginui	Controlled Permit	P08005
Tomb Point	Controlled Permit	P08006
Tangitiki	Controlled Permit	P08007
Montgomeries Memorial Bush Scenic Reserve	Controlled No Access	P08008
Whakahara	Controlled Permit	P08009
Tokatoka	Controlled Permit	P08010
Tokatoka Scenic Reserve	Controlled Permit	P08011
Ruawai	Controlled Permit	P08014
Awaroa	Controlled Permit	P08015
Whakatu	Controlled Permit	P08016
Tatarariki	Controlled Permit	P08018
Black Lake	Controlled Permit	P08019
Mahuta Gap Marginal Strip	Controlled Permit	P08020
Wairoa River Marginal Strip No 6	Controlled Permit	P08021

Area Name	Dog Access Rule	DOC Map Reference
Wairoa River Marginal Strip No 7	Controlled Permit	P08022
Wairoa River Marginal Strip No 8	Controlled Permit	P08023
Wairoa River Marginal Strip No 9	Controlled Permit	P08024
Wairoa River Marginal Strip No 10	Controlled Permit	P08025
Koremoa Marginal Strip	Controlled Permit	P08026
Tomb Point Marginal Strip	Controlled Permit	P08027
Tangitiki Bay Marginal Strip No 1	Controlled Permit	P08028
Tangitiki Bay Marginal Strip No 2	Controlled Permit	P08029
Wairoa River Marginal Strip No 11	Controlled Permit	P08030
Lucich Road Marginal Strip	Controlled Permit	P08031
Pouto North Marginal Strip	Controlled Permit	P08032
Pouto North	Controlled Permit	P09001
Rototuna Lake	Controlled Permit	P09002
Punahaere Creek	Controlled Permit	P09003
Rotopouua Creek	Controlled Permit	P09004
Pouto	Controlled Permit	P09005
Punahaere GPWM Reserve	Controlled Permit	P09006
Tangihua Forest	Controlled Permit	Q07026
Manganui Riv Wildlife Mgmt Reserve	Controlled Permit	Q07030
Ruarangi	Open Free	Q07055
Tauraroa River Marginal Strip No 2	Controlled Permit	Q07062
Manganui River Marginal Strip No 3	Controlled Permit	Q07063
Manganui River Marginal Strip No 4	Controlled Permit	Q07064
Parahi Scenic Reserve	Controlled No Access	Q08001
Omaru River	Controlled No Access	Q08002
Pukekohe Hill Scenic Reserve	Controlled Permit	Q08003
Mareretu Forest	Controlled Permit	Q08004
Waipu Gorge Forest	Controlled Permit	Q08009
Waipu Gorge Scenic Reserve	Controlled Permit	Q08010
Dodd Road	Open Free	Q08011
Hukatere Hall Scenic Reserve	Open Lead	Q08012
Hukatere Scenic Reserve	Controlled Permit	Q08013
Matakohe River Scenic Reserve	Controlled No Access	Q08015
Kauri Bushmans Memorial Scenic Reserve	Controlled No Access	Q08016
Paparoa Creek Scenic Reserve	Controlled Permit	Q08017
Pahi Domain	Open Lead	Q08018
Whakapirau	Controlled Permit	Q08019
Lower Pahi River Scenic Reserve	Controlled Permit	Q08020
Te Opu Scenic Reserve	Controlled Permit	Q08023
Whakapirau Scenic Reserve	Controlled Permit	Q08024
Whakapirau Creek	Controlled Permit	Q08025
Arapaoa River Scenic Reserve	Controlled Permit	Q08026
Te Kowhai Creek Scenic Reserve	Controlled Permit	Q08027

Area Name	Dog Access Rule	DOC Map Reference
Hokorako	Controlled Permit	Q08028
Maungaturoto	Open Lead	Q08029
Maungaturoto Scenic Reserve	Controlled Permit	Q08030
Te - Uri - O - Hau Scenic Reserve	Controlled Permit	Q08031
Cooks Stream Scenic Reserve	Controlled No Access	Q08032
Pukekaroro Scenic Reserve	Controlled No Access	Q08033
Kaiwaka Park Domain	Open Lead	Q08034
Takahoa Govt Purp Wildlife Mgmt Reserve	Controlled Permit	Q08037
Parahi	Controlled No Access	Q08038
Topuni Scenic Reserve	Controlled No Access	Q08039
Collins Scenic Reserve	Controlled No Access	Q08040
Upper Pahi River Scenic Reserve	Controlled Permit	Q08041
Pahi Cemetery Reserve	Controlled No Access	Q08042
Kohatutahi	Controlled Permit	Q08043
Brynderwyn Hills Scenic Reserve	Controlled Permit	Q08045
Topuni	Controlled No Access	Q08046
Te Awaoteaouhi	Open Free	Q08047
Smoky Hill Scenic Reserve	Controlled Permit	Q08048
Upper Paparoa Creek Scenic Reserve	Controlled Permit	Q08049
Hukatere School Site	Controlled Permit	Q08051
Manganui River Marginal Strip No 5	Controlled Permit	Q08052
Paparoa Creek Marginal Strip No 1	Controlled Permit	Q08054
Paparoa Creek Marginal Strip No 2	Controlled Permit	Q08055
Pahi Marginal Strip	Controlled Permit	Q08056
Te Kiakia Bay Marginal Strip	Controlled Permit	Q08057
Raepere Creek Marginal Strip	Controlled Permit	Q08058
Rocky Point Marginal Strip	Controlled Permit	Q08059
Hokoraka Creek Marginal Strip	Controlled Permit	Q08060
Otamatea River Marginal Strip No 1	Controlled Permit	Q08061
Otamatea River Marginal Strip No 2	Controlled Permit	Q08062
Kaira Creek Marginal Strip	Controlled Permit	Q08063
Hakaru River Marginal Strip No 1	Controlled Permit	Q08064
Kaiwaka Marginal Strip	Controlled Permit	Q08065
Kaiwaka River Marginal Strip No 1	Controlled Permit	Q08066
Kaiwaka River Marginal Strip No 2	Controlled Permit	Q08067
Cook Creek Marginal Strip	Controlled Permit	Q08068
Hakaru River Marginal Strip No 2	Controlled Permit	Q08069
Maungaturoto Marginal Strip	Controlled Permit	Q08070
Wairau River Marginal Strip	Controlled Permit	Q08074
Kohatutahi Marginal Strip	Controlled Permit	Q08075
Mangawhai River Marginal Strip	Controlled Permit	Q08076
Maxwell Creek Marginal Strip	Controlled Permit	Q08077

Area Name	Dog Access Rule	DOC Map Reference
Kanono	Controlled Permit	Q09001
Kahuparere	Controlled Permit	Q09003
Pukekura Historic Area	Controlled Permit	Q09004
Signal Station Road Esplanade Reserve	Controlled Permit	Q09005
Oruawharo River Marginal Strip	Controlled Permit	Q09006
Lake Humuhumu Marginal Strip	Controlled Permit	Q09007
Lake Rotootuauro Marginal Strip	Controlled Permit	Q09008
Tauhara Marginal Strip	Controlled Permit	Q09009
Tauhara Creek Marginal Strip	Controlled Permit	Q09010
Lake Kanono Marginal Strip	Controlled Permit	Q09011
Lake Kahuparere Marginal Strip	Controlled Permit	Q09012
Lake Waingata Marginal Strip	Controlled Permit	Q09013
Lake Rotokawau (Pouto) Marginal Strip	Controlled Permit	Q09014
Pouto Lakes Marginal Strip	Controlled Permit	Q09015
Pouto Marginal Strip	Controlled Permit	Q09016
Bream Tail Scenic Reserve	Controlled Permit	R08001
Robert Hastie Memorial Scenic Reserve	Controlled Permit	R08002
Molesworth	Open Free	R08003
Mangawhai Wildlife Refuge	Controlled No Access	R08004
Mangawhai Harbour Marginal Strip No 1	Controlled Permit	R08005
Tara Creek Marginal Strip	Controlled Permit	R08007
Mangawhai Harbour Marginal Strip No 3	Controlled Permit	R08008
Mataraua Forest	Controlled Permit	O06016
Maitahi Wetland Scientific Reserve	Controlled Permit	P07055
Tangihua Access	Controlled Permit	Q07085
Kaihu Railway Line	Controlled Permit	P07004
Kaihu North Railway Line	Controlled Permit	O07002

Schedule 3: Maps

This section includes a series of maps showing where in the district the dog access rules set out in Schedule 1 and Schedule 2 apply.

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**MAP 1 - MANGAWHAI SAND SPIT**

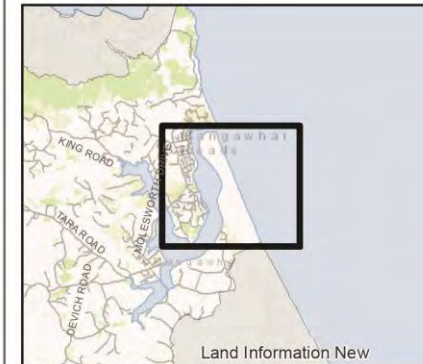
◇ Playground

**Kaipara District Council Dog Control Areas**

- On-leash
- On-leash between 10am and 5pm
- Recommended Off-Leash Area
- Prohibited

**Department of Conservation Dog Control Zones**

- Prohibited
- Prohibited except by permit

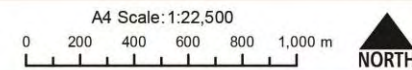


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**KAIPARA DISTRICT  
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**







**MAP 2 - MANGAWHAI HEADS RESERVE**

**Kaipara District Council Dog Control Areas**

- On-leash
- On-leash between 10am and 5pm
- Recommended Off-Leash Area
- Prohibited

**Department of Conservation Dog Control Zones**

- Prohibited



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**KAIPARA DISTRICT  
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**

A4 Scale: 1:5,000







**MAP 3 - MANGAWHAI HARBOUR**

Playground

**Kaipara District Council Dog Control Areas**

- On-leash
- On-leash between 10am and 5pm
- Recommended Off-Leash Area
- Prohibited

**Department of Conservation Dog Control Zones**

Prohibited

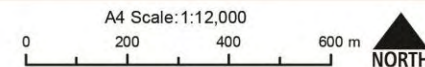


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**KAIPARA DISTRICT  
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**







**MAP 4 - MANGAWHAI COMMUNITY PARK**

**Kaipara District Council Dog Control Areas**

- On-leash
- Recommended Off-Leash Area
- Prohibited

**Department of Conservation Dog Control Zones**

- Prohibited except by permit



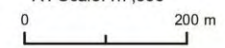
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**MAP 5 - MANGAWHAI CAMP GROUND**

◇ Playground

**Kaipara District Council Dog Control Areas**

- On-leash
- On-leash between 10am and 5pm
- Prohibited

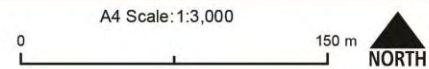


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**MAP 6 - MANGWHAI HEADS SHOPPING COMPLEX**

Playground

**Kaipara District Council Dog Control Areas**

On-leash

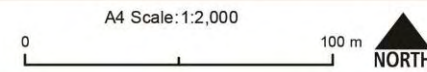


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 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**







**MAP 7 - MANGAWHAI VILLAGE**

**Kaipara District Council Dog Control Areas**

- On-leash
- On-leash between 10am and 5pm

**Department of Conservation Dog Control Zones**

- Prohibited except by permit

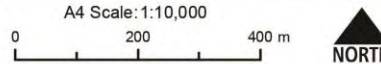


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**MAP 8 - KAIWAKA**

Playground

**Kaipara District Council Dog Control Areas**

On-leash

Recommended Off-Leash Area

**Department of Conservation Dog Control Zones**

Prohibited except by permit

On-Leash

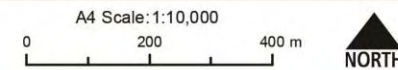


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


**MAP 9 - WHAKAPIRAU**

**Kaipara District Council Dog Control Areas**

 On-leash

**Department of Conservation Dog Control Zones**

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A4 Scale: 1:4,500





**MAP 10 - PAHI**

Playground

**Kaipara District Council Dog Control Areas**

On-leash

**Department of Conservation Dog Control Zones**

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On-Leash

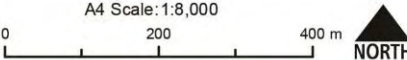


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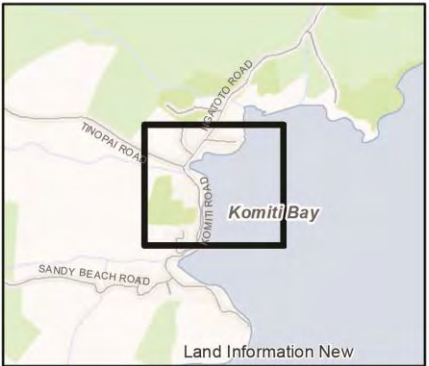


**MAP 11 - TINOPAI**

 Playground

**Kaipara District Council Dog Control Areas**

 On-leash

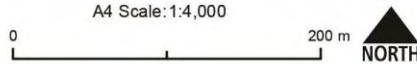


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**MAP 12 - POU TU TE RANGI PA,  
HARDING PARK AND OLD MT  
WESLEY CEMETERY**

**Kaipara District Council Dog  
Control Areas**

- On-leash
- Prohibited



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A4 Scale: 1:5,000







**MAP 13 - DARGAVILLE WATERFRONT**

Playground

**Kaipara District Council Dog Control Areas**

On-leash

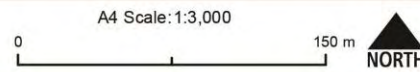


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 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**







**MAP 14 - NORTHERN WAIROA MEMORIAL PARK**

**Kaipara District Council Dog Control Areas**

- On-leash
- Recommended Off-Leash Area

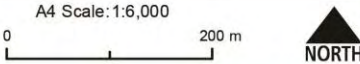


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 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**








**MAP 15 - PAPARUA**

 Playground

**Kaipara District Council Dog Control Areas**

 On-leash

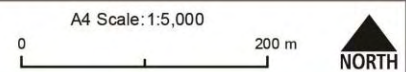


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 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**







**MAP 16 - TE KOPURU**

 Playground

**Kaipara District Council Dog Control Areas**

 On-leash

 Recommended Off-Leash Area



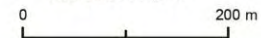
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 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**

A4 Scale: 1:6,000





**MAP 17 - RIPIRO BEACH - POUTO**

**Kaipara District Council Dog Control Areas**

 On-leash

**Department of Conservation Dog Control Zones**

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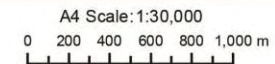


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**MAP 18 - GLINKS GULLY**

 Playground

**Kaipara District Council Dog Control Areas**

 On-leash



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**MAP 19 - BAYLYS**

**Kaipara District Council Dog Control Areas**

 On-leash



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**MAP 20 - KAI IWI LAKES (TAHAROA) AREA**

**Kaipara District Council Dog Control Areas**

 Prohibited

**Department of Conservation Dog Control Zones**

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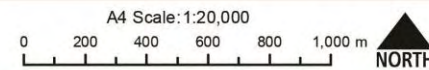


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### MAP 21 - TROUNSON PARK ROAD

#### Kaipara District Council Dog Control Areas

On-leash

#### Department of Conservation Dog Control Zones

Prohibited

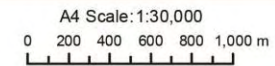
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## KAIPARA DISTRICT POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019







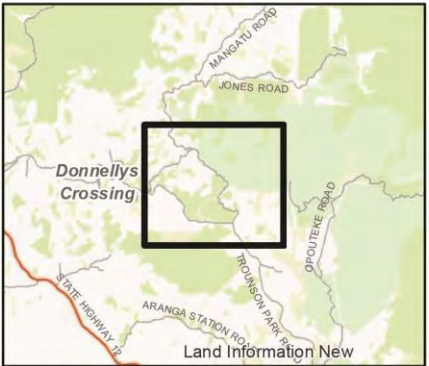
**MAP 22 - MANGATU ROAD**

**Kaipara District Council Dog Control Areas**

 On-leash

**Department of Conservation Dog Control Zones**

 Prohibited

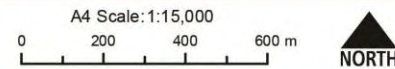


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**MAP 23 - KELLYS BAY**

◇ Playground

**Kaipara District Council Dog Control Areas**

■ On-leash

**Department of Conservation Dog Control Zones**

■ Prohibited except by permit



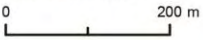
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**MAP 24 - MAUNGATUROTO**

Playground

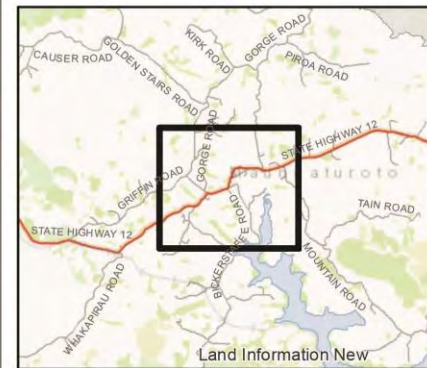
**Kaipara District Council Dog Control Areas**

On-leash

**Department of Conservation Dog Control Zones**

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On-Leash

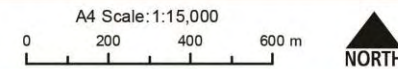


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


**MAP 25 - MANUWHETAI**

**Kaipara District Council Dog Control Areas**

 On-leash

**Department of Conservation Dog Control Zones**

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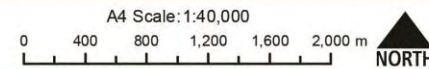


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 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**






**MAP 26 - WAIHAUPAI STREAM**

**Kaipara District Council Dog Control Areas**

 On-leash

**Department of Conservation Dog Control Zones**

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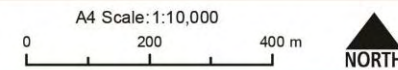


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**KAIPARA DISTRICT  
POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**







**MAP 27 - WAIPOUA SETTLEMENT ROAD, LOOKOUT ROAD, STATE HIGHWAY 12**

**Kaipara District Council Dog Control Areas**

On-leash

**Department of Conservation Dog Control Zones**

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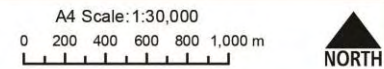


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**MAP 28 - WAOKU ROAD**

**Kaipara District Council Dog Control Areas**

 On-leash

**Department of Conservation Dog Control Zones**

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A4 Scale: 1:35,000  
 0 200 400 600 800 1,000 m





**MAP 29 - MARLBOROUGH ROAD**

**Kaipara District Council Dog Control Areas**

On-leash

**Department of Conservation Dog Control Zones**

Prohibited

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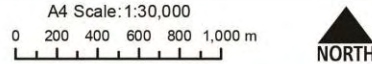


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**KAIPARA DISTRICT  
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**





**This Bylaw is made pursuant to Section 20 of the Dog Control Act 1996 and to the Local Government Act 2002.**

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*Explanatory note: The Dog Management Bylaw 2019 supplements rather than duplicates other dog owner obligations, including but not limited to, the Dog Control Act 1996, Animal Welfare Act 1999 and related codes of welfare, Reserves Act 1977, Conservation Act 1987, Wildlife Act 1953, Resource Management Act 1991 and the Operative Kaipara District Council District Plan.*

*Council's Policy on Dogs 2019 should be read in conjunction with this Bylaw.*

## 1 Former Bylaw Repealed

- 1.1. At the date this Bylaw comes into force, the Kaipara District Council Dog Management Bylaw 2009 shall be repealed.
- 1.2. All approvals, permits and other acts of authority that originated under the Kaipara District Council Dog Management Bylaw 2009 and all applications shall, for the purposes of this Bylaw, continue as if they had originated under this Bylaw.
- 1.3. The revocation of the Kaipara District Council Dog Management Bylaw 2009 shall not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw, and such proceedings may continue to be dealt with and completed.
- 1.4. The Kaipara District Dog Management Bylaw 2019 comes into force on 31 July 2019.

## 2 Interpretation

In this Bylaw, unless the context requires otherwise, the following words and phrases shall have the following meanings:

**'The Act'** unless otherwise stated means the Dog Control Act 1996.

**'Authorised Officer'** means any person authorised by the Council to act on its behalf.

**'The Bylaw'** means the Kaipara District Dog Management Bylaw.

**'Confined'** means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

**'Council'** means the Kaipara District Council.

**'Disability Assist Dog'** shall have the same meaning as given to it by the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: **'Disability Assist Dog'** means a dog certified by one of the organisations listed in Schedule 5 of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability.*

**'District'** means the district of the Kaipara District Council.

**'Leash'** means a restraint capable of restraining the dog and held by a person/fixed to an object physically capable of restraining the dog.

**'Menacing Dog'** means any dog classified as menacing under sections 33A or 33C or 33ED of the Dog Control Act 1996.

**'Moped'** shall have the same meaning as given to it by the Land Transport Act 1998.

*Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read:*

**'Moped'** means a motor vehicle (other than a power-assisted pedal cycle) that has:

- a) 2 or 3 wheels; and
- b) a maximum speed not exceeding 50 kilometres per hour; and
- c) either
  - i. an engine cylinder capacity not exceeding 50 cc; or
  - ii. a power source other than a piston engine.

**'Motorcycle'** shall have the same meaning as given to it by the Land Transport Act 1998.

*Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read: 'Motorcycle'*

- a) means a motor vehicle running on two wheels, or not more than three wheels when fitted with a sidecar; and
- b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the NZ Transport Agency; but
- c) does not include a moped.

**'Motor Vehicle'** shall have the same meaning as given to it by the Land Transport Act 1998.

*Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read:*

**'Motor Vehicle'**

- a) means a vehicle drawn or propelled by mechanical power; and
- b) includes a trailer; but
- c) does not include:
  - i. a vehicle running on rails; or
  - ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
  - iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
  - iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
  - v. a pedestrian-controlled machine; or
  - vi. a vehicle that the NZ Transport Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
  - vii. a mobility device

**'Neutered Dog'** means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

**'Nuisance'** has the same meaning as defined in section 29(k) of the Health Act 1956.

*Explanatory Note: As at 30 May 2019, the definition in section 29(k) of the Health Act 1956 read: 'Nuisance' means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health.*

**'Off-Leash and Under Control'** means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**'On-Leash'** means that a dog is kept under control by means of a leash which is attached to the dog so that the dog cannot break loose, and which is tethered to an immovable object or held by a person physically capable of restraining and controlling the dog.

**'Owner'** in relation to any dog, shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Owner' in relation to any dog, means every person who:*

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who:
  - i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
  - ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

**'Premises'** means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

**'Public Place'** shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Public Place'*

- a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and

- b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**'Quad bike'** means a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.

**'Road'** shall have the same meaning as in section 315 of the Local Government Act 1974.

*Explanatory Note: As at 30 May 2019, the definition in section 315 of the Local Government Act 1974 read: 'Road' means the whole of any land which is within a district, and which:*

- a) immediately before the commencement of this Part [Part 21 of the Local Government Act 1974] was a road or street or public highway; or
- b) immediately before the inclusion of any area in the district was a public highway within that area; or
- c) is laid out by the Council as a road or street after the commencement of this Part [Part 21 of the Local Government Act 1974]; or
- d) is vested in the Council for the purpose of a road as shown on a deposited survey plan; or
- e) is vested in the Council as a road or street pursuant to any other enactment;

and includes:

- f) except where elsewhere provided in this Part [Part 21 of the Local Government Act 1974], any accessway or service lane which before the commencement of that Part was under the control of any council or is laid out or constructed by or vested in any council as an accessway or service lane or is declared by the Minister of Works and Development as an accessway or service lane after the commencement of this Part or is declared by the Minister of Lands as an accessway or service lane on or after 01 April 1988;
- g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989.

**'Rural'** means any land zoned Rural, Maori Purposes: Maori Land or Maori Purposes: Treaty Settlement Land in the Operative Kaipara District Plan.

**'Under Control'** in relation to a dog, means that the owner or person appearing to be in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

**'Urban'** means land zoned residential, commercial or industrial in the Operative Kaipara District Plan.



**'Working Dog'** shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Working Dog' means:*

- a) any disability assist dog;
- b) any dog:
  - i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
  - ii) kept solely or principally for the purposes of herding or driving stock; or
  - iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
  - iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
  - v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
  - vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
  - vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
  - viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
  - ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

### 3 Exemptions

3.1 Disability Assist Dogs are exempt from prohibitions on Dog Access Areas under Clause 4.

3.2 Working Dogs are exempt from restrictions and prohibitions on Dog Access Areas (Clause 4) and Confinement of Dogs (Clause 7), if they are being used for the purpose for which they are kept.

### 4 Dog Access Areas *Dog Control Act 1996 s 20(1)(a-d)*

4.1 Every person in charge of a dog must ensure that the dog does not enter or remain in any place identified as a Prohibited Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

4.2 Every person in charge of a dog must ensure that the dog is kept on a leash and under control in any place identified as an On-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

4.3 Every person in charge of a dog must ensure that the dog is kept under control in any area identified as an Off-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

### 5 Changes to Dog Management Bylaw *Dog Control Act 1996 s 10(7), (8), & (8A)*

5.1 This Bylaw may be amended at any time using the "special consultative procedure" under the Local Government Act 2002 and must be amended to be consistent with any amendment to the Council's Policy on Dogs.

### 6 Shelter and Housing *Dog Control Act 1996 s 20(1)(e)*

6.1 Dogs must have access to dry and shaded shelter. This:

- a) applies when a dog is on land or premises owned or occupied by the dog's owner or the person in charge of the dog; but
- b) does not apply when a dog is temporarily tethered or confined.

6.2 When keeping a dog in accordance with sub-clause 6.1, the owner of, and every person in charge of, the dog must:

- a) ensure that the dog has access at all times to an area (a lying area) that:
  - i. is large enough to allow the dog to stand up, turn around, and lie down in a natural position;
  - ii. is fully shaded;
  - iii. is dry;
  - iv. is ventilated; and
  - v. provides the dog with protection from extremes of heat and cold;
- b) ensure that the dog has access at all times to water;

- c) ensure that the dog has access at all times to an area in which to urinate and defecate away from its lying area; and
- d) ensure that faeces or urine do not accumulate in any area in which the dog is kept.

7 Confinement of Dogs *Dog Control Act 1996 s 20(1)(g)*

7.1 The person in charge of a dog shall, from half an hour after sunset until half an hour before sunrise, keep the dog tied up or otherwise confined, unless the dog is on a leash or under continuous control.

8 Removal of Faeces *Dog Control Act 1996 s 20(1)(h)*

8.1 The person in charge of a dog that defecates in a public place or on private land or premises where the occupier does not consent, must immediately remove the faeces and hygienically dispose of it e.g. by placing it in an appropriate waste container.

8.2 This clause does not apply to working dogs if they are being used for the purpose for which they are kept and are not within an urban area, beach or Council administered reserve.

8.3 It is not a requirement that an Authorised Officer sight the offence being committed when issuing an infringement under Clause 8 of this bylaw. If there is sufficient evidence based on a member of the public witnessing the event, Council may infringe the owner of that dog under the Act.

*Explanatory Note:* Clause 8 does not apply to land or premises occupied by the owner of the dog and which is not a public place.

9 Bitches in Season *Dog Control Act 1996 s20(1)(i)*

9.1 No bitch in season is permitted in any public place, other than when being transported to a registered veterinary clinic for treatment.

9.2 Every person in charge of a bitch in season must ensure that the bitch is confined but adequately exercised on private land or premises.

10 Impounding *Dog Control Act 1996 s20(1)(j)*

10.1 An Authorised Officer may impound any dog:

- a) that is unattended in a public place and which is causing a nuisance, disturbance or distress.
- b) straying in a public place or onto private property, whether or not it is causing a nuisance, disturbance or distress.
- c) that is not confined and is not under the immediate control of its owner.

10.2 Full compliance with the Act, Council's Policy on Dogs and Council's Dog Management Bylaw is required before any dog may be released from impoundment. For avoidance of doubt, this includes the neutering of menacing dogs as required by Council's Policy on Dogs.

11 Neutering

*Dog Control Act 1996 s 20(1)(k)&(l)*

11.1 Any dog owned by an owner classified as Probationary under the Act must be neutered.

11.2 Where any dog has been impounded on more than two occasions, Council will require the neutering of that dog prior to the dog's release from the pound.

12 Dogs In or On Vehicles

*Dog Control Act 1996 s 20(1)(l)*

12.1 A person who leaves a dog in a stationary vehicle must ensure that the dog does not display signs of shade-seeking behaviour, as well as one or more of the following signs consistent with heat stress:

- a) excessive panting;
- b) excessive drooling;
- c) hyperventilation.

Shade-seeking means that the dog is compulsively seeking out and placing, or attempting to place, itself in the shadiest, coolest part of the vehicle that it can access.

12.2 The owner of, and every person in charge of, a dog transported on the open deck or open trailer of a moving motor vehicle (other than a moped, a motorcycle, or a quad bike) on a public road must:

- a) ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage); and
- b) if the dog is secured by a tether, ensure that the tether is short enough to prevent the dog's legs from reaching over the sides of the open deck of the vehicle or open trailer, but long enough to allow the dog to stand or lie down in a natural position.

12.3 Clause 12.2 does not apply when working dogs are unsecured on the open deck or open trailer of a moving motor vehicle on a public road while involved in driving or managing livestock (for example, when moving livestock from one paddock to another that is down the road).

12.4 No person shall leave a dog in or on any unattended motor vehicle unless that person takes measures to render it impossible for the dog to leave the vehicle, or cause a nuisance to the public.

13 Diseased Dogs

*Dog Control Act 1996 s 20(1)(l)*

13.1 No dog infected with a contagious disease may be permitted in any public place.

13.2 Every person in charge of a dog must ensure that any dog infected with a contagious disease is confined on their land or premises in such a manner that it cannot leave the land or premises, other than when being transported to a registered veterinary clinic for treatment.

14 Nuisance

*Dog Control Act 1996 s 20(1)(f, l)*

14.1 No person shall cause any dog to become unmanageable or aggressive.

14.2 A person must not keep a dog on any land or premises if the dog causes any nuisance or disturbance, is injurious to health, or prevents lawful access to land or premises.

14.3 A person in charge of a dog must ensure that when the dog is accommodated and/or confined on a property the dog is prevented from entering into or onto any adjoining land.

14.4 If any dog causes any nuisance or disturbance or is injurious to health, an Authorised Officer may, by notice in writing, require within a specified time the owner of the dog to:

- a) reduce the number of dogs kept on the owner's premises;
- b) construct, reconstruct, alter or otherwise improve the kennels or other accommodation used to house, contain or restrain the dog;
- c) require the dog to be tied up or otherwise confined during specified periods;
- d) take action to minimise or resolve the nuisance.

*Explanatory note:* Excessive barking or howling shall be addressed under section 55 of the Dog Control Act 1996, not this bylaw.

15 Number of Dogs

*Dog Control Act 1996 s 20(1)(f)*

15.1 No more than two dogs may be kept at an urban property, unless a permit to do so has been applied for on the prescribed form and upon payment of the prescribed fee and granted by the Council. Council may specify conditions when granting a permit allowing more than two dogs on an urban property. Approval of such permit will be at Council's discretion.

15.2 The Council may by resolution fix a fee for a permit issued in respect to sub-clause 15.1. Such fee shall be additional to any Registration Fees.

15.3 Where a dog owner is in breach of sub-clause 15.1 or a permit or condition of a permit issued in respect to sub-clause 15.1, Council may impound any additional dogs on the property. This may be extended to include a bitch in whelp where this is deemed necessary for the well-being of the puppies.

*Explanatory note:* Conditions of a permit issued in respect to sub-clause 15.1 may include but are not limited to:

- A limit on the period of time for which the permit is valid;
- The right to revoke or review the permit at any time; and
- Requirements to meet all of the dogs' physical needs.

16 Offences and Penalties

- 16.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the Act and the Local Government Act 2002.

DRAFT





## Delegations Register update June 2019

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 June 2019  
**Reporting officer:** Louise Miller, Chief Executive

### Purpose/Ngā whāinga

To update some statutory functions of the Chief Executive to delegated authorities within Kaipara District Council.

### Executive summary/Whakarāpopototanga

This Report seeks Council approval to amend the Delegations Register, for the following reasons:

- 1 Reflecting the new policy team job titles and appropriate delegations to these job positions under the RMA. These amended delegations will also avoid operational matters going to Council for decisions which can legally and more effectively be dealt with at a staff level.
- 2 Kaipara District Council's (KDC) Environmental Health (EH) accreditation as a registered authority under the Food Act 2014 (similar to the Building Control Authority (BCA)) requires Delegation Register updates to be more specific regarding delegated responsibilities.
- 3 Increasing General Manager delegated authority from \$50,000 to \$100,000 to approve expenditure for procurement and contract delivery to concur with the KDC Procurement and Contract Management Manual.  
  
Updating Finance expenditure and contract approval lines to exclude Northland Transportation Alliance (NTA) as they have their own delegation levels already approved by Council.
- 4 Updating the Protected Disclosures Act 2000 function area to be the Chief Executive, with delegation to all General Managers, a change due to KDC structure.
- 5 Updating the Chief Executive Financial Delegations to replicate the Procurement and Contract Management Manual, increasing the expenditure ranges and adjusting the procurement requirements.

### Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the revisions to the Delegation Register as specified in the three referenced documents circulated as Attachments A, B and C to the 'Delegations Register Update June 2019' report.

### Context/Horopaki

Delegations ensure Council is operating in a compliant, timely and effective manner when undertaking business as usual operations.

The Chief Executive holds ultimate responsibility for the decision-making delegated.

The Delegations in the current form were first adopted by Council on 28 October 2014. An Officer Delegations Policy and Delegations Register was approved by Council at that time.

The Delegations Register details the ability of the Chief Executive to undertake day to day matters relating to Council with reference to statutory provisions and/or functions efficiently. Any and all amendments, additions or deletions to the statutes or functions undertaken by the Chief Executive under delegation must be authorised by Council resolution.

Council delegations were last updated in July 2018 when changes were made to a number of job titles, and insertion of a new delegation under the Local Government Act 2002, Schedule 7 Clause 32(5), to allow a local authority to delegate to any local authority, organisation or person the enforcement, inspection, licensing and administration related to bylaws and other regulatory matters.

## Discussion/Ngā kōrerorero

### Options

Option A: Approve the proposed delegation updates, noted in the Executive Summary, comprising of:

- Item 1 - new policy team job titles and appropriate delegations for these roles enabling decision-making relevant to capability.
- Item 2 - the new Food Act 2014 and our Environmental Health role in the community. KDC's Environmental Health (EH) accreditation as a registered authority under the Food Act 2014 (similar to the BCA) has involved a formal assessment audit by the Joint Accreditation System of Australia, New Zealand authority (JAS-ANZ) to achieve this accreditation as a food health authority.

A key component of the Environmental Health Quality Management System (QMS) is the need for a Delegation Register, which has required an amendment to the powers of authority including the following, based on the team structure in place for EH:

- Change Statute or Function from 'Food Act 1981 (this Act remains in force, but it is to be repealed from 01 March 2016, or on an earlier date to be appointed by Order in Council, by section 420(2) Food Act 2014)', to 'Food Act 2014'.
- Change Chief Executive Delegation from 'Regulatory Manager, Team Leader Regulatory' to 'Regulatory Manager, Environmental Health Officer'.
- Item 3 - empowering General Managers with greater decision-making and increased procurement pricing sign off relevant to their capability and department function. To support this KDC has in place a Risk Management Policy and Framework which is consulted to assess the risk for procurement activities, and before undertaking, procurement related risk management processes.
- Item 4 – this was originally delegated to the General Manager Corporate Services therefore simply an organisation structure change.
- Item 5 – as item 3, and replicates the Procurement and Contract Management Manual which has been in effect since 2014.

Option B: Decline the delegation updates and the Delegations Register functions will remain inconsistent with Council's Procurement and Contract Management Manual, changes in structure will not be reflected in our delegations, and the current CE Delegations and CE Financial Delegations continue to be highly administrative for the Chief Executive.

### Financial implications

There is no direct financial impact to Council as a result of approving the update to internal processes associated with these delegations. All budgets associated with any operational and capital spending are approved through the Annual Planning, Long Term Planning or approved forecasting and is undertaken in compliance with the Procurement and Contract Management Manual.

## Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

## Next steps/E whaiake nei

When approved, these changes will be formally updated and in the Delegation Register distributed to the Executive Team for continued compliance and review.

## Attachments/Ngā tapiritanga

Number	Detail of delegation change for approval
A	M&C 20190627 delegations update Att A
B	M&C 20190627 delegations update Att B
C	M&C 20190627 delegations update Att C

Jackie Waymouth, 14 June 2019



Delegations pursuant to section 34A of Resource Management Act 1991				
Pursuant to Section 34A(1) of the Act the Kaipara District				
Abbreviations: General Manager Regulatory Planning and Policy (GMRPP), Policy and Planning Manager (PPM), Regulatory Manager (RM), Planning Team Leader (PTL), Principal Planner, Senior Planner, Senior Resource Planner, Planner, Graduate Planner (P), Regulatory Officer (RO), Planning Technical Support Officer (PTSO), Land Information Memorandum Officer (LIMO), Monitoring and Compliance Team Leader (MCTL), Policy Manager (PM), Senior Policy Analyst (SPA), Senior Policy Planner (SPP), Policy Analyst (PA), Policy Planner (PP), District Planner (DP)				
Section	Description	Delegated to	Recommended Action	Additional Consideration
10(2)	Grant an extension of time.	GMRPP, PPM, , PTL, P, PM		
32(1) and (2)	Evaluate practical option, assess efficiency and effectiveness and reasons as well as benefit for economic social and cultural effects as well as economic growthy and employment advantages.	GMRPP, PA, DP, SPA, SPP, PP, PPM, PM	Add this section	confirm delegation
32(3)	Carry out an evaluation (if a new proposal will amend an existing proposal) to examine the provisions and objectives of the amending proposal and the extent to which objectives of the existing proposal are relevant to the objectives of the amending proposal and would remain if the amending proposal were to take effect.	GMRPP, PA, DP, SPA, SPP, PP, PPM, PM	confirm delegation	
32(4)	Be satisfied that the evaluation has adequately taken into account the benefits and costs of policies, rules or other methods, and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other matters.	GMRPP, SPA, PP, DP, SPA, SPP, PPM, PM	confirm delegation	
32(5)	Make evaluation report available for public inspection as soon as practicable after the proposal is made (in the case of a standard or regulation) or at the same time as document is publicly notified.	GMRPP, PA, PP, DP, SPA, SPP, PPM, PM	confirm delegation	
34A (1) and (1A)	Delegation to employees Commissioners and lwi consultation on commissioners	To be Determined	add section, Determine delegation	Commissioners role and function dealt with seperately
35(2)(b)	Gather information and undertake or commission research as necessary to monitor the efficiency and effectiveness of policies, rules, or other methods in the District Plan.	GMPR, GMC, SPA, SPP, PP, MRC, TLRC, RM, PM	confirm delegation	
35(2)(d)	Monitor the exercise of the resource consents that have effect in the Kaipara district.	GMRPP, PA, DP, SPA, SPP, PPM, PTL, RM, PM, P, MCTL, PP	confirm delegation	
35(2A)	Compile and make available to the public a review of the results of monitoring under subsection (2)(b) at intervals of not more than five years).	GMRPP, MCTL, PPM, PTL, P, PP		
36(5)37(7), 36AAB(1)	Remit the whole or any part of a charge of the kind referred to in section 36.	GMRPP, PPM, PTL, P, PA, DP, SPA, SPP, PM	Replace section with - 37(7), 36AAB(1), confirm delegation	Incorrect section applied
36(3)-36(5)	Require payment of additional charge where fixed charge inadequate to recover actual and reasonable costs.	GMRPP, RO, PPM, PM	Not delegated section - or section should be should be replaced with section 36(5) confirm delegation.	Has to follow LGA procedure Do we have proof in terms of 36AAA that KDC complies
36(3A)-	Provide an estimate of additional charge, on request.	GMRPP, RO, PPM, PTL, PP, RM	Replace With 36(6)	This section has been repealed
36AAB(2)	Ability not to perform an action to which a charge relates until charge has been paid	GMRPP, RO, PPM, PM	Add this section	Confirm delegation
37(1)	Extend or waive compliance with a time limit specified in the Act or in regulations . Note: section 37A places constraints upon waivers and extensions of time.	GMRPP, RO, PPM, PTL, P, PTSO, RM		
37(2)(a)	Waive compliance with procedural requirements and requirements to provide information where there are inaccuracies or omissions. Note: section 37A places constraints upon waivers and extensions of time.	GMRPP, RO, PPM, PTL, PA, PM		
37A(6)	Determine and notify those persons who are directly affected by the extension or waiver of compliance with a time limit, method of service or service of a document.	GMRPP, RO, PPM, PTL, P,PA, PM		

Section	Description	Delegated to	Recommended Action	Additional Consideration
38	Authorise and supply a warrant to carry out the following functions and powers as an enforcement officer: 1. Direct a person to give his or her name and address; and to give the name and address and whereabouts of any other person on whose behalf the person is breaching or has breached the obligations under Part 3 of the Act – section 22. 2. Issue and serve an abatement notice – section 322. 3. If a person against whom an abatement notice is given under section 322(1)(c) fails to comply with the notice, exercise the powers of entry and enforcement conferred by section 323. 4. Issue an excessive noise direction pursuant to section 327. 5. Request a constable, pursuant to section 327, to issue an excessive noise direction.	GMRPP, MCTL, PPM, PTL, RM		

Section	Description	Delegated to	Recommended Action	Additional Consideration
	6. If a person against whom an excessive noise direction is made fails to comply immediately with that notice, to enter (accompanied by a constable) the place without further notice and, with such assistance as is reasonably necessary, enforce compliance with the notice by any of the means specified in section 328(3), (4), (5), and (6). 7. Apply for a warrant pursuant to section 334, and execute any warrant issued pursuant to section 332. 8. Exercise the power of entry for inspection, and to take samples pursuant to section 332. 9. Exercise the power of entry for inspection, and to take samples pursuant to section 333. 10. Issue an infringement notice.			
41B	Authority to direct that evidence be provided before the hearing	GMRPP, PPM, PTL, RM,PM,DP, SPA, SPP	Add this section	Confirm delegation
41C(1)	Authority to direct certain procedural aspects of the hearing before or at the hearing	GMRPP, PPM, PTL, RM,PM,DP, SPA, SPP Hearings Commissioners	Add this section	Confirm delegation
41C(2)	Authority to request a party who made a submission to provide further evidence before or at the hearing	GMRPP, PPM, PTL, RM,PM,DP, SPA, SPP Hearings Commissioners	Add this section	Confirm delegation
42D	The authority to strike out submissions	GMRPP, Hearings Commissioners	Add this section	Confirm delegation
42(1)(a)	Protection of sensitive Maori information	GMRPP, Iwi Liaison, IT GIS, PPM, RM,PM	Add this section	confirm delegation - With agreement from Mana Whenua on what can be made public
42(1)(b)	Protection of sensitive information commercial	GMRPP, MCTL, PPM, PTL, RM,PM	Add this section	confirm delegation
42(2) 42(2)(a)	Make an order that a hearing be held with the public excluded.	GMRPP, MCTL, PPM, PTL, RM, PM	amend section, confirm delegation	Both descriptions
42(2)(b)	Make an order prohibiting or restricting the publication or communication of any information supplied or obtained in the course of any proceedings.	GMRPP, MCTL, PPM, PTL, RM, PM	amend section, confirm delegation	currently sitting under 42(2)
42A(1AA)	Require an officer or commission a consultant or any other person to prepare a report on information provided on any matter described in section 39(1) by the applicant or any person who made a submission.	GMRPP, MCTL, PPM, PTL, RM, PM, DP, SPA, SPP	confirm delegation	
42A(5)	Waive requirement to provide copy of report or give notice that it is available at the office.	GMRPP, MCTL, PPM, PTL, RM, PM, DP, SPA, SPP	confirm delegation	
86B(1)(b), (2)(b) and (4)	Notification of legal effect of rules or if rescinded through clause 10(4) of Schedule 1	GMRPP, MCTL, PPM, PTL, RM, PM	Add this section	Confirm delegation
86C(2)	Notification of decision to rescind rules related to immediate legal effect	GMRPP, MCTL, PPM, PTL, RM, PM,DP, SPA, SPP	Add this section	Confirm delegation
86D(2)	Make application to the Environment Court for a rule to have legal effect from a date other than the date on which the decision on submissions relating to the rule is made and publicly notified under clause 10(4) of Schedule 1.	GMRPP, MCTL, PPM, PTL, RM, PM	confirm delegation	
87E	Make decision to return, decline or grant a request to transfer to the Environment Court an application for resource consent or application for a change or cancellation of consent condition.	GMRPP, MCTL, PPM, PTL, RM		
88(3) & 149Z(2)	Determine that an application is incomplete and return the application to the applicant, with written reasons for the determination. However if the matter is referred under section 149Y(3), the application must be treated as if— (a)it had been made to the local authority under section 88(1); and (b)it had been lodged on the date that the local authority received notification from the EPA under section 149Y(3); and (c)section 88(3) did not apply to the application.	GMRPP, RO, PPM, PTL, P		



Section	Description	Delegated to	Recommended Action	Additional Consideration
87BA	Determine that activity meets the criteria for a consent exemptions for a permitted 'boundary activities' and issue notices for permitted 'boundary activities'.	GMRPP, RO, PPM, PTL, P		
87BB	Determine that an activity meets the criteria for a consent exemption for a permitted 'maginal or Temporary activities' and issue notices for permitted 'marginal and temporary activirties'.	GMRPP, RO, PPM, PTL, P		
91(1)	Determine not to proceed with the notification or hearing on an application for a resource consent.	GMRPP, RO, PPM, PTL		
91(2)	Notify the applicant of the determination.	GMRPP, PA, RO, PPM, PTL, P		
92(1)	Request the applicant for the consent to provide further information relating to the application.	GMRPP, RO, PPM, PTL, P, PP		
92(2)	Determine if the activity for which the resource consent is sought may have a significant adverse environmental effect. Commission a person to prepare a report on any matter relating to an application in particular circumstances.	GMRPP, RO, PPM, PTL, P		
92(3)	Council must notify the applicant, in writing, of its reasons for: (a) requesting further information under subsection (1); or (b) wanting to commission a report under subsection (2).	GMRPP, RO, PPM, PTL, P		
92A(2)	Decide a reasonable time limit to provide the information and notify the applicant of it.	GMRPP, PPM, PTL, P		
92A(3)	Determine an application under section 104 even if applicant does not respond to section 92(1) request.	GMRPP, PPM, PTL		
92B(2)	Determine an application under section 104 even if applicant does not respond under subsection(1) or agree to commissioning of report.	GMRPP, PPM, PTL		
95	Determine whether to notify an application.	GMRPP, PPM, PTL		
95A & 95D	-Determine whether to publicly notify resource consent application; <sup>2</sup> and -Determine whether an activity will have or is likely to have adverse effects on the environment that are more than minor	GMRPP, PPM, PTL, P		
95B & 95E	Determine whether there are any affected persons in relation to an activity.	GMRPP, PPM, PTL, P		
95B & 95F	Determine whether there are any affected protected customary rights groups in relation to an activity.	GMRPP, PPM, PTL, P		
98	Provide the applicant with a list of all submissions received.	GMRPP, PPM, RO, PTSO, PTL, P		
99	Determine if Council should have a pre-hearing meeting.	GMRPP, RO, PPM, PTL, P, PTSO		
99(1)	Invite or require a consent applicant and some or all of the persons who have made submissions on the application to attend a meeting.	GMRPP, RO, PPM, PTL, P, PTSO		
99(4)(a)	Determine if the person who has the power to make the decision on the application that is the subject of the meeting should be able to attend and participate.	GMRPP, RO, PPM, PTL, P		
99A	Refer to mediation a resource consent applicant and some or all of the persons who have made submissions on the application.	GMRPP, RO, PPM, PTL, P		
100	Determine if a hearing is required.	GMRPP, RO, PPM, PTL, P		
101	Organise the commencement date and time and the place of the hearing and notify parties.	GMRPP, PPM, RO, PTL, P, PTSO		
102(1)(a)	Determine (with the other authorities) whether a joint hearing is unnecessary.	GMRPP, RO, PPM, PTL, P		
103(1)(a)	Determine if the applications are sufficiently unrelated so that it is unnecessary to hear and decide the applications together.	GMRPP, PPM, PTL, P		
104(6)	Decline an application for a resource consent where information is inadequate to determine application.	GMRPP, PPM, PTL		
104A-D, 105, 106, 107, 108, 108A, 149Z and 220	Decisions on applications for resource consents that are not notified under section 95A, and for which notice is not required to be served under section 95B; or for applications notified under section 95A, or where notice is required to be served under section 95B when:	GMRPP, PPM, PTL, P		

Section	Description	Delegated to	Recommended Action	Additional Consideration
	<ul style="list-style-type: none"> <li>No submissions have been received, or</li> <li>No request is made for a hearing, or</li> <li>The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed and, therefore, they no longer want to be heard.</li> </ul>			
108A(3)	Determine that an adverse effect may continue or arise after the expiration of a resource consent and require that the bond continue for a specified period.	GMRPP, RO, PPM, PTL, MCTL, RM		
109(4)	Extend bond period.	GMRPP, RO, PPM, PTL, MCTL, RM		
114 115	Serve notice of decision.	GMRPP, RO, PPM, PTL, P		
124(3)	Determine that holder of resource consent, who has applied for new consent, continue to operate under existing resource consent.	GMRPP, RO, PPM, PTL		
125(1A)(b)	Determine an application for an extension.	GMRPP, PPM, PTL		
126	Cancel a resource consent by written notice served on the consent holder. Revoke a notice to cancel a resource consent and state a period after which a new notice may be served.	GMRPP, PPM, PTL		
127 & 149Z(8)	Determine an application to change or cancel a condition of a resource consent. However if the matter is referred under section 149Y(3), the application must be treated as if it had been— (a) made to the local authority under section 127; and (b) lodged on the date that the local authority received notification from the EPA under section 149Y(3).	GMRPP, PPM, PTL		
128 130	Serve notice of intention to review conditions of a resource consent. Determine whether a review needs to be notified.	GMRPP, MCTL, PPM, PTL, RM		
132	Change conditions of resource consent on a review. Cancel a resource consent following a review.	GMRPP, PPM, PTL, MCTL, RM		
133A	Issue an amended consent that corrects minor mistakes or defects in the consent.	GMRPP, PPM, PTL		
138	Accept or refuse to accept the surrender of a resource consent.	GMRPP, PPM, PTL		
139	Issue or decline to issue a certificate of compliance. Determine that further information is necessary to determine whether the activity can be lawfully done in the particular location without a resource consent complies with the plan and requires an applicant for a certificate of compliance to provide further information relating to the request.	GMRPP, PPM, PTL		
139A	Issue existing use certificates. Determine information needed to decide whether to issue the certificate. Require an applicant to provide any further information needed. Revoke an existing use certificate.	GMRPP, PPM, PTL		
142(1)(b)	Request Minister to make a direction for a matter lodged with Council.	GMRPP		
142(4)	Provide views to the Minister on a request for a matter of national significance to be called in and indicate Council's capacity to process the matter.	GMRPP		
145(2), (3) or (4)	Lodge a matter with the Environmental Protection Authority	GMRPP		
147(4)	Provide views to the Minister on a recommendation from the Environmental Protection Agency and indicate Council's capacity to process the matter.	GMRPP		
149	Respond to request from Environmental Protection Authority for further information.	GMRPP, PA, DP, SPA, SPP, PP, PPM, PM	confirm delegation	
149B	Provide Environmental Protection Authority with required information.	GMRPP, PA, DP, SPA, SPP, PP, PPM, PM	confirm delegation	
149E & 149F	Make submission and further submissions to the Environmental Protection Authority.	GMRPP, PPM, PM		

Section	Description	Delegated to	Recommended Action	Additional Consideration
149G(3)	Prepare report when commissioned by Environmental Protection Authority.	GMRPP, PA, DP, SPA, SPP, PP, PPM, PM	confirm delegation	
149I(1)	Withdraw a change or variation.	GMRPP, PA, DP, SPA, SPP, PM	confirm delegation	
149K(2)	Suggest members for a Board of Inquiry.	GMRPP		
149M(3)	Provide Council views to Board of Inquiry on whether the Board ought to accept or reject a request.	GMRPP		
149M(4)(b)	Prepare proposed plan or change.	GMRPP, PM		
149O(3)(a)	Make submission on proposed plan or plan change.	GMRPP, PPM, PM		
149Q	Make comments on minor or technical aspects of draft report from Environmental Protection Authority.	GMRPP, PPM, PM		
149W(2)(a)	Implement decision of Board of Inquiry or Environment Court about proposed regional plan or change or variation (Note: section 149W(b) & (c) may only be delegated to a relevant Council committee).	GMRPP, PM		
149ZC	Make submission to Environmental Protection Authority.	GMRPP, PPM, PM		
149ZD(1)	Determine whether to recover from an applicant actual and reasonable costs incurred by Council in complying with Part 6AA of the Resource Management Act 1991.	GMRPP, PPM, PM		
149ZD(7)	Object to requirement to pay costs under section 149ZD.	GMRPP, PM		
168	Give notice of a requirement for a designation. Withdraw a requirement for a designation.	NOT DELEGATED GM infrastructure	confirm delegation	
168A & 149Z(4)	Process and decide on Notice of Requirement by Council when: <ul style="list-style-type: none"> <li>No submissions have been received, or</li> <li>No request is made for a hearing, or</li> <li>The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard.</li> </ul> However if the matter is referred under section 149Y(3), the local authority must instead comply with section 168A or 181 (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	GMRPP, DP, SPA, SPP, PA, PP, PPM, PTL, PM	confirm delegation	
168A	Notify a requirement in accordance with sections 95A to 95G.  Confirm, modify, impose conditions upon or withdraw a requirement.	PA, GMRPP, RO, PPM, PTL, PM		
169	Process of further information requests, notification, submissions and hearing apply to the notice of requirement.	GMRPP, PPM, PTL, P, PM		
170	Consent to requirement being included in proposed plan.	GMRPP, PPM, PM, DM	confirm delegation	
171	Recommend that a requirement be confirmed, modified, subject to conditions, or withdrawn.	PPM, GMRPP, PM		
172	Accept, modify or reject a recommendation under section 171 or modify a requirement	GMRPP, PPM, PM		
173(1)	Serve a notice of decision and a statement of the time within which an appeal against the decision may be lodged on  (a) persons who made a submission; and (b) landowners and occupiers directly affected by the decision.	GMRPP, PPM, PTL, PM		
174	Initiate an appeal against a decision of a requiring authority.	GMRPP, PPM, PM		
175(2)	Incorporate the designation into the District Plan without using Schedule 1	GMRPP, PPM, PM, DP, SPA, SPP	add section, confirm delegation	
176(1)(b)	Authority to provide written consent as Requiring Authority for Council designations	GM Infrastructure	add section, confirm delegation	
176A	Consider an outline plan of any public work, project or work to be constructed on designated land and request changes before construction is commenced. Waive requirement for an outline plan.	GMRPP, RO, PPM, PTL, P, PM		

Section	Description	Delegated to	Recommended Action	Additional Consideration
181 & 149Z(4)	Alter a designation in the district plan or a requirement in a proposed district plan. However if the matter is referred under section 149Y(3), the local authority must instead comply with section 168A or 181 (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	PPM, GMRPP, DP, SPA, SPP, PP, PM	confirm delegation	
182(2) and (5)	Remove or refuse to remove part of a designation or heritage order.	PPM, GMRPP, PM	amend section, Change wording to <i>Remove or object to remove part of a designation or heritage order .(can not refuse can only object)</i>	incorrect section
184 and 184A	Consent to extension of designation.	PPM, GMRPP, PM	add section, Change Wording - <i>Lapsing and</i> consent to extension of designation.	description requires both sections
189	Give notice of a requirement for a heritage order.	PPM, GMRPP, PM		
189A & 149Z	Process, determine notification and decide on notice of requirement for a heritage order by Council when: <ul style="list-style-type: none"> <li>• No submissions have been received, or</li> <li>• No request is made for a hearing, or</li> <li>• The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard.</li> </ul>	PA, DP, SPA, SPP, PP, PPM, GMRPP, PM	confirm delegation	
190	Decide on whether to notify a notice of requirement for a heritage order. Process further information requests, notification, submissions and hearing apply to the notice of requirement.	PA, DP, SPA, SPP, PP, PPM, GMRPP, PM	confirm delegation	
190	Notify a requirement.	GMRPP, PA, PPM, PM, DP, SPA, SPP	confirm delegation	
191	Recommend that a requirement be confirmed (with or without conditions) or withdrawn.	GMRPP, PA, PPM, PM, DP, SPA, SPP	confirm delegation	
192	Powers under sections 172, 170, 173, 174, 175 and 180 which apply to designations apply in respect of notice of requirement for a heritage order.	GMRPP, PA, PM, PM, DP, SPA, SPP	confirm delegation	
193	Consent to do anything that would wholly or partly nullify the effect of the heritage order.	GMRPP, PA, PPM, PM, DP, SPA, SPP	confirm delegation	
193A	As authority responsible for earlier order or designation, consent to heritage protection authority responsible for later heritage order to do anything in accordance with that heritage order. Authority responsible for earlier order or designation may do anything in accordance with earlier order or designation without prior consent.	GMRPP,PA, PPM, PM, DP, SPA, SPP	confirm delegation	
195A & 149Z(6)	Alter heritage order (applies to both applications to and those by Council). However if the matter is referred under section 149Y(3), the local authority must instead comply with section 189A or 195A (as the case may be), with all necessary modifications, as if it had decided to issue the notice of requirement under that section on the date that the matter was referred to it.	GMRPP, PPM, PA, PM, DP, SPA, SPP	confirm delegation	
198C	Determine request under section 198B.	GMRPP, PPM, PA, PM, DP, SPA, SPP	confirm delegation	
198D (3)(4) & (5)	Prepare and serve report on requirement.	GMRPP, PPM, PA,PM, DP, SPA, SPP	confirm delegation	
198E(4)	File section 274 notice in respect of a notice of motion lodged with the Environment Court.	PPM,GMRPP, PM		
198H	Decision to refer a requirement to the Environment Court for decision.	GMRPP, PPM, PM		
198J & 198M(1)(a)	Prepare report and suggested conditions and	PA, DP, SPA, SPP, GMRPP, PPM, PTL, P, PM	confirm delegation	
198K(1)	Serve submitters with report. Lodge notice of motion and supporting affidavit with the Environment Court and serve a copy of the notice of motion and affidavit on every person who made a submission.	GMRPP, PA, PPM, PM, DP, SPA, SPP	confirm delegation	

Section	Description	Delegated to	Recommended Action	Additional Consideration
220	Determine conditions on a subdivision consent.  Consult the Registrar-General of Land in relation to the practicality of any condition proposed under section 220(1)(b).	GMRPP, RO, PPM, PTL, P, LIMO		
221	Issue a consent notice.  Vary or cancel condition in a consent notice.	GMRPP, RO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
222	Issue completion certificates.  Extend the period for completion of works or making a financial contribution.	GMRPP, DP, SPA, SPP, PPM, RO, LIMO, PTL, P	confirm delegation	
223	Approve or decline survey plans.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
224	Provide certificate under section 224(c) to Registrar-General of Land.  Provide certificate under section 224(f) to Registrar-General of Land.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
226	Provide certificate under section 226(e) to Registrar-General of Land.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
234	Determine an application to vary or cancel an instrument creating an esplanade strip.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
235	Agree to creation of an esplanade strip.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P, RM	confirm delegation	
237	Approve a separate survey plan for an esplanade reserve or esplanade strip.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
237B	Agree to acquire an easement for access.  Agree to cancel or vary an easement for access.	GMRPP, RO, LIMO, DP, SPA, SPP, PPM, PTL, P	confirm delegation	
237C	Close an esplanade reserve or access strip during periods of emergency or public risk and adequately notify closure	GMRPP, MCTL, PPM, RM		
237D	Agree to an esplanade reserve being administered by the Minister of Conservation or regional council.  Agree to the bed of any river or lake being vested in the Minister of Conservation or regional council.	NOT DELEGATED		
237H	Accept or object to registered valuer's determination of compensation.	GMRPP, PPM, PM		
239(2)	pursuant to s239(2) of the Resource Management Act 1991 the [easement or other interest] specified in the attached Annexure Schedule, which affects an allotment to vest as reserve, shall remain with the land upon deposit of the plan	GMRPP, PPM, RO, LIMO		
240(4)	Cancel amalgamation covenant in whole or part.	GMRPP, PPM, RO, LIMO, DP, SPA, SPP, PTL, P	confirm delegation	
241(3)	Cancel an amalgamation condition.	GMRPP, RO, LIMO, PPM, PTL, P		
243	Grant or revoke an easement condition in whole or part.	GMRPP, PPM, PTL, RO		
245	Approval of a plan of survey of reclamation.	RO, LIMO, GMRPP, PPM, PTL		
274(2) & (3)	Give notice of intention to become party to proceedings.	GMRPP, PPM, PM		
292(2)	Apply to Environment Court for direction ordering amendment to District Plan.	GMRPP, PM, DP, SPA, SPP	amend section, confirm delegation- Remove existing wording replace with - "Amend or correct District Plan as instructed by Environment Court"	Description is not consistent with section (current).

Section	Description	Delegated to	Recommended Action	Additional Consideration
294	Application to Environment Court to order rehearing of proceedings by the Court	GMRPP,PM		
311	Apply to the Environment Court for a declaration subject to advising Commissioners prior to actioning.	GMRPP, PM		
316	Apply for an enforcement order.	GMRPP, MCTL, PPM, RM		
320	Apply for an interim enforcement order.	GMRPP, MCTL, PPM, RM		
321	Apply to the Environment Court to change or cancel an enforcement order, if directly affected by it.	GMRPP, MCTL, PPM, RM		
325A	Change or cancel an abatement notice.	GMRPP, MCTL, PPM, RM		
330(2)	Determine that: (a) any public work for which the Council has financial responsibility; (b) any natural and physical resource or area for which the Council has jurisdiction under the Act;  (c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167; or (ca) any service or system that any lifeline utility operates or provides— is affected by or likely to be affected by - (d) an adverse effect on the environment which requires immediate preventive measures; or (e) an adverse effect on the environment which requires immediate remedial measures; or (f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property.  and in such case, without prior notice, enter any place (including a dwelling house when accompanied by a constable) and take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency;	GMRPP, COO, GMI, WWM, RM, Water Services Manager  General Manager Infrastructure  Roading Manager		
332	Authorise enforcement officer to enter for the purpose of inspection.	GMRPP, MCTL, PPM, RM		
333	Authorise enforcement officer to carry out surveys, take samples and enter onto land.	GMRPP, MCTL, PPM, RM		
334	Apply for warrant for entry and search of any place or vehicle (Note: Must be an enforcement officer authorised under section 38).	GMRPP, MCTL, PPM, RM		
338	Initiate, conduct, settle and conclude any action for any breach of the District Plan or non-compliance with the terms of any resource consent, including laying an information in respect of an offence. Report to the next available Council or relevant Committee meeting.	GMRPP, MCTL, PPM, RM		
343C	Issue an infringement notice. Deliver an infringement notice.	GMRPP, MCTL, PPM, RM		
352	Serve notice or other document as prescribed by the Act. Report to the next available Council or relevant Committee meeting.	GMRPP, MCTL, PPM, RM		
353	Extend fixed period for service of notices under this Act on owners of Maori land. Report to the next available Council or relevant Committee meeting.	GMRPP, MCTL, PPM, RM		
356	Apply to the Environment Court for an order authorising a matter to be determined by arbitration subject to advising Commissioners prior to actioning.	GMRPP, MCTL, RM		
357C & 357D(1)	Authority to consider any objection (pursuant to this section) to an officer's decision where the objection can be dismissed, upheld in whole or in part or in the case of an objection under section 357B(a), as it relates to an additional charge under section 36(3), remit the whole or any part of the additional charge over which the objection was made.	GMRPP, MCTL		
388	Request information as to the nature and extent of the activities carried out under the consent and the effects of those activities upon the environment.	GMRPP, MCTL		
<b>Schedule 1 to the RMA</b>				

Section	Description	Delegated to	Recommended Action	Additional Consideration
Schedule 1 Clause 1(2)	Power to grant extentionoos of timeframes in terms of sec 37	GMRPP, PM	add section,confirm delegation	
Schedule 1 Clause 4(1A) and (7)	Notice to requiring authorities and notice to public	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 3(2)	Power to define who is to be consulted and which previous consultation will be accepted including Clause 3C	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 4(1A) and (10)	Pre-notification to Requiring Authorities	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 4A	Pre-notification to Iwi Authorities	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 5(1)(b)	Decision for full notification or limited notification	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 5(1A) and (1B)	Power to determine parties to be notified and notification of proposed plan	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 5(2),(4) and 5(5)and 5A where applicable	Public notification as prescribed	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 6(2) and 6A(3)	Make a submission.	NOT DELEGATED- COUNCIL ONLY	amend section <i>Query Should staff be able to make submissions?</i>	incorrect section of the act
Schedule 1 Clause 7	Summary of submissions and notification of summary of submissions as prescribed	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 clause 8(1)(c)	Make further submission.	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 8A(1)(b)	Forward Further Submission to submitter where Council made a further submission	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 8AA(1)	Invite anyone who has made a submission on the proposed policy statement or plan to meet for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	PA, DP, SPA, SPP, PP, GMRPP, PPM, PM		
Schedule 1 Clause 8AA(3)	With the consent of the parties, refer to mediation the issues raised by persons who have made submissions on the proposed plan or policy statement.	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM		
Schedule 1 Clause 8B	Power to set hearing date and notice including reports	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 8C	Determination that hearing is not needed	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 8D	Withdrawal of proposed plan	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 8D(2)	Notice of decision to withdraw proposed plan	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 8B Hearing	<b>Hearing</b>		add section,confirm delegation	confirm delegation, To be determined who will conduct the hearing and its delegations dealt with seperately
Schedule 1 Clause 9 and 10	Preparation of documents reflecting the recommendations on requirements and decisions on submissions as well as hearings report according to prescriptions.	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 10A	Request for extention of time beyond 2 years	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	



Section	Description	Delegated to	Recommended Action	Additional Consideration
Schedule 1 Clause 11(1) and 11(2)	Notification of decisions according to prescriptions	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 13(4)	Notification of Requiring Authority decisions on the recommendations to submitters, owners and affected parties	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 14(1) and 3(b)	Making an Appeal to the Environment Court	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	confirm delegation, There is a time limit and decision need to be made between Council meetings.
Schedule 1 Clause 15	Hearing by the Environment Court		add section,confirm delegation	confirm delegation, Related processes need to be established in regards to negotiations, mediation and signing of Consent Memorandums and Draft Consent Orders
Schedule 1 Clause 16(1) 20A	Make an amendment, of minor effect, or correct any minor errors in a proposed policy statement or plan without using the process in this schedule or make an amendment to comply with a direction of the Environment Court. Make an amendment or correct any minor errors in an operative policy statement or plan without using the process in this schedule. Report to the next available Council or relevant Committee meeting.	PA, DP, SPA, SPP, PP, PPM, GMRPP, PM, Authorised Password holder.	Amend Section, confirm delegation - section 20A to be addressed seperately - Replace discription wording to "Authorise to make an amendment to comply with a direction of the Environment Court"	Suggest making document password protected - Being a legal document only certain people have the password to change the document.
Schedule 1 Clause 16(2)	Authorise to make minor amendments/alterations or correction of minor errors	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM and report to the next Council meeting	add section,confirm delegation	Approval level should be determined
Schedule 1 Clause 16A and 16B	Variations of Proposed Plans	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 17	Final Consideration of Plan	CAN NOT BE DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 20	Notification of Operative Plan according to the prescriptions	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 20A	Authority to make minor amendments to correct minor errors on an Operative Plan	DP, SPA, SPP, GMRPP, PPM, PM,and report to the next Council meeting	add section,confirm delegation	Approval level should be determined
Schedule 1 Clause 21(3)	Request to change a regional plan by a teritorial authority	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 23	Require further information about a proposed change under Clause 21, specifying reasons for requiring further or additional information or for commissioning a report under this clause.	PA, DP, SPA, SPP, PP, GMRPP, PM	REMOVE & REPLACE WITH BELOW	
Schedule 1 Clause 23(1), (2), (3) and (4)	Receiving a private plan change and request further information, commission a report and provide reasons for the request for further information	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 23(6)	Reject the request for a private plan change before notifying	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	
Schedule 1 Clause 24	Modification of request for private plan change	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 25	Council decides to Adopt (take it over), Accept (remains a privat PC) Reject the request(under limited grounds) or change it to a Resource Consent.	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	There are only 10 days for decision making .How will this work between Council agendas?

Section	Description	Delegated to	Recommended Action	Additional Consideration
Schedule 1 Clause 25(5)	Notification of the decision to process the Private Plan Change	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 26	Prepare the Private Plan Change for notification and Notify the plan change	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 1 Clause 28(2)and (6)	Withdrawal of private Plan Changege and notification process	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,and report to the next Council meeting	add section,confirm delegation	However if Council wants to proceed it has to be submitted to Council for a decision
Schedule 1 Clause 29(1) (2),(5),(8A)	Processing of the private plan change is the same as for a council plan change with the necessary modifications		add section,confirm delegation	
Schedule 1 Clause 29(4)	Decision on the private Plan Change	NOT DELEGATED- COUNCIL ONLY	add section,confirm delegation	To be determined if Council is prepared to delegate this function to Commissioners
Schedule 1 Clause 32	Certification, production and availability of referenced material	DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
Schedule 34(2)(c),(3)	Notify the avaiability of the referenced material for inspection and comment.	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	Consider other officials as documents from other sources might be referenced ie EES
Schedule 1 Clause 35	Access to material incorporated by reference	PA, PP, DP, SPA, SPP, GMRPP, PPM, PM,	add section,confirm delegation	
<b>Delegations Pursuant to -</b>				
<b>Local Government Act 1974</b>				
Section		Delegated to		
327A	Where a building-line restriction has been imposed under this Act or any former enactment, and Council subsequently determines that the building-line restriction be cancelled, Council shall send notice of cancellation to the District Land Registrar or Registrar of Deeds, as the case may require, who shall amend his or her records accordingly.	PPM, PTL, PA, RO, PTSO  In conjunction with Roothing Manager for KDC controlled roads		
348(1)	Give permission to lay out or form any private road or private way, or grant or reserve a right of way over any private way, in the district.	GMRPP, PPM, PTL, RO, PTSO		
<b>Unit Titles Act 1972</b>				
25(5)	Unit title - deposit in stages.	GMRPP, RO, LIMO, PPM, PTL, P		
32(2)	Restriction on deposit unit title plan.	GMRPP, RO, LIMO, PPM, PTL, P		

Section	Description	Delegated to	Recommended Action	Additional Consideration
5(1)	Building shown on plan has been erected and all other development work has been carried out to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured.	GMRPP, RO, LIMO, PPM, PTL, P		
	<b>General</b>			
A&I	Authorisation and Instruction form - isofar as it related to survey plans, easement and LINZ certificates.	GMRPP, RO, LIMO, PPM, PTL		



## Item 2 – CE Delegations Register

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation	Recommended Action	Additional Consideration
Food Act 2014 Section 354 Subpart (2)	1	refuse, under section 27, to include a person's winemaking operations under the person's registered food control plan or under a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer	Approve legislation change with appropriate delegation change	Food Act 1981 updated to Food Act 2014 - entire section reviewed and updated
	2	refuse, under section 57, to register an amended food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	3	refuse, under section 57, to register a food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	4	impose or vary, under section 60, conditions on the registration of a food control plan, unless the variation is made on the application of the operator of the food control plan in accordance with the terms of that application; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	5	refuse, in accordance with Part 2 of Schedule 4, to renew the registration of a food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	6	suspend, under section 62, all or any operations under a registered food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	7	extend, under section 63, the period of suspension of operations under a registered food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	8	cancel, under section 67, the registration of a food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	9	remove, under section 70, a food business from the coverage of a registered food control plan; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	10	refuse, in accordance with section 87, to register a food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	11	refuse, in accordance with Part 2 of Schedule 4, to renew the registration of a food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer		

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation	Recommended Action	Additional Consideration
	12	impose or vary, under section 89, conditions on the registration of a food business that is subject to a national programme, unless the variation is made on the application of the operator of the food business in accordance with the terms of that application; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	13	suspend, under section 90, all or any operations of a registered food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	14	extend, under section 91, the period of suspension of operations of a registered food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	15	cancel, under section 95, the registration of a food business that is subject to a national programme; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	16	refuse, under section 117, to register a person as an importer; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	17	refuse, in accordance with Part 2 of Schedule 4, to renew the registration of an importer; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	18	suspend, under section 122, all or any specified part of a registered importer's operations; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	19	extend, under section 123, the period of suspension of a registered importer's operations; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	20	cancel, under section 127, the registration of an importer; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	21	refuse, under section 145, an application to recognise an agency under section 135, a person under section 139, or a class under section 141; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	22	exclude, under section 146, any members, or categories of members, from the recognition of a class under section 141(5); or	Regulatory	Regulatory Manager, Environmental Health Officer		

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation	Recommended Action	Additional Consideration
	23	vary, under section 147, conditions of recognition, unless the variation is made on the application of the recognised agency, the recognised person, or a member of the recognised class in accordance with the terms of that application; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	24	suspend, under section 158, all or part of the recognition of an agency, a person, or a class; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	25	extend, under section 159, the period of suspension of the recognition of an agency, a person, or a class; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	26	withdraw, under section 162 or 163, all or part of the recognition of an agency, a person, or a class; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	27	conclude that a problem referred to in section 272(2) has not been remedied; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	28	suspend or cancel, under section 277, a person's appointment as a food safety officer; or	Regulatory	Regulatory Manager, Environmental Health Officer		
	29	suspend or withdraw an approval under section 291.	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 54 Subpart (1)	(1)	Power to refuse to process an application for registration	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 56	a	Register a Food Control Plan that complies with the applicable requirements of the Act	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 57	(1),(2)	Power to refuse registration of a Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 60	(1),(2),(3), (4), (5)	Power to impose conditions on the registration of a Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer		



Statute or Function	Statutory Reference	Description	Functional Area	CE delegation	Recommended Action	Additional Consideration
Food Act 2014 Section 62 (& 65)	(1),(2)	Power to suspend all or any operations under a registered Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 63	(1),(2)	Power to extend the period of suspension under Section 62 if considered necessary	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 67	(1),(2)	Power to cancel a registration of a Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 70	(1),(2),(3)	Power to remove a food business from coverage of Food Control Plan	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 84		Power to refuse to process an application for registration	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 86	a	Register a National Programme that complies with the applicable requirements of the Act	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 87	(1),(2)	Power to refuse registration of a National Programme	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 89	(1),(2),(3), (4), (5)	Power to impose conditions on the registration of a National Programme	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 90	(1),(2)	Power to suspend all or any operations under a registered National Programme	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 91	(1),(2)	Power to extend the period of suspension under Section 90 if considered necessary	Regulatory	Regulatory Manager, Environmental Health Officer		
Food Act 2014 Section 95	(1),(2)	Power to cancel a registration of a National Programme	Regulatory	Regulatory Manager, Environmental Health Officer		

Item 3 – CE Delegations Register

Statute or Function	Statutory Reference	Description	Functional Area	CE delegation	Recommended Action	Additional Consideration
Finance	n/a	<p>Subject to expenditure being budgeted for in the Long Term Plan, Annual Plan or approved forecast financial statements, compliance with the Procurement Policy and any other applicable policies or procedures, and the reporting of all expenditure more than \$100,000 approved by the Chief Executive under delegated authority to the next meeting of the appropriate Committee:</p> <ul style="list-style-type: none"> <li>• Capital expenditure on roading: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to capital expenditure for new assets up to \$500,000 and capital expenditure for the renewal of assets up to \$1,000,000. This includes authority to vary or terminate such transactions.</li> <li>• Capital expenditure on assets classes other than roading: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to capital expenditure for new assets up to \$250,000 and capital expenditure for the renewal of assets up to \$500,000. This includes authority to vary or terminate such transactions.</li> <li>• Operational expenditure: authority to commit Council to financial transactions (or projects consisting of multiple transactions) relating to goods, services, guarantees, indemnities and the disposal of assets up to \$250,000 in any one year for operational expenditure matters. This includes authority to vary or terminate such transactions.</li> </ul>	Finance	Budget Managers (up to \$25,000) and General Managers <del>(including NTA Manager for Roading)</del> (up to \$100,000) in accordance with the CE Financial Delegations	Approve delegation change and value	<p>This change of delegation to General Managers concurs with the KDC Procurement and Contract Management Policy as at September 2014.</p> <p>NTA has its own delegation levels already approved by council therefore NTA needs to be excluded</p>
	n/a	Authority to approve contract progress claims for authorised contracts	CE1	GM Infrastructure, GM Community and Customer Services, <del>and NTA Manager for Transportation contracts</del>	approve delegation change	NTA has its own delegation levels already approved by council therefore NTA needs to be excluded

**Item 4 – CE Delegations Register**

<b>Statute or Function</b>	<b>Statutory Reference</b>	<b>Description</b>	<b>Functional Area</b>	<b>CE delegation</b>	<b>Recommended Action</b>	<b>Additional Consideration</b>
Protected Disclosures Act 2000	11(1)	Duty to have in operation appropriate internal procedures for receiving and dealing with information about serious wrongdoing in or by the Council	CE	All GMs	Approve function area CE with delegation to GMs	Function area was Corporate Services with delegation to GM Corporate Services. This position does not exist
	11(3)	Duty to provide information about the existence of the internal procedures, and adequate information on how to use the procedures	CE	All GMs		
	16(1)	Power to refer information disclosed from one appropriate authority to another	CE	All GMs		
	16(2)	Duty to notify the person by whom the protected disclosure of information was made that the information has been referred	CE	All GMs		

Item 5 – CE Financial Delegations

Expenditure Range Within Budget	Procurement Requirements	CE delegation to:	Recommended action	Additional consideration
Less than <del>\$25,000</del> \$50,000	A minimum of two quotations is required if over \$10,000. More may be obtained if considered appropriate by the General Manager. For purchases up to \$50,000, oral quotations are permitted.	Budget Holder* or Budget Holder's General Manager	Increase value of low value purchases to match the Procurement and Contract Management Manual	The number of quotations sought shall be determined by the value and risk of the procurement and the number of potential suppliers.
<del>\$25,000 – \$49,999</del> \$50,000 - \$100,000	Three quotations are required, unless an exemption has been authorised by the General Manager.	General Manager	Increase value requiring three quotations to match the Procurement and Contract Management Manual	
<del>\$50,000</del> \$100,001 - \$299,999	Potential contracts with a value of over \$100,000 are to be competitively tendered, unless an exemption has been authorised by the Chief Executive.	Chief Executive	Increase value requiring tender to match the Procurement and Contract Management Manual	
Over <del>\$300,000</del> \$500,000	A Business Case shall be submitted to Council as part of the approval process for any high value procurement over \$500,000 unless Council has approved otherwise.	N/A	Increase value requiring business case to match the Procurement and Contract Management Manual	



## 5 Information





## **Contract with AR & Associates for Spatial Planning for Key Urban Areas in the Kaipara District**

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 June 2019  
**Reporting officer:** Paul Waanders, District Planner

### **Purpose/Ngā whāinga**

To inform Council of the contract approved under delegation with the value more than \$100K.

### **Executive summary/Whakarāpopototanga**

The Kaipara Procurement Policy required contracts entered into under delegation by the Chief Executive over \$100K and provided for in the Annual Plan to be reported to the next meeting of the appropriate Committee.

The Spatial Planning for Key Urban Areas is provided for in the Annual Plan under the District Plan Review and after a robust tender process the firm AR & Associates was appointed to undertake this study.

### **Recommendation/Ngā tūtohunga**

That Kaipara District Council:

- a) Notes the report 'Contract with AR & Associates for Spatial Planning for Key Urban Areas in the Kaipara District'.

### **Context/Horopaki**

Additional to the requirements of the National Policy Statement on Urban Development Capacity 2016 and the Regional Policy Statement for Northland; the Operative Kaipara District Plan 2013 in Chapter 3: Land Use and Development Strategy, requires that Structure Planning shall be undertaken for key urban areas in the Kaipara district.

Council has not been developing the spatial plans itself.

In the absence of Spatial Plans, Council receives "Integrated subdivision" applications everywhere. This has often resulted in uncoordinated development which is not ideal, nor does it meet the objectives and outcomes envisaged. Most of these ad hoc applications do not provide the most ideal urban layout pattern. Therefore, developing our spatial plans has now become a priority.

A decision was made to appoint consultants to assist in the development of these spatial plans.

### **Discussion/Ngā kōrerorero**

A Request for Information and Pricing was sent to 33 planning firms and 8 firms have submitted proposals which were assessed against the set of evaluation criteria.

## Options

The evaluation of the proposals was undertaken using a 'weighted attribute' method with a score of less than 35 out of 100 as an eliminator. The score was made up as follows:

Relevant Experience	10%
Track Record	10%
Resources and Technical Skills	15%
Management Skills	5%
Methodology	10%
Price	50%

AR & Associates came out with the best score notwithstanding that two other proposals were near to that score.

### Policy and planning implications

By undertaking the Spatial Planning exercise Council will not only address the requirement of the Operative District Plan but will also be able to zone land for future development in the District Plan Review. The spatial plan will also provide the Infrastructure Department with an idea of the services that will be required to provide for growth in the district, which will inform the Asset Management Plans and upcoming Long Term Plans.

### Financial implications

A budgeted amount of \$210K has been allocated with the consultant's price proposal of \$209K. All the RFIP's were within budget which was 50% of the assessment criteria.

### Risks and mitigations

The risk of not undertaking this Spatial Planning is that Council will not be able to accommodate or direct growth in the district.

## Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

### Next steps/E whaiake nei

The contract has been awarded to AR & Associates and a more detailed Project Plan is being developed.

Elected Members will be kept informed of progress and it is expected that interim reports as well as community engagement will happen in the development of proposals.

Paul Waanders, 10 June 2019

## 5.2 Chief Executive's report for May 2019

Chief Executive            2002.02.18/June

### Recommended

*That Kaipara District Council notes the Chief Executive's Report for May 2019.*





# Chief Executive's Report

For the month of May 2019

Part One

- a) **Chief Executive's** update
- b) Activities report
- c) Looking ahead

Part Two

Financial Report to 31 May 2019

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## Part One

### a) Chief Executive Update – May

We anticipate the Kaipara Kai PGF contract will be signed very soon. Kaipara Wharves and Rooding contracts are still in the negotiation phase as we work through all stakeholder requirements ensuring the utilisation of funds and how these funds are managed to benefit our communities for the future. Our Programme Steering Group for the PGF contracts is now in place, and their first meeting will be on the 28 June.

The Resurfacing and Road Rehabilitation 2018/2019 programme is complete, on track, on time and within budget thanks to reasonable weather over May enabling us to get it done.

We are now looking to June for NZ Transport Agency's (NZTA) approval of the Mangawhai Community Plan (MCP) shared paths projects, excluding the Tara Road to Insley Street portion. The Tara Road to Insley Street project has been awarded to a contractor and works commence in June, with the Tomarata Bridge work on Insley Street currently out for tender.

Our parks and reserves projects are [mostly] progressing slowly as we ensure the decisions for change are aligned to the growth of the district, and our communities have been listened to. We are comfortable with how this is travelling.

The Creative Communities Scheme awarded funding of \$9,089 to many local groups giving community members the opportunity to develop their artistic and creative skills. In addition, supporting a district with plenty of active outdoor opportunities, our Rural Travel Fund granted \$12,700 to schools and clubs to enable teams to get to their sporting events.

Growth continues with 16 applications received for subdividing property and building consent applications in for May were 22% higher than May in 2018. We note this is the first month in the current financial year where the number of consents granted (27) has exceeded the number of consents received (20).

We celebrate the recognition our Environmental Health Team received for their inaugural accreditation assessment and we were advised by JAS-ANZ that Kaipara District Council has the best Quality Management System in New Zealand.

Our Policy Team have been working closely with Iwi on Kaipara Moana Treaty Group Settlement negotiations and the Kaipara Wharves project. This has resulted in the establishment of the Integrated Kaipara Harbour Management Group in collaboration with MBIE.

With more than 6,700 customer interactions [the highest month since August 2018], with an average call answer rate of .34 seconds, our Customer Service Team continue to respond well to our community. Paparoa Library opens on 04 June in a fresh space with a new crew of staff and volunteers.

## b) Activities Report

### 1 Provincial Growth Fund

The Kai contract is at an acceptable point for signing and the wharves agreement is not far off. Roads still has a bit of work to do and we remain positive that this will be ready to sign soon.

Procurement planning for the Kai Feasibility Study and Topo-climate Report update is well underway. We will be ready to go to tender for those reports which can be sourced via open tender immediately upon receiving sign off from the Programme Steering Group.

Wharves procurement planning is also in progress and we are in a similar position to Kai in terms of being able to get moving once approval is received from the Programme Steering Group.

Our Programme Steering Group is now in place and their first meeting will be on the 28 June. At this meeting they will be presented with the Programme Management Plan, suggested membership of Kai and Wharves advisory groups, and the procurement plans for Kai and Wharves.

### 2 Roads and footpaths

May has been a busy month for unsealed maintenance and renewals with reasonable weather allowing for these activities to occur.

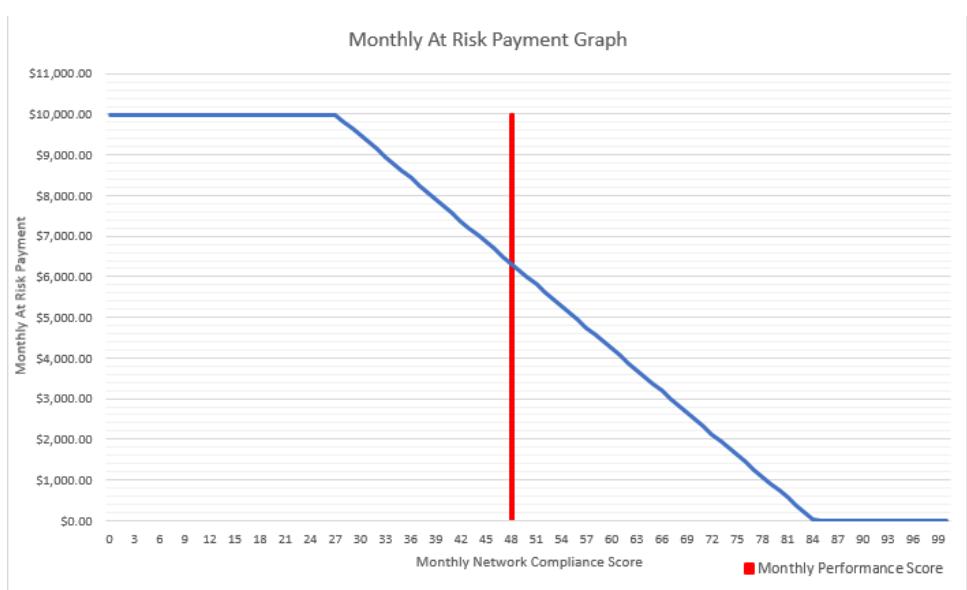
#### Operational and Maintenance

Unsealed roads heavy metaling and routine grading has continued throughout May. At times throughout May routine grading has occurred either side of heavy downpours of rain, which following a long dry period has made many of our roads appear muddy and slippery. This is due in part to the quantity of fines created from wearing down of aggregate during the summer months (dust) now sitting on the surface, and in part due to the recovery of aggregate from windrows and water tables back into the pavement. These fines however are essential in forming a firm driving surface but can flush up during heavy rain.

Contractor performance was down in April compared to the previous month however, an overall improvement occurred.

This graph shows the April performance score and the resulting payment made.

May Key Performance Indicators (KPI's) and measures will be available in June.





Finances as at 31 May 2019 – Taken from accruals not from claim (due to timing) and does not include internal professional services fees for May.

Programme	NZTA budget 2018/2019	Total Expenditure To date	% spent April	% spent YTD	Remaining Actuals vs NZTA
Local Road Maintenance	6,286,000	5,892,567	12.03	93.74	393,433
Capital	11,719,599	10,043,381	7.73	85.70	1,676,218
Network Asset Management	1,378,687	1,242,002	0.6	89.50	136,685
<b>Grand Total</b>	<b>19,384,286</b>	<b>17,177,950</b>	<b>8.62</b>	<b>88.62</b>	<b>2,206,336</b>

The capital programme budget is fully committed to utilise the NZTA approved budget.

Evaluation of the claim to date shows all work is on target and progressing well. Due to the timing of this report, we are unable to provide updated financial graphs.

### Capital

The Resurfacing and Road Rehabilitation 2018/19 programme is complete.

The Mangawhai Community Plan shared paths and intersection upgrades projects are subject to NZTA approval. The shared paths project is being incorporated into a single stage business case (except for the Tara Road to Insley Street portion which NZTA has accepted as a standalone project) for NZTA's consideration and approval. The single stage business case is expected to be completed and to NZTA for evaluation by June. Further discussions around the funding will happen after the evaluation.

The Tara Road to Insley Street portion which was out for tender has been awarded to the successful contractor and work are programmed to commence late June.

The Tomarata (Insley Street) Bridge tender closed on 7 June and is currently tender evaluation.

### Capital Projects

*Contract 884 Gorge Road Slips:* Complete

*Contract 885 Garbolino Road Slip:* Complete

*Contract 889 P-Cat LED Streetlight Conversion:* 100% complete. RAMM data issues holding up final payment.

*Contract 899 Tara Road Culvert Replacement:* 85% complete. Physical works now expected to be completed mid-June 2019.

*Contract 900 Tangowahine Valley Road Bridges:* 100% complete.

*Contract 902 Paparoa Oakleigh Three Slips:* 80% Complete. Physical works expected to be completed mid-June 2019

*Contract 905 Bridge Structures Components:* 100% complete.

*Contract 917 V-Cat LED Streetlight Conversion:* Light procurement contract is 100% complete. Lights have been delivered.

*Contract 919 New Footpaths: Separable portion 1 -* 100% complete (Separable portion 2 to be undertaken in the 2019/2020 financial year).

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*Contract 920 School Zone Improvements:* 100% complete.

*Contract 923 Tomarata Bridge:* under tender evaluation.

*Contract 924 Mangawhai Community Plan Stage 1:*

- Insley Street and Moir Street shared paths – awarded to successful contractor and works programmed to commence late June.
- Moir-Insley and Moir-Molesworth intersections – programmed to be constructed 2019/2020 financial year.

### **Road Safety**

A Drive Soba programme has been underway, which had six offenders registered between August to October of which four offenders completed the programme. A further six registered between February to May with all six offenders completing the programme.

The Kaipara Alcohol Accord group had a logo design competition underway, which was judged in May. The competition was circulated to 13 schools with 30 designs received. A group of five students won the award, with Ruawai College winning the school award. Two designs could be potential billboards and are to be further developed in 2019/2020.

A child restraint education clinic was set up in Maungaturoto on 26 March and 20 seats were checked, resulting in 19 adjustments being made and three new seats provided.

A Young Driver Learner Licence course was held in Maungaturoto during May. Two registered and completed the course.

The volunteer driver mentoring programme reported in May that 25 students received 24 hours of mentoring from two active mentors. One of these students went on to attain their licence. Drive Smarta, a new speed education project, is being developed in conjunction with police, district court judges, ACC, NRC and a psychologist. The project seeks to address the behavioural issues of high speed / high risk drivers.

## 3 Parks and Reserves

Contract 860: The mild conditions have allowed for continued late season growth, keeping the gardening and mowing team busy. These mild conditions have allowed for continued late season growth keeping the gardening and mowing team busy.

Downer is currently reviewing and updating the procedures known as SWMS (Safe Work Method Statements). They have updated the Health, Safety and Environmental Plan and Contract Quality Management Plan.

Bedding gardens have been swapped out for the winter display. The playground in Taha Awa Gardens has had a lot of work undertaken on it to bring it up to compliance and this is nearly complete.

### **Taharoa Domain**

Two staff are continuing to run the campground with backup and we will be advertising these positions shortly. Planting at the Domain is well underway with plants from Dargaville Intermediate and Babylon Coast Gardens.

We held the quarterly Governance meeting and a workshop to review the work to date on the Reserve Management Plan is being arranged.

### ***Pou Tu Te Rangi Harding Park***

We have received the Landscape Design Plan for review and action. More vegetation clearance in the difficult areas is being undertaken and scheduled for completion in June.

### ***Mangawhai Community Park***

The Ulrich Cottage has been moved onsite and renovation work has begun.

The Licence to Occupy variation for Mangawhai Activity Zone has been agreed and sent to Brookfields for final comments.

### ***General***

Parks staff attended a site meeting at Omana Memorial Reserve near Tangiteroria. This reserve has been looked after by local residents in the past but has fallen into disrepair. Vegetation clearance and tree thinning is required. This Redwood forest is the only one of its kind in Kaipara.

Staff are working with Arborlab and Northland Treeworks to agree on the best options for the Moreton Bay Fig tree at Pahi. This will need to be dealt with in co-operation with the community, due to the significance of this tree.

<b>Project</b>	<b>Value</b>	<b>Committed Spend</b>	<b>% Progress</b>
Mangawhai Coastal Walkway	\$494,000	\$375,133	76%
Mangawhai Walking Linkages	\$139,417	\$33,784	24%
Mangawhai Community Park	\$171,000	\$100,683	59%
Mangawhai Community Park MAZ carpark	\$45,000	\$36,700	82%
Mangawhai Heads Carpark	\$80,000	\$32,992	41%
Mangawhai Esplanade Development	\$60,000	\$26,133	44%
Matakohe Toilets (Contributions TIF \$103,584 Rooding \$138,275)	\$256,050	\$21,307	8%
Maungaturoto Toilet (Contributions TIF 149100)	\$292,450	0	0%
Public Toilets	\$175,000	\$33,950	19%
Playgrounds	\$50,000	\$25,833	52%
Park Improvements	\$50,000	\$37,798	76%
Baylys Beach Boardwalk (TIF contribution \$234,000)	\$368,740	\$19,803	5%
Hard Surface Renewal	\$50,000	\$50,000	100%
Taharoa Domain	\$174,000	\$103,772	60%
Kai Iwi Lakes	\$110,000	\$42,492	39%
Pou Tu Te Rangi Harding Park	\$100,000	\$33,000	33%
Cycleway/walkway implement strategy	\$99,000	\$76,488	77%
Community Infrastructure	\$30,000	\$24,419	81%
Dargaville Placemaking	\$25,000	\$25,000	100%
<b>Total Spend</b>	<b>\$2,769,657</b>	<b>\$1,099,287</b>	<b>40%</b>

#### 4 Community Team Activities – May

- Funding Workshops were hosted jointly with Kaipara, Far North, Whangarei councils and external funding agencies across Northland during the week of 13-17 May 2019. The workshops had a great turnout with 60 people in Mangawhai, 25 in Kaikohe, 20 in Kaitaia, 38 in Dargaville and 70 in Whangarei.
- The Creative Communities Scheme Funding Committee met on 27 March 2019 and allocated the following funds:

Organisation	Project	Amount Granted
Arty Farties Inc.	Garden Mosaic	\$360.00
Arty Farties Inc.	Drawing with John Mitchell Workshop	\$519.00
Arty Farties Inc.	Flax weaving, cutting, preparation and completion of Kite workshop	\$480.00
Dargaville Arts Assn	Free Card Making Workshop	\$180.00
Dargaville Arts Assn	Free Painting on Artist Canvas workshop for children	\$333.36
Dargaville Arts Assn	2019 Dargaville Wearable Arts	\$1,140.00
Mangawhai Artists Inc.	Mangawhai Artists Workshops 2019	\$1,546.80
North Kaipara Maori Wardens	Aroha ki te Tangata	\$1,840.00
Ripia Marae	Hitori O Ripia	\$1,200.00
The Kauri Museum	Northland Photography awards	\$1,490.00
<b>Total granted</b>		<b>\$9,089.16</b>

The Rural Travel Fund Committee met on the 8 May and allocated the following funds:

Organisation	Project	Amount Granted
Dargaville High School	To subsidise travel to Northland Secondary events & sports tournaments outside the Kaipara area	\$2,500.00
Dargaville Intermediate	To hire buses to transport students from Dargaville to Kensington park in Whangarei, for winter sports day	\$900.00
Mangawhai Beach School	To transport students to and from Interschool Ripia Rugby and Quick Rip games	\$400.00
Mangawhai Football Club	Fund to transport young people to NFF Northland Football competitions	\$600.00
Northern Wairoa Association Football Club	To subsidise transport costs for travel away for youth team games and junior tournaments	\$1,000.00
Northern Wairoa Bulls Rugby League and Sports Club Inc.	To purchase petrol vouchers for parents who travel to Whangarei on Sundays to bring their children to league competition	\$1,500.00
Otamatea Hawks IMB and Juniors Rugby	To provide funds for players to travel to games	\$800.00

Organisation	Project	Amount Granted
Otamatea High School	To subsidise travel costs for students travelling to sports trainings and competitions	\$2,500.00
Ruawai College	To support students to participate in sporting events	\$900.00
Southern (Te Kopuru) Rugby and Netball Club	To support travel costs for U17s rugby team, 3 junior netball teams and 5 junior rugby teams to travel to games	\$1,600.00
<b>Total granted</b>		<b>\$12,700.00</b>

- Met with
  - Dargaville Community Cinema to discuss their licence to occupy rental;
  - Mangawhai Shed regarding possible sites for licence to occupy for their new shed;
  - Mangawhai Historical Village (Pioneer Village) regarding their development agreement;
  - Kaiwaka Sports Association to discuss pump track;
  - Kaipara Vintage Machinery Club to assist them with a business plan;
  - Rangiora Boat Club to discuss their development agreement;
  - Northern Wairoa RSA to discuss Logan Street's Memorial Park mural options;
  - Kaipara Tamariki Collective are a group of local services that have come together to hold free events for children. This 'collective' is made of; Sport Northland, Te Ha Oranga, Circus Kumarani, Te Uri o Hau, Whanau Focus, Oranga Tamariki and Silver Fern Farms. This collective has grown since the last 'Play in the Park' held;
  - Baylys Beach Society (BBS) annual general meeting. This was a great meeting, with really positive references to Council and their work with BBS;
  - Dargaville Community Development Group to discuss various projects they wish to work on;
  - Northern Wairoa Lions and Tangiteroria Sports Complex chairperson to discuss getting the community space for Tangiteroria completed; and
  - Ministry of Social Development Work Broker to discuss a potential Employment Evening. They are wanting to invite employees, key educators, Council etc. to an evening of information sharing, networking and facilitated discussion.
- Citizens Awards Nominations close at 4.30pm on 10 June.
- Community Grant Applications opened on 1 June and close on 1 July 2019 at 4.30pm.
- MELA – Mangawhai Endowment Lands Account opened on 01 June and closes on 1 July 2019 at 4.30pm.
- Currently reviewing the Kaiwaka Township Improvement Plan.
- Held a Dargaville Business breakfast with 15 business owners/managers in attendance. Great feedback and discussion around wanting to continue quarterly.
- A successful Kaihu Hui was held with the communities from Mamaranui north. 57 participants and lots of learnings to help improve engagements going forward.
- Te Kopuru Domain's Fitness Centre Playground opening was held with an amazing free play day for the kids with Te Kopuru Community Development Group and the Kaipara Tamariki Collective joining forces.

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## 5 Four Waters

During May Council informed Broadspectrum of the approval of the variation to Contract 798 to include the provisional contract item, being item E – Mangawhai Wastewater Scheme of the contract schedule. This will now form part of the contract works which means Broadspectrum will operate and maintain the Mangawhai Wastewater Treatment Plant under Contract 798 effective 29 July 2019.

Inflow to the Mangawhai Wastewater Treatment Plant for the month of May 2019 totalled 14,501m<sup>3</sup>, which is down approximately 8% when compared to May 2018's inflow.

Trility has begun the construction work on the pump station upgrade at the village in Mangawhai, which is progressing well.

In Flood Protection, the surveying of stopbanks to assess the existing stopbank levels and conditions to help prepare for climate change and sea level rise is progressing.

The 2018/2019 Four Waters capital works programme is well underway and summarised as follows:

- Sewer pump station VA Mangawhai (CON909) construction work underway;
- Sewer pump station 2 and rising main in Dargaville (CON913) construction is progressing well;
- Baylys Coast Road to Logan Street watermain replacement (CON910.01) construction is progressing with more than half the pipework in the ground;
- Maungaturoto raw watermain replacement (CON911.01) construction underway;
- Montgomery Avenue and Ruawai watermain replacements (CON912) construction work is near practical completion;
- Mangawhai Wastewater Treatment Plant Upgrade – plant & equipment have been ordered, and options reports for further upgrades are being reviewed;
- Quail Way Stormwater improvements (CON879) construction has been completed; and
- The Mangawhai Community Wastewater Scheme Irrigation extension (CON906) - construction is near completion with minor outstanding work before practical completion sign off.

The investigations of options to rectify the non-compliances at the Kaiwaka and Te Kopuru wastewater ponds are progressing with several solutions identified. Alterations and an aeration upgrade to the Te Kopuru Wastewater Treatment plant has been planned. A work timeline is being prepared which will be submitted to the Northland Regional Council. We have received quotations for Membrane Filtration plant in Kaiwaka, which we are reviewing

## 6 Solid Waste

The Bickerstaffe Road Closed Landfill rehabilitation project is now complete as is the Dargaville Closed Landfill project.

Contractors for the leachate treatment filtration trial at the Hakaru Closed Landfill will be onsite early in June to set up equipment.

The solid waste activity consultation direction has now been established and will be presented to Council in June.

**Overall Committed Budget % for Four Waters and Solid Waste**

Activity	Budget Total	Committed Funds	% Progress
Water Supply	\$1,798,198	\$1,552,728	86%
Wastewater	*\$5,126,595	\$4,057,739	79%
Stormwater	\$1,367,935	\$1,266,035	93%
Flood Protection	\$547,500	\$80,073	15%
Solid Waste	\$1,235,549	\$454,508	36%
<b>Overall Committed Funds - 4 Waters</b>	<b>\$9,498,511</b>	<b>\$7,401,083</b>	<b>78%</b>

\* Wastewater budget includes additional \$577,266 from future years for Contract 913 Pump Station 2 and Rising Main (approved by Council in December 2018).

7 Planning and Regulatory

**May statistics**

*Note: Tables containing shaded cells do not contain calculations as these are not currently measured.*

Planning	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
<b>Resource Consent Applications</b>	43	20	70%	24.0	70%
<b>224 Applications</b>	11	16	100%	1.4	
<b>Service Requests</b>	159	129	90%		88%

27 additional lots created last month, 4 in Mangawhai, 21 in Otamatea and 2 in the wider district. Resource consent processing timeframes have reduced for May with the monthly processing percentage at 70%, holding the YTD figure steady at 70%. This is the first month in the current financial year when the number of consents granted (27) has exceeded the number of consents received (20), resulting in a minor net reduction in the number of consents currently 'in process'. It is noted that the number of service requests received and referred to planning were higher than the previous six months. Late consent penalty payments year to date have amounted to \$24,869.23.

Building	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
<b>Building Consent Applications</b>	59	76	95%	12.4	93%
<b>CCC Applications</b>	57	70	99%	1.0	99%
<b>Service Requests</b>	146	144	92%		90%

The total number of building consents received for May was 76 (including amendments). The combined value of these projects totalled \$9,586,331 (including amendments). There were 16 new dwellings and relocates received for the month (excluding amendments) of which 11 were within Mangawhai valued at \$6,632,300. There were four commercial consent applications received with a total value of \$929,975.



Regulatory	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
Alcohol Applications	29	18		21.3	
Food Control Audits and Inspections	13	4	100%		100%
Service Requests	166	246	67%		93%
<p>Overdue food premises verifications have reduced to 26, as a result of resourcing constraints based on the number of verifications needing completion. Contractors will be engaged again in August to address the remaining backlog.</p> <p>Environmental Health completed its inaugural accreditation assessment on 20/21 May by the accreditation authority JAS-ANZ, resulting in the team being commended for their Quality Management System (QMS). JAS-ANZ ranked Kaipara District Council (KDC) as number one in the country for its QMS, and the Ministry of Primary Industries (MPI) has asked if KDC could be used as a point of reference for other councils around the country. Service requests have reduced significantly, largely related to Armourguard. The reduction is being investigated to confirm if this is related to the afterhours answering service by Armourguard.</p>					
BCA Accreditation	Due	Completed		YTD % Completed	
		YTD	March 2019		
BCA Audits	5	37	5	93%	
Competency Assessments	1	19	0	95%	
<p>Five internal audit reviews were scheduled for May, with five being completed. There was one competency review due which will be completed in June. Environmental Health has been recommended by JAS-ANZ to MPI to be awarded its accreditation as a food health authority following the success of its accreditation assessment in May.</p>					

## Policy

- Negotiations continue with the Kaipara Moana Treaty Group Settlement, and development of the Kaipara Moana restoration business case.
- The Integrated Kaipara Harbour Management Group (IKHMG) business development has commenced with the Ministry of Business, Innovation and Employment (MBIE).
- District Plan review activities have included finalising spatial planning consultancy, environmental effects statement (EES) review policy position research, and Kaihu surrounds conversation feedback.
- Bylaw reviews have involved the Dog Control Policy and Bylaw hearing.
- Council briefing held on climate change (CC) and forum held over Deep South CC as well as Tai Tokerau councils CC adaptation meeting.
- Feedback from Regulatory Working Group meeting held on fire safety rule and Commissioners Policy provided to consent planners.
- Research is underway for development of a Trade Waste Bylaw, as well as climate change.

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## 8 LIMs Overview

A Land Information Memorandum (LIM) is a property information report compiled by Council. This is typically obtained by a potential buyer when looking to purchase a property and must be issued within 10 working days of receipt. In May all 48 LIM applications received were processed on time, taking an average of seven (7) working days.

## 9 LGOIMA Overview – 01 May to 31 May 2019

Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987 (LGOIMA). Information requested as a LGOIMA must be answered within 20 working days from the day of receipt. All requests were processed within statutory timeframes.

Year to date we have received 114 LGOIMA requests to the end of May 2019.

Name	Subject	Time Taken	Number of Requests Year to Date	Number of days taken to respond
Don Hargrave	District Plan and rates questions	2 hours	1	20 days
Sally Gepp	Consent conditions relating to domestic cats	45 mins	1	23 days
Ombudsman	Boonham - Sibery's salary	Completed by legal advisors	1	20 days
Nick Marinus	Inspection report	30 mins	1	18 days
Peter Rothwell	Mangawhai Stormwater and Land Information register	2 hours	5	20 days
P Jonas	Properties with swimming pools and spas	1 hour	1	16 days
Leon Parore	Information on Taharoa Domain	1.5 hours	1	15 days

## 10 Customer Services and Library

### Customer Services

In May 2019, Customer Services had six fulltime, one casual and one new team member training, with an average of 2.8 FTE available to answer calls, due to staff sickness, annual leave and departmental training.

New team members are trained using the specific training programme developed for Customer Services staff, over a period of twelve weeks. Planned annual leave and external training in May is minimal due to rates instalment four due for payment. Recruitment is almost complete to replenish vacant positions and new staff will join the team on 01 July 2019.

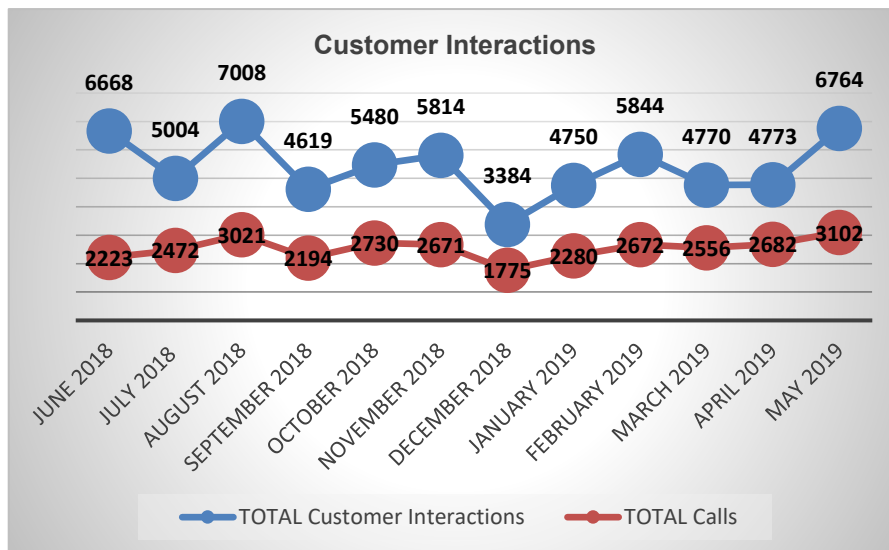
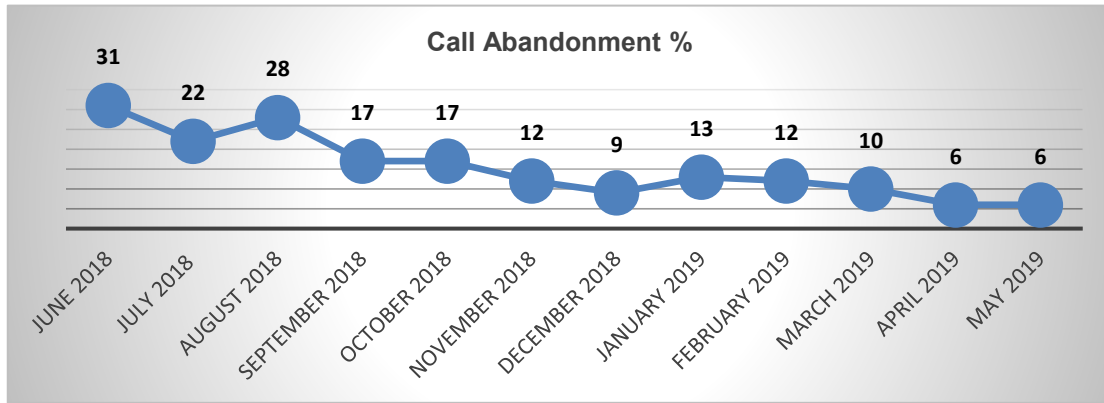
The quantity of customer interactions is comparable to the same period in May 2018, with slight increases across all communication channels.

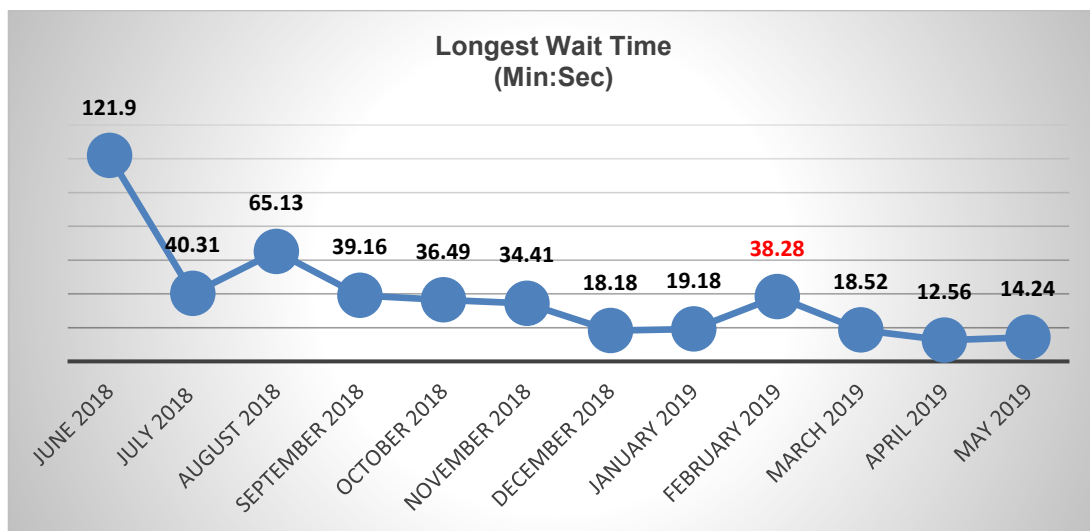
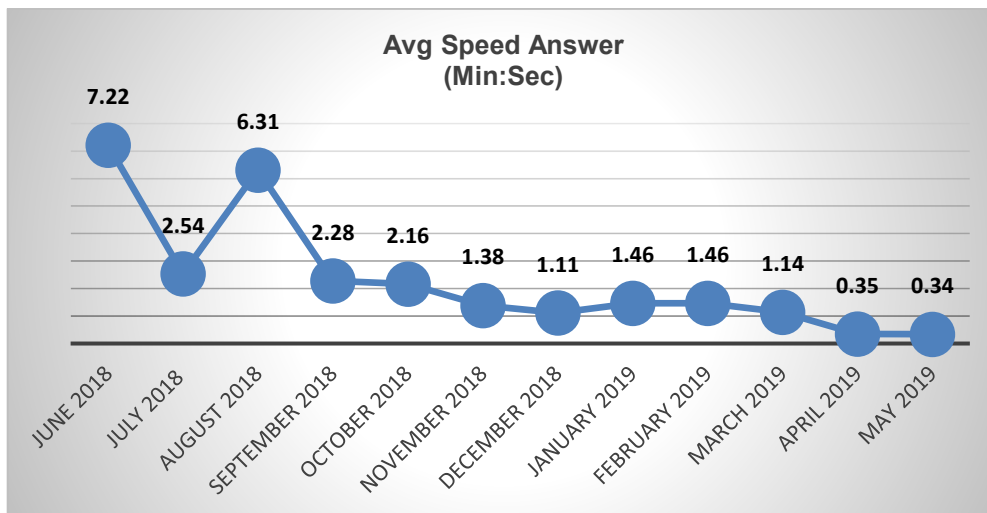
Customer Services improved in all facets of customer telephone enquiries, with all metrics the lowest since the inception of the CIC soft telephone system in January 2018. The average call abandonment of 6% was maintained for the second consecutive month, the average speed of answer reduced to 34 seconds, and one caller experienced a wait time of 14 minutes 24 seconds on 20 May 2019 (rates day).

With every customer interaction, we aim to provide a complete service, ensuring we are pre-empting any additional questions that may also need to be addressed for our customers. We understand that while customer-centricity assists with building trust and a solid reputation within the community, quality assurance plays an equally important role as it assists with building customer satisfaction.

### May Statistics

Total Customer interactions	Emails	Reception	Total Calls	Average speed answer (min:secs)	Average call abandonment (%)	Calls FTE	Longest wait time (min:secs)
6,764	1,154	2,508	3,102	.34	6	2.8	14.24





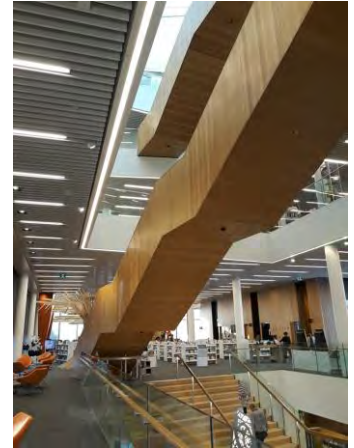
## Library

### Community Libraries

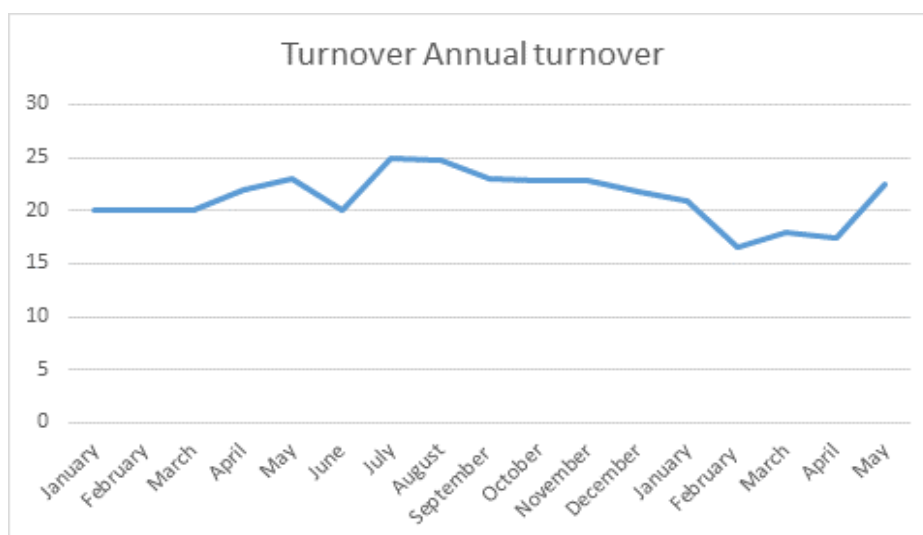
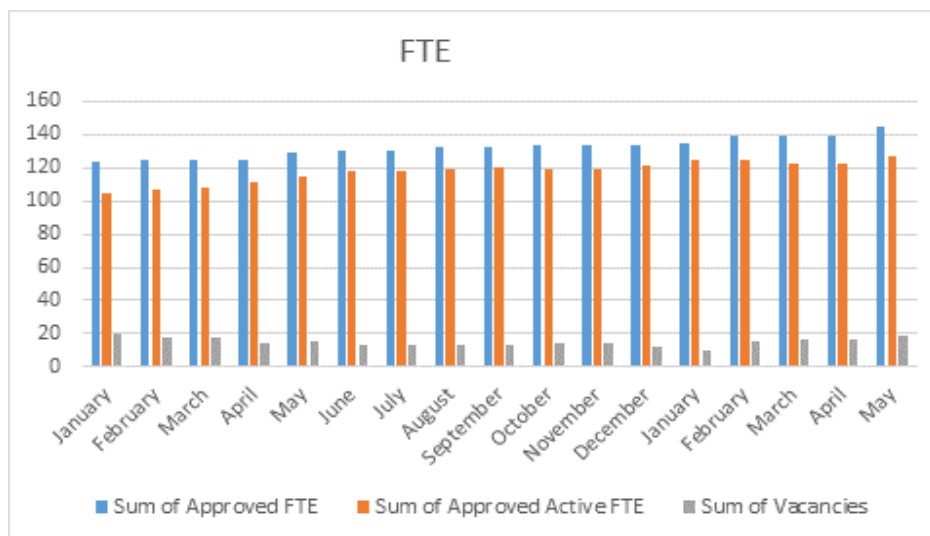
- A community library manager meeting was held 15 May at Paparoa Library hosted by Paparoa's new manager Jas Futter.
- Paparoa Library reopened on Tuesday 4 June. The new space is fresh, vibrant and a big facelift from the previous building condition. The library's hours will coincide with the medical centre hours and the markets on Saturday. They have a new crew of enthusiastic volunteers and Dargaville Library staff have provided extensive advice and training.
- Paparoa Library has agreed to provide free public Wi-Fi, this means that all four community libraries in the district are providing free digital access to their communities.

## Dargaville Library

- Dargaville Library was one of the first libraries in the country to receive new computer equipment as part of a nationwide change by Aotearoa Peoples Network (APNK). Gone are the five old PCs, in their place are four chrome stations and 12 chromebooks. There is a learning curve with the change in technology and software, new print release system and new online booking system. They will also provide bring your own device (BYOD) printing. It is still early days yet so there will be a lot of staff time involved showing customers how to use the new technology. Feedback is good with users adapting well to the changes.
- The photograph is from the Public Library Managers (PLNZ) Annual Strategic Forum in Christchurch. This forum was held at the new \$92 million Tūranga Library with its Harry Potter inspired staircases. The development reflected the community's priorities and was an anchor project to stimulate other developments, attract people and revitalise the central city.
- A new librarian has been recruited to fill a vacancy.



## 11 People and Capability



## 12 Health and Safety

### Workplace Health and Safety Management Report (April 2019)

#### KDC Staff OH&S events

Incident type	Events for month
Near miss	0
Hazard	3
Unsafe act	0
Occupational violence	0
Property damage (motor vehicle)	0
Property damage (other)	0
Pain or discomfort	5
Occupational illness	0
First aid treatment	0
Medical treatment injury	0
Lost time injury	0
Notifiable event	0
Environmental incident	0

#### KDC Contractors OH&S events

Incident type	Events for month
Near miss/hazard reports	7
Property damage	4
Occupational illness	0
First aid case	0
Medical treatment injury	0
Lost time injury	0
Notifiable event	0
Environmental incident	0
Dangerous activity/unsafe act	1

#### KDC public OH&S events

Incident type	Events for month
Near miss	1
Property damage	0
Occupational illness	0
First aid case	0
Medical treatment injury	0
Lost time injury	0
Notifiable event	0
Environmental incidents	0
Dangerous activity/unsafe act	0

### c) Looking Ahead

Monday 04 July	Council Briefing	Dargaville Town Hall	10.30am
Monday 15 July	Mangawhai Community Park Governance	Council Offices, Mangawhai	10.00am
Thursday 25 July	Ordinary Council meeting	Ruawai Tokatoka War Memorial Hall	9.30am
Thursday 01 August	Council Briefing	Mangawhai Club, Mangawhai	9.30am
Monday 05 August	MELA Committee	Council Offices, Mangawhai	2.00pm
Wednesday 14 August	Remuneration and Development Committee	TBC	2.00pm
Thursday 15 August	Raupo Drainage Committee	Ruawai	10.00am
Monday 19 August	Taharoa Domain Governance Committee	Dargaville Town Hall	2.00pm

## Part Two

## May 2019 Financial Report

## Statement of Operating and Capital Performance

	Year to Date May 2019				Full Year	
	Actual \$000's	Annual Plan \$000's	Variance \$000's	Indicator	Annual Plan \$000's	Forecast One \$000's
Total Rates	32,300	32,166	134	●	35,029	35,142
Operating Subsidies and Grants	4,358	4,202	156	●	4,584	1,965
Activity Revenue and Other Income	6,172	5,111	1,061	●	5,544	6,448
<b>Total Operating Income</b>	<b>42,830</b>	<b>41,479</b>	<b>1,351</b>	●	<b>45,156</b>	<b>43,555</b>
Employee Benefits	10,206	9,918	(288)	●	10,819	11,075
Contractors	8,126	7,887	(239)	●	8,706	8,989
Professional Services	4,730	4,502	(228)	●	4,924	6,223
Repairs and Maintenance	2,914	3,079	165	●	3,348	3,069
Finance Costs	2,317	2,704	388	●	2,950	2,549
Other Operating Costs	5,034	4,993	(42)	●	5,317	5,397
<b>Total Operating Costs</b>	<b>33,327</b>	<b>33,083</b>	<b>(244)</b>	●	<b>36,063</b>	<b>37,301</b>
<b>Operating Surplus / (Deficit) before Depreciation</b>	<b>9,503</b>	<b>8,396</b>	<b>1,107</b>	●	<b>9,093</b>	<b>6,254</b>
Capital Subsidies	6,498	7,586	(1,088)	●	8,276	8,156
Contributions	3,972	2,286	1,687	●	2,494	3,960
Other Capital revenue	444	0	444	●	175	292
<b>Total Capital Revenue</b>	<b>10,915</b>	<b>9,872</b>	<b>1,042</b>	●	<b>10,945</b>	<b>12,407</b>
Capital Expenditure	16,109	16,870	761	●	23,529	23,167
<b>Total Capital Expenditure</b>	<b>16,109</b>	<b>16,870</b>	<b>761</b>	●	<b>23,529</b>	<b>23,167</b>
<b>Subtotal Capital</b>	<b>(5,195)</b>	<b>(6,998)</b>	<b>1,803</b>	●	<b>(12,584)</b>	<b>(10,759)</b>
<b>Surplus / (Deficit) before Loan Payments and Depreciation</b>	<b>4,309</b>	<b>1,399</b>	<b>2,910</b>	●	<b>(3,492)</b>	<b>(4,505)</b>

Key: ● Within 5% of budget

● Over or under budget by 5 - 10%

● Over or under budget by more than 10%



<b>Public Debt and Requirements</b>			
	Jun-18	May-19	Jun-19
	\$000's	\$000's	\$000's
<b>Debt</b>			
Debt	46,000	45,000	46,270
Cash in bank (overnight deposits)	- 3,641	- 7,493	- 500
<b>Net debt</b>	<u>42,359</u>	<u>37,507</u>	<u>45,770</u>
<b>Reserves (future obligations)</b>			
Development Contribution Reserve	- 24,648	- 24,648	- 26,829
Other Reserves	16,946	16,946	13,360
<b>Total</b>	<u>- 7,702</u>	<u>- 7,702</u>	<u>- 13,469</u>
<b>Debt Requirements</b>			
Debt	46,000	45,000	46,270
Future obligations	16,946	16,946	13,469
Gross Debt Requirement	62,946	61,946	59,739
Less cash in bank	- 3,641	- 7,493	- 500
<b>Net Debt Requirement</b>	<u>59,305</u>	<u>54,453</u>	<u>59,239</u>

\*Note: Reserves balances are only recalculated at end of year.

## Statement of Operating and Capital Performance

Comments on major variances

### Operating Income

Account	Rationale	\$000
<b>Rates Revenue</b>	Rates General are tracking on budget for the month.	
	Rates Targeted are tracking on budget for the month.	
	Rates Targeted (Water by meter) - Fonterra is yet to contribute for reticulation costs and budget timing difference for Ruawai area.	<b>(165)</b>
	Penalties are continuing to be ahead of budget for the year to date due to arrears penalties applied.	<b>299</b>
<b>Operating Subsidies and Grants</b>	Increase in Roding operating subsidies from NZTA as operational costs up on budget.	<b>156</b>
<b>Activity Revenue and Other Income</b>	<u>Community Parks</u>	
	Mangawhai Camp - 25% share of camp ground revenue - timing difference	<b>43</b>
	MBIE TIF paid for Matakohe toilets and footpath	<b>61</b>
	Receipt of MBIE Kai Iwi Lakes visitor amenities	<b>30</b>
	Pest Plant / Acacia Removal Programme	<b>35</b>
	Kai Iwi Lakes Camp Ground fees timing difference for summer season	<b>63</b>
	<u>Solid Waste</u>	
	Waste levy – timing difference	<b>51</b>
	<u>District Leadership</u>	
	Data supply agreement with Northland Regional Council	<b>104</b>

### Operating Costs

Account	Rationale	\$000
<b>Employees</b>	Increase in Regulatory costs over budget due to increased resource consents, approved December 2018  Balanced by decrease in other department vacancies	<b>288</b>
<b>Contractors</b>	Increase in roading unsealed pavement maintenance spend	<b>411</b>
	Increase of cost for removal of illegal refuse	<b>43</b>
	Balanced by decrease in other departments.	
<b>Professional Services</b>	Costs overall are over budget.	

	Regulatory is ahead of budget due to the higher levels of activity, but will be offset in other areas predominantly water services - who will have consultants in to get better asset management information later in the year.- timing difference	<b>996</b> <b>(480)</b> <b>(288)</b>
	Budget is also offset by District Plan costs not committed as yet - timing	
<b>Repairs and Maintenance</b>	Costs are below budget year to date May.	<b>165</b>
<b>Finance Costs</b>	Below budget due to lower inter-period loan balances due to being behind capital expenditure programme.	<b>388</b>
<b>Other Operating Costs</b>	Costs overall are slightly over budget	<b>42</b>

### Capital Revenue

<b>Account</b>	<b>Rationale</b>	<b>\$000</b>
<b>Capital Subsidies</b>	Lower due to less capital expenditure than budgeted	<b>(1,088)</b>
<b>Contributions</b>	The financial and development contributions are continuing to be above budget for year to date.	<b>1,687</b>
<b>Capital Revenue</b>	Increase is due to sale of land on Tomarata Road and Tinopai Community Hall	<b>444</b>

**Public Debt:**

The public debt position at 31 May 2019 is \$45 million and the net debt position (debt less cash) is \$37.5 million.

**Activities Net Cost for the period to 31 May 2019**

Activity	Actual			Annual Plan - YTD		Annual Plan Whole Year	Explanation of variances
	Actual Operating Income \$000s	Actual Operating Costs \$000s	Net Operating Surplus/ (Deficit) \$000s	Net Operating Surplus/ (Deficit) \$000s		Net Operating Surplus/ (Deficit) \$000s	
Community Activities	5,057	4,493	564	354		312	Increase in activity revenue – Kai Iwi Lakes camp ground revenue increase during the holiday season. Further 25% share of revenue received from Mangawhai Heads Camp Ground Overall lower expenditure – Grounds and drains maintenance works is scheduled for future months.
District Leadership	5,568	5,989	(422)	(1,893)		(2,150)	Finance costs remain below budget due to lower inter-period loan balances due to lower capital expenditure. Overall operating costs are lower than budget.
Regulatory Management	5,255	5,659	(404)	34		14	Income above budget due to increase in subdivisions consents income. Professional services costs are continuing to increase due to the higher levels of activities.
Roads and Footpaths	13,410	10,038	3,372	3,756		4,224	Increase in roading operating subsidies from NZTA. Contractors cost increase due to work done on unsealed roads surfacing. Professional services costs increase due to network management and design works for operational projects.
Flood control	690	581	109	167		200	Costs for professional services are lower than budget to date.
Wastewater	7,065	3,188	3,877	3,550		3,872	Tracking on budget.

Activity	Actual			Annual Plan - YTD		Annual Plan Whole Year	Explanation of variances
	Actual Operating Income \$000s	Actual Operating Costs \$000s	Net Operating Surplus/ (Deficit) \$000s	Net Operating Surplus/ (Deficit) \$000s		Net Operating Surplus/ (Deficit) \$000s	
Solid Waste	1,293	917	376	294		316	Tracking on budget.
Stormwater	1,482	685	797	675		713	Costs for professional services are lower to date but will be utilised later in the year.
Water Supply	3,010	1,777	1,233	1,449		1,592	Fonterra is to pay for some reticulation this year and capital expenditure has not yet begun.
<b>Whole Council</b>	<b>42,830</b>	<b>33,327</b>	<b>9,502</b>	<b>8,386</b>			

**Attachments:**

**Attachment 1** - Commentary on capital projects for the period ended 31 May 2019.

Not available, will be circulated separately prior to the meeting.

**Attachment 2** - Commentary on significant capital projects for the period ended 31 May 2019.

Not available, will be circulated separately prior to the meeting.

### **5.3 Resolutions Register**

**Governance Advisor**                      **1202.05**

#### **Recommended**

*That Kaipara District Council notes the Resolutions Register dated 19 June 2019.*





Kaipara District Council  
Resolutions Register at 19 June 2019

Ref	Meeting Date	Agenda Item Number	Item Name	Details	Assigned	Status	Comments	Due
1	11/07/2017	1.7.2	Notice of Motion 2	1 ) That the Chief Executive develop a policy for the appointment of independent commissioners; and 2 ) That the policy include: a) the process for Council appointment to, and removal from the list of commissioners; and b) standardising of commissioner remuneration; and c) the requirement for Council approval of appointments of commissioners for resource consent hearings, and a procedure for appointment including: i) an alphabetical acceptance and refusal process to remove bias; and ii) a public register recording the process followed in point a); and iii) a process allowing applicants to refer disputes over appointments decisions to Council for resolution; and iv) mechanisms to allow qualified elected members to sit on hearing panels if Council decides to do so.	GM RPP	In Progress	Terms of Reference for the Planning and Regulatory Working Group is under consideration by Councillors and included in the March 2018 Council agenda. The intention is that this Working Group review the policy.  Working group met on 11 April 2018. Staff to create a policy based on guidance from this meeting.  Policy Team is aiming to have a draft ready as soon as possible and no later than December.	Dec 2019
2				3 ) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure	GM RPP	Completed	As above	Feb 2019
3				4 ) That any related current delegations be amended to reflect policy	GM RPP	In Progress	As above. Policy team has made recommendations for updates to Delegations register, when policy adopted the delegations contained within this Policy will also need to be registered.	July 2019
4				5 ) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM RPP	In Progress	Draft policy presented to Regulatory Working Group on 11 February 2019 for discussion. Draft Policy presented to Council at Briefing meeting 4 April 2019. Policy workshopped again at Regulatory Working Group meeting 17/04/19. Policy being amended with minor changes and being circulated to working party before being presented to the July Council meeting.	July 2019
5	26/09/2017	6.6	Stopbank reinstatement - land known as Section 73 75 part 44 Block XV of the Tokatoka Survey District	Delegates responsibility to the interim Chief Executive to complete any associated works for the stopbank reinstatement of Raupo Drainage District flood protection based on feedback from community consultation and expert advice	GM I	In Progress	See update below.	June 2019
6				Notes that the works are to be funded by Raupo Drainage Targeted Rate.	GM I	In Progress		June 2019
7	11/12/2017	6.5	Mangawhai Museum Partial Surrender of Lease	Approves the Partial Surrender of the Lease by the Mangawhai Museum	GM R,F&IT (JB)	Completed		
8				Approves the grant to the Mangawhai Museum of a non-exclusive licence to use the surrendered area for the use permitted in its lease	GM R,F&IT (JB)	In Progress	Location of the Arts Building has now been identified so this can be excluded from non-exclusive licence area.	

9				Delegates to the Acting Chief Executive responsibility for the finalisation of the Deed of Partial Surrender of Lease	GM R,F&IT (JB)	In Progress	The Deed of Partial Surrender can be finalised now with updated plans However Museum have advised they now want to new lease rather than a partial surrender. They have been advised the policy is now for LTO rather than lease. A draft LTO has been provided to the Museum so they can consider. 15 April, Museum agreed to sign lease if Council can seal ground the carpark area they are surrendering. An options report will be brought to the next Mangawhai Community Park Governance Committee meeting.	September 2019
10	25/01/2018	7.4	Reserve Contributions (use of) Policy: Adoption of reviewed Policy	Approves the reviewed Reserve Contributions (use of) Policy as amended at the Reserve Contributions Committee's meeting on 18 January 2018 (as Attachment 2 of the above mentioned report) and at this Council meeting on 25 January 2018	GM RPP	Completed		
11				Consults on the reviewed Policy as part of the draft Long Term Plan process	GM RPP	Completed	Adopted at May 2018 Council Meeting	June 2018
12				Prioritises the review of Reserves and Open Space Strategy (ROSS)	GM RPP	In Progress	Review underway. Pre consultation with key stakeholders. A briefing to Council was provided in Nov. A workshop was planned with Council in April however due to staff capacity constraints and legal timeframes and required tasks for both the Dog Control Policy and bylaw and Taharoa Domain Bylaw reviews have postponed this matter till later in the year.	Aug 2019
13	23/05/2018	5.1.3	Issues and Options: Reserve Contributions	Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018		Completed	Approved as part of the LTP	
14				Continues to fund the existing \$100,000 p.a. budgets (\$150,000 for Mangawhai Park for 2018/2019 year only) for each of the three priority parks from reserve contributions as a priority over other reserve projects (and without being required to participate in the contestable funding round), until an alternative funding source is arranged, subject to each governance committee providing a business plan that conforms to the funding criteria of the policy	GM R, IT&F, GSD (IL)	Completed	Approved as part of the LTP. Council agreed contestable funding and catchment funding on 2nd May. Criteria to be agreed for contestable fund on 30 May	May 2019
15				Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy	GM GSD (DL)	In Progress	This will be advertised in line with the approval provided at the May Council meeting. It will be advertised from July 2019.	July 2019
16				Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes	GM R,IT&F	In Progress	Awaiting ROSS review	
17		5.1.7	Issues and Options: Mangawhai Community Wastewater Scheme	Approves the inclusion of \$20.05 million in the Long Term Plan 2018/2028 for the upgrade and extension of the Mangawhai Community Wastewater Scheme to accommodate new connections	GM GSD	Completed	Approved as part of the LTP	
18				Agrees that the \$20.05 million shall be funded through debt	GM GSD	Completed	Approved as part of the LTP	
19				Agrees that the growth portion of \$20.05 million debt servicing and financing be levied on future connections with the associated revenue raised from development contributions	GM GSD	Completed	Approved as part of the LTP	

20			Notes that investigations of future disposal options to provide additional disposal capacity will be undertaken concurrently and a preferred option recommended to Council for approval	GM I	In Progress	Looking to amend existing consent to increase capacity for future disposal as an initial option (estimate existing farm has 8-10 years' capacity). Drafting RFP document to procure a supplier to undertake assessment of and identify the preferred best practicable long term disposal option. Will then progress acquiring the necessary resource consents for the preferred long term disposal option.	February 2020
21	5.1.15	Issues and Options: Pensioner Housing	Approves the continued investigation of alternative options for the land it owns at Fagan Place in Mangawhai, including the possibility of working with external partners	GM R,IT&F (JB)	in progress	Council has approved a Request for Expressions of Interest (REOI) process to be run, inviting proposals from interested parties on alternative arrangements for the delivery of pensioner housing in Mangawhai.	Dec 2019
22			Requests the Chief Executive reports the results of the investigation to Council	GM R,IT&F (JB)	In Progress	The results of the above will be communicated to Council	Dec 2019
23	26/07/2018	4.11	Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence	GM R,IT&F	In Progress	In negotiation with Golf Club on terms and conditions in respect of Surrender and LTO. Brookfields changing license for input from Golf Club. Revised LTO sent May 2019. Meeting was held with the Golf Club in June to discuss the last remaining substantive issue which is related to the rent review clause. The Club to provide a proposed revision in near future.	September 2019
24			Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977	GM R,IT&F	In Progress	Notification was done in August, No objections received. Once the LTO and Surrender deed are finalised this will be reported to Council for final decision.	September 2019
25	23/08/2018	4.5	Road stopping and amalgamation: 623 Golden Stairs Road, Paparaoa	GM I	In Progress	Deposit payment of \$3450.00 incl GST was received on the 6.11.2018. Waiting for the Purchaser to arrange the Legalisation Survey Plan for the subject Land at their cost. Once the Survey Office Plan is approved by LINZ the Purchaser is to pay the balance (\$4,800.00 + GST). 623 Golden Stairs Road – The Owner was to provide an approved survey plant within 6 months of the agreement dated 20.09.2018 but following a recommendation from The Property Group (formerly Crown Properties) a 3 month extension was granted.	Jun 2019
26			Delegates authority to the Chief Executive to finalise the sale of the stopped portion of road of the section of Golden Stairs Road in Paparaoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report)	GM I	In Progress	As above	Jun 2019
27	20/11/2018	4.7	Murphy Bower Stopbank Options Report	GM I	In Progress	Meeting with landowner was requested but not accepted. Details sent to landowner's legal advisors. If no agreement can be reached with the landowner regarding approval to enter private property to undertake the works, then Council will need to proceed with statutory process to obtain authority to enter property to construct the public works. - No contact from the landowner as promised on 31 May. KDC engaged legal representation.	June 2020

28				Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank: a) \$128,000 to come from financial year capital works projects; b) \$50,000 from Management services (identified to start hydraulic modelling); c) \$42,000 from the stopbank maintenance budget	GM I	In Progress		June 2019
29				Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded	GM I	In Progress		June 2019
30	20/12/2018	4.4	Draft Annual Plan 2019/20	Agrees that the Chief Executive prepares the draft Annual Plan 2019/2020 with an estimated average rates increase of 5.26% (after consideration for growth of 1% and exclusive of water supply rates), after reducing the Chief Executive's legal fees budget by \$169,000 to meet the shortfall and manage resource consent demand	GM R,IT&F GM GSD	Completed	Annual Plan has been compiled with this direction.	June 2019
31				Agrees that the estimated total rates increase of 5.26% (after consideration for growth of 1% and exclusive of water supply rates) for the draft Annual Plan 2019/2020 is not material and that formal consultation on the rates increase is not required	GM R,IT&F GM GSD	Completed	Annual Plan has been compiled with this direction.	June 2019
32				Agrees that a comprehensive communication and engagement plan be delivered to inform and educate the community on the draft Annual Plan 2019/2020	GM GSD	In progress	Stage One of the engagement plan is underway, and once the Annual Plan is approved by Council the second information stage will be launched, running to August	August 2019
33	28/02/2019	4.1	Notice of Motion dated 28 February 2019	a) Establishes an award for Kaipara citizens (and/or organisations), who have contributed to the environmental good of the Kaipara District.	GM RPP	In Progress	Policy team currently researching similar award policies from other Territorial Authorities	Oct 2019
34				b) Agrees that this award is judged on environmental leadership and actions including (but not restricted to) the protection, enhancement, and kaitiakitanga of natural resources and ecosystems; sustainability in enterprise, and environmental education and awareness raising.	GM RPP	In Progress	The policy team are reviewing other Council environmental award programmes and will draft up a suitable one for KDC.	Dec 2019
35				c) Agrees that a committee of suitably informed and qualified members will be established for determining the award recipient(s)	GM RPP & GM GSD	In Progress	Once the parameters of the award programme are determined a recommendation for committee structure will be proposed.	Dec 2019
36				d) Requests that the Chief Executive i. drafts an Award Policy with the frequency (to be determined), categories, and criteria for this Kaipara Environmental Award; ii. drafts a Terms of Reference for the establishment of the aforementioned Committee; iii. brings the draft Policy and Terms of Reference back to Council for approval, with a report that includes any possible costs to council for the establishment of the Award and the Committee.	GM RPP & GM GSD	In Progress	Once the policy is drafted a terms of reference will be prepared for consideration.	Dec 2019
37		5.1	Fees and Charges 2019/2020: Annual Review	Approves the proposed draft Fees and Charges 2019/2020 as outlined in the schedule included in the Agenda for this Council meeting held 28 February 2019 (circulated with the above mentioned report 'Fees and Charges 2019/2020: Annual Review' as Attachment 1), for consultation to allow community comments to be received prior to formal adoption	GM RPP	In Progress	Consultation occurred starting the week of 18th March 2019. Only one submission was received from Federated Farmers. The hearing for this was held on 6 June 2019. A recommendation following the hearing will be presented to Council meeting on 27 June 2019.	July 2019

38		5.4	Road Stopping and Inundation of an Unformed Legal Road: Roberts West Road, Dargaville	Agrees to the stopping of a portion of the section of Roberts West Road in Dargaville (approximately 1,538.6 metres of unformed road) as shown in Attachment 1 of the aforementioned report, under s342 of the Local Government Act 1974.	GM I	In Progress	Northland Fish & Game to consult with Te Roroa and Te Uri o Hau to seek agreement on the proposed inundation. Roberts West Road – Waiting for Fish & Game to approach Te Roroa and Te Uri o Hau as it is one of the condition in the contract agreement. We are waiting for written approval from the mentioned iwis.	Sep 2019
39	28/03/2019	4.3	Notice of Motion 3, Councillor Jonathan Larsen	a) That Council directs the Chief Executive to prepare a report on the feasibility of designing and building a pedestrian bridge or shared path (walking and cycling) bridge beside the Insley Street (Tomarata Road) bridge; and b) That the report include an assessment of requirements for community consultation to complete the bridge earlier than currently scheduled (after 2028) in the Mangawhai Community Plan (MCP) and any funding implications; and c) That the report be brought back to a subsequent Council meeting (to be determined by agreement abased on workload and resourcing).	GM I	In Progress	The project requires a specific Business Case (BC) for NZTA's consideration and approval. The BC requires a feasibility study to confirm the best practicable option including a more detailed cost estimate to inform the BC. The programme is for the feasibility study to commence in July (when funds become available) and it is expected to have the feasibility and final BC submitted for NZTA's consideration by the end of 2019 (noting that it can take 2 to 3 months for NZTA to process the application). Once it has been confirmed whether the project is a subsidised project or not (this will confirm Council's cost), we can consult with the community to confirm the priority of the shared path project and the Insley Street pedestrian bridge.	May 2019
40		5.1	Mangawhai Activity Zone Charitable Trust – Variation of Licence to Occupy	Approves the variation to the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to extend the lease area by approximately 1,000 m2 behind the St John's site to provide for a proposed pump track, as shown in Attachment B.	GM I	In Progress	Revised LTO has been sent to the MAZ Committee before sending to Brookfields to finalize. This has been sent to MAZ Committee for signing.	May 2019
41				Approves the variation to the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to allow for the operation of a small takeaway café.	GM I	In Progress	Revised LTO has been sent to the MAZ Committee before sending to Brookfields to finalize. This has been sent to MAZ Committee for signing.	May 2019
42				Delegates authority to the Chief Executive to negotiate the final terms and conditions of the variation of Licence to Occupy with Mangawhai Activity Zone Charitable Trust, for execution in line with the recommendation from the Mangawhai Community Park Governance Committee made on 21 January 2019.	GM I	In Progress	Revised LTO has been sent to the MAZ Committee before sending to Brookfields to finalize. This has been sent to MAZ Committee for signing.	May 2019
43	2/05/2019	4.3	Taharoa Domain Bylaw 2019 – Adoption	Adopts the Taharoa Domain Bylaw 2019 as presented in Attachment C to this Report.	GM RPP	Completed		
44				Delegates the Chief Executive to make the Taharoa Domain Bylaw 2019 operative when final signoff has been received by the Department of Conservation.	GM RPP	In Progress	DOC have been informed of the request. We are awaiting their response and formal sign off.	June 2019
45				Delegates the Chief Executive as an authorised Officer under the Taharoa Domain Bylaw 2019 and to exercise the powers of an Officer under Part 5 of the Reserves Act 1977.	GM RPP	Completed		
46				Delegates the Chief Executive to investigate appropriate and effective enforcement of the final Taharoa Domain Bylaw 2019, with appropriate delegations.	GM RPP	In Progress	Proposed workshop being established with Taharoa Committee, Harbourmaster, DOC, Mana Whenua and staff to establish an enforcement plan.	July 2019
47				Delegates to the Mayor and Chief Executive the authorisation to approve minor editorial changes as discussed at the meeting.	GM RPP	Completed		

48		4.7	Response to petitions	In relation to the petition seeking the sealing of Waihue, Nichols, Lawson and Middleton Roads in Dargaville, Kaipara District Council: a) Thanks the petitioners and notes the request raised in their petition on the sealing of Waihue, Nichols, Lawson and Middleton Roads in Dargaville. b) Requests that the Chief Executive writes to the petitioners advising: . of the situation with seal extensions within the approved Long Term Plan (LTP) budgets <input type="checkbox"/> the assessment of the roads in question relating to priority and air quality <input type="checkbox"/> of the option available to petitioners under the council's Road Seal Extension Policy.	GM GSD	Completed	The letter on the road sealing petition has been completed and sent to petitioners.	May 2019
49				In relation to the petition seeking action on the uncontrolled dogs in Dargaville, Kaipara District Council: c) Thanks the petitioners and notes the requests raised in their petition on seeking action on the uncontrolled dogs in Dargaville. d) Notes that Council monitors the contractor's performance against the contract and current key performance indicators have been met approximately 95% of the time. e) Notes that the contractor has increased patrols and presence in the Dargaville area. f) Notes that a Section 17A review under the Local Government Act (2002) is being completed and will be reported to Council on 30 May 2019. g) Requests that the Chief Executive writes to the petitioners advising them of this information.	GM GSD	Completed	The letter on the dog management petition has been completed and sent to petitioners.	May 2019
50	30/05/2019	4.1	Notice of Motion, Deputy Mayor Peter Wethey	a) Contract an audit of the processes and procedures used by the Council's Regulatory team in their assessment of all resource consent applications that are received by Council. b) This audit to measure the efficiency by which these assessments are conducted so that Council can better gauge whether the current human resources allocated to this task match the work load generated by the volume of applications received. c) That a statistically relevant sample of applicants who have submitted consent applications to Council within the last 12 months, are surveyed as part of this audit and so determine Council's reputational standing for the handling of this activity. d) That the audit be carried out by a suitably qualified, independent, third party contractor. e) That the results of the audit be reported back no later than the Council meeting scheduled for 29 August 2019.	GM RPP	In Progress	Quality Audit - Paua Planning have been appointed to carry out the biannual review to assess the quality of decision making on RC applications. This review was initiated in April and is almost complete. It will provide comparison with the quality audit of 2017. Efficiency review - Barker and Associates have been appointed to undertake this review of the process and procedures and work will commence at the end of June. The output of this work is planned to come to the August Council meeting.	Aug 2019
51		5.1	Reserve Contributions Contestable Fund	Approves the 2019 Reserves Contribution Contestable Fund Timeline as circulated in Attachment A "2019 Timeline"	GM GSD	Completed	The application timeline will be implemented.	July 2019
52				Approves the Reserves Contribution Contestable Fund Application process as circulated in Attachment B "Application Templates"	GM GSD	Completed	Process, as approved, will be launched in July 2019	July 2019
53		5.2	Notices of Motion from 28 March 2019 Council Meeting	Requests the Chief Executive inform Mangawhai Activity Zone and Kaiwaka Sports Association of the process, once approved, to apply for funding from the pool of contestable funds	GM GSD	In Progress	The organisations will be notified.	June 2019

54	5.3	District Plan – Refining NZ Company Limited Designation Conditions	Approves the amendment of the Operative Kaipara District Plan by including the conditions attached to the Designation of The New Zealand Refining Company Limited D63	GM RPP	Completed	Has been incorporated into the District Plan	10 June 2019
55	5.4	Proposed Regional Plan Decisions	Resolves that no appeal is lodged against the decisions of the Northland Regional Council	GM RPP	In Progress	Not appealing as Whangarei District Council who were the lead appellant has decided against appealing. KDC will join any other appeal of interest to Council.	August 2019
56			Delegates to the General Manager Regulatory, Planning and Policy the decision to join as a section 274 party to any appeal that may be lodged	GM RPP	In Progress	Will Respond if appeals have been lodged in which Council has an interest.	August 2019
57	5.5	Temporary Road Closure Approval – Spirit of Matariki 2019	Approves the application for the temporary road closure of Victoria Street, Dargaville within the vicinity of the band rotunda and Central Hotel, and includes the intersection of Edward Street, Dargaville as shown on the proposed Traffic Management Diagram (Attachment A to this report) on Saturday 06 July 2019 from 3pm to 10pm. A condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure	GM I	In Progress	Applicants have been notified of approval from Council and reminded of letter drop condition. We are currently awaiting confirmation of the letter drop.	July 2019





## 6 Public Excluded Council agenda items 27 June 2019

### Recommended

*That the public be excluded from the following part of the proceedings of this meeting namely:*

- *Confirmation of Public Excluded Council minutes 30 May 2019;*
- *Public Excluded Committee minutes confirmed in May 2019; and*
- *Telecommunications Sub-Licence.*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Confirmation of Public Excluded Council minutes 30 May 2019</i>	<i>S7(2)(a) to protect the privacy of natural persons, including that of deceased natural persons S7(2)(b) to protect information where the making available of the information would disclose a trade secret; or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information S7(2)(i) to enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Public Excluded Committee minutes confirmed in May 2019</i>	<p><i>S7(2)(a) to protect the privacy of natural persons, including that of deceased natural persons</i></p> <p><i>S7(2)(b) to protect information where the making available of the information would disclose a trade secret; or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</i></p> <p><i>S7(2)(i) to enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)</i></p>	<p><i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i></p>
<i>Telecommunications Sub-Licence</i>	<p><i>S7(2)(i) to enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)</i></p>	<p><i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i></p>

## **7 Open Council agenda 30 May 2019**

### **Closure**

**Kaipara District Council  
Dargaville**