

I hereby give notice of the following Ordinary meeting:

| | |
|----------------|---|
| Meeting | Kaipara District Council |
| Date | Thursday 23 August 2018 |
| Time | 9.30am |
| Venue | Gateway North Conference Room – 1999 State Highway 1, Kaiwaka |

Open Agenda

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

Contents

| | | Page |
|----------|--|------------|
| 1 | Opening | 1 |
| 1.1 | Karakia | 1 |
| 1.2 | Present | 1 |
| 1.3 | Apologies | 1 |
| 1.4 | Confirmation of Agenda | 1 |
| 1.5 | Conflict of Interest Declaration | 1 |
| 2 | Presentations and Petitions | 1 |
| 3 | Minutes | 2 |
| 3.1 | Confirmation of Open Council minutes 26 June 2018 | 3 |
| 3.2 | Committee minutes confirmed in July 2018 | 19 |
| 4 | Decision | 25 |
| 4.1 | Smokefree and Vape-free Kaipara Policy - Confirmation of draft Policy for consultation | 27 |
| 4.2 | Alcohol Control Bylaw and Statement of Proposal - Adoption of drafts for consultation | 51 |
| 4.3 | Budget Carryovers 2017/2018 | 155 |
| 4.4 | Cames Road, Mangawhai, Improvement report | 163 |
| 4.5 | Road stopping and amalgamation: 623 Golden Stairs Road, Paparoa | 167 |
| 5 | Information | 173 |
| 5.1 | Crown Manager Six Monthly Report June 2018 | 175 |
| 5.2 | Northland Transportation Alliance Quarterly Update | 183 |
| 5.3 | Chief Executive's Report July 2018 | 187 |
| 5.4 | Reserve Contributions Committee - Appointment of Deputy Mayor Wethey | 201 |
| 5.5 | Resolutions Register and Action Tracker | 205 |
| 6 | Public Excluded agenda items 23 August 2018 | 213 |
| 6.1 | Confirmation of Public Excluded Council minutes 26 July 2018 | |
| 6.2 | Senior Citizens Hall Society, Fagan Place, Mangawhai - Lease | |
| 6.3 | Sale of Section, Aranga Coast Road | |
| 7 | Open Council agenda 23 August 2018 | |
| | Closure | 215 |

**Ordinary meeting of Kaipara District Council
23 August 2018 in Kaiwaka**

1 Opening

1.1 Karakia

1.2 Present

1.3 Apologies

1.4 Confirmation of Agenda

The Committee 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 Deputations, Presentations and Petitions

2.1 Mangawhai Community Opportunity Shop Trust, Roger Hill

3 Minutes

3.1 Confirmation of Open Council minutes 26 July 2018

General Manager Governance, Strategy and Democracy

1601.23

Recommended

That the unconfirmed Open minutes of the Kaipara District Council meeting held 26 July 2018 be confirmed as a true and correct record.

Kaipara District Council

Minutes

| | |
|----------------|--|
| Meeting | Kaipara District Council |
| Date | Thursday 26 July 2018 |
| Time | Meeting commenced at 9.35am Meeting concluded at 2.41pm |
| Venue | Mangawhai Club – Molesworth Drive, Mangawhai |
| Status | Unconfirmed |

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

Contents

| | | |
|----------|--|-----------|
| 1 | Opening | 3 |
| 1.1 | Karakia | 3 |
| 1.2 | Present | 3 |
| 1.3 | Apologies | 3 |
| 1.4 | Confirmation of Agenda | 4 |
| 1.5 | Conflict of Interest Declaration | 4 |
| 2 | Deputations, Presentations and Petitions | 4 |
| 2.1 | Mark and Trish Rolfe, Baylys Beach Motor Camp Lease | 4 |
| 3 | Minutes | 4 |
| 3.1 | Confirmation of Open Council minutes 26 June 2018 | 4 |
| 4 | Decision | 5 |
| 4.1 | Representation Review: Initial Proposal | 5 |
| 4.2 | Road Vesting: Settlement Road, Hakaru, Kaiwaka | 6 |
| 4.3 | Dargaville Arts Association Office Hub, Dargaville | 6 |
| 4.4 | Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy | 7 |
| 4.5 | Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy | 8 |
| 4.6 | ICT Data and Information Compliance Policy Adoption..... | 9 |
| 4.7 | Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract..... | 9 |
| 4.8 | Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy | 10 |
| 4.9 | Fraud Policy, adoption of amended Policy | 10 |
| 4.10 | Delegations Register Update July 2018..... | 11 |
| 4.11 | Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence | 11 |
| 5 | Information | 12 |
| 5.1 | Resolutions Register and Action Tracker | 12 |
| 5.2 | Chief Executive's Report June 2018..... | 12 |
| 5.3 | Recycling Stockpiling and Subsidy - Review of Options..... | 12 |
| 6 | Public Excluded Council minute items 26 July 2018 | 14 |
| 7 | Open Council minutes 26 July 2018 | 16 |
| | Closure | 16 |

**Minutes of the Ordinary meeting of Kaipara District Council
26 July 2018 in Mangawhai**

1 Opening
1.1 Karakia

Councillor Curnow opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith, Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis-Woodcock, Libby Jones, Jonathan Larsen and Andrew Wade

In Attendance

| Name | Designation | Item(s) |
|------------------|--|--------------------|
| Curt Martin | Acting Chief Executive | All |
| Donnick Mugutso | Acting General Manager Infrastructure | All |
| Dean Nuralli | Acting General Manager Regulatory, Planning and Policy | All |
| Jason Marris | General Manager Governance, Strategy and Democracy | All |
| Natalie Robinson | Policy Analyst | All |
| Hannah Gillespie | General Manager People and Capability | 1—5.2 |
| Paul Cresswell | Acting General Manager Risk, IT and Finance | 1—5.2 |
| Darlene Lang | Community Relationships Manager | 1—4.4 |
| John Burt | Property and Commercial Advisor | 1—6.2 |
| Ian Fernandes | IT Manager | 1—4.6 |
| Jenny Rooney | Funding Co-ordinator | 1—4.3 |
| Fleur Denize | Facilities Procurement and Contracts Co-ordinator | 1—4.3 |
| Dale Ofoske | Electoral Officer, Election Services | 1—4.1 |
| Lisa Hong | Governance Advisor | All (Minute-taker) |

Adjournments

| Reason | Start time | Finish time |
|-------------|------------|-------------|
| Tea break | 11.14am | 11.30am |
| Lunch break | 1.10pm | 1.33pm |

1.3 Apologies

Moved Curnow/del la Varis-Woodcock

That the apologies of Councillors Joyce-Paki and Geange be received.

Carried

1.4 Confirmation of Agenda

Moved Curnow/Wethey

That Kaipara District Council confirms the Agenda, noting that item 5.3 'Recycling Stockpiling and Subsidy - Review of Options' is a decision paper and not an information paper as indicated in the agenda.

Carried

1.5 Conflict of Interest Declaration

| Name | Conflict |
|-------------------|--|
| Councillor Curnow | Item 4.3 'Dargaville Arts Association Office Hub, Dargaville' – Councillor Curnow is a member of the Dargaville Community Development Board. This organisation is a potential tenant for the Dargaville Arts Association Office Hub. |
| Councillor Jones | Item 4.4 'Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy' – Councillor Jones is the Council-appointed member on the Sport Northland Board. |
| Councillor Wethey | Item 4.11 'Mangawhai golf course Reserve status exchange and Golf Club surrender of lease/Variation of lease or grant of new licence' – Councillor Wethey is a member of the Mangawhai Golf Club. |

2 Deputations, Presentations and Petitions

2.1 Mark and Trish Rolfe, Baylys Beach Motor Camp Lease

Mark and Trish Rolfe spoke in the public forum and tabled an email (sent 25 July 2018 12.47pm) from the Department of Conservation.

3 Minutes

3.1 Confirmation of Open Council minutes 26 June 2018

General Manager Governance, Strategy and Democracy 1601.22

Moved Smith/Curnow

That the unconfirmed Open minutes of the Kaipara District Council meeting held 26 June 2018 be confirmed as a true and correct record.

Carried

4 Decision

4.1 Representation Review: Initial Proposal

Electoral Officer 1301.01

Moved Smith/Curnow

That Kaipara District Council:

- 1 *Receives the Electoral Officer's report 'Representation Review: Initial Proposal' dated 12 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Resolves, pursuant to sections 19H and 19J of the Local Electoral Act 2001, to adopt, as its initial proposal for the review of representation arrangements for the 2019 and 2022 triennial elections, the following:*
 - i. *Kaipara District Council to comprise eight councillors elected under the ward system, plus the mayor elected at large;*
 - ii. *Kaipara District Council be divided into four wards, these being:*
 - Dargaville Ward (two councillors) being the existing ward comprising the township of Dargaville (the area delineated on SO Plan 70435 deposited with Land Information New Zealand), the boundaries of which are shown on **Attachment 1** of the aforementioned report;*
 - Kaiwaka-Mangawhai Ward (two councillors) comprising the southeast area of the district including the townships of Kaiwaka, Mangawhai, Mangawhai Heads, Oruawharo, Oneriri Peninsula, Hakaru and surrounding areas, the boundaries of which are shown on **Attachment 2** of the aforementioned report;*
 - Otamatea Ward (two councillors) comprising the State Highway 12 townships from Tokatoka back to the Brynderwyns including Ruawai, Matakohe, Paparoa, Maungaturoto, Taipuha, Ararua, Pahi, Whakapirau, Tinopai and surrounding areas, the boundaries of which are shown on **Attachment 3** of the aforementioned report;*
 - West Coast-Central Ward (two councillors) comprising the area surrounding Dargaville through to Waipoua Forest, including Kaihu, Aranga, Donnellys Crossing, Mamaranui, Omamari, Baylys Beach, Hoanga, Tangowahine, Tangiteroria, Te Kopuru, Pouto, Turiwiri and Arapohue, the boundaries of which are shown on **Attachment 4** of the aforementioned report;*
 - iii. *no community boards be established;*
 - iv. *the reason the total number of councillors is proposed to remain at eight (plus the mayor) is to provide effective representation to Kaipara district residents and ratepayers (whilst still ensuring accessibility to a large area made up of populated towns and villages and sparsely populated rural areas); and*

- 4 *Issues a public notification on 01 August 2018 that informs the public of the initial proposal and the opportunity to make a submission in the period 01 to 31 August 2018 should they wish to; and*
- 5 *Approves the Statement of Proposal and Draft Engagement Plan (Attachment 7 and Attachment 8 of the aforementioned report) to inform the community of the review and their opportunity to provide feedback during the formal consultative process; and*
- 6 *Notes that once the decision on the initial proposal is made as above, there are legislative timeframes for the remaining process, outlined in the aforementioned report.*

Carried

4.2 Road Vesting: Settlement Road, Hakaru, Kaiwaka

Roading Manager **4102.17**

Moved **Curnow/Wethey**

That Kaipara District Council:

- 1 *Receives the Roding Manager's report 'Road Vesting: Settlement Road, Hakaru, Kaiwaka' dated 17 July 2018 and its Attachments 1, 2 and 3; 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees in principle to the vesting and purchase of a portion of private property, the area being 0.0300ha (300m²) of land for road being Lot 5 Revised subdivision plan RM170473 highlighted in yellow on aerial map (see Attachment 1 to the above-mentioned report) for road reserve (Settlement Road) in Hakaru, Kaiwaka, subject to the costs associated being no more than \$1,500 + GST for the land itself and \$1,500 + GST for additional costs; and*
- 4 *Delegates the Acting Chief Executive to finalise the acquisition of the aforementioned land.*

Carried

4.3 Dargaville Arts Association Office Hub, Dargaville

Community Relationships Manager **5105.09**

[Secretarial Note: Councillor Curnow declared conflict of interest for this item. She stepped away from the table and did not participate in the discussion nor vote on the item.]

Moved **Smith/Wade**

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Dargaville Arts Association Office Hub, Dargaville' dated 09 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates to the Dargaville Arts Association Incorporated the power to approve short term rental licences for office space in the Municipal Building, Dargaville for the purpose of fundraising which can be reinvested into the Arts Centre enabling growth; and*
- 4 *Notes that any short term rental licences that are granted under this delegation will meet the same terms and conditions of the current Licence to Occupy that the Dargaville Arts Association has with Council.*

Carried

4.4 Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy

Community Relationships Manager 4701.03

Moved Wethey/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy'; dated 16 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates the Acting Chief Executive to negotiate a three year Contract for Service with the Kauri Coast Community Pool Trust; and*
- 4 *Delegates the Acting Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust; and*
- 5 *Approves a \$299,000 per annum grant for three financial years starting in the 2018/2019 financial year to the Kauri Coast Community Pool Trust, which consists of \$257,000 for operating costs and \$42,000 for repairs, maintenance and renewals; with payment conditional on the Contract for Service and Licence to Occupy being successfully completed; and*
- 6 *Approves that the annual grant to the Kauri Coast Community Pool Trust be increased by \$22,000 per annum from the 2019/2020 financial year to ensure water charges lie where they are incurred and transparency is increased.*

Procedural motion moved Wade/Jones

That this item lie on the table until a meeting with the Kauri Coast Community Pool Trust is held with Elected Members and Council officers.

Carried

Meeting adjourned for morning tea at 11.14am.

Meeting recommenced at 11.30am.

4.5 Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy

General Manager Governance, Strategy and Democracy 1801.0

Moved Curnow/Smith

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report "Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy" dated 10 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that the Notice of Motion presented by Councillor Geange to the April 2018 Council meeting (circulated as Attachment 1 to the aforementioned report) was to be reported back to this July 2018 Council meeting; and*
- 4 *Notes that the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year will be received in August 2018; and*
- 5 *Agrees that the Elected Member Allowances and Recovery of Expenses Policy is reviewed against the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year.*

Carried

4.6 ICT Data and Information Compliance Policy Adoption

IT Manager 2111.16.02

Moved Wethey/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the IT Manager's report 'ICT Data and Information Compliance Policy Adoption' dated 13 July 2018 and its Attachment 1 (the Policy of June 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that the Audit, Risk and Finance Committee's recommendation for Council to adopt the Data and Information Compliance Policy as amended at its 13 June 2018 meeting; and*
- 4 *Adopts the ICT Data and Information Compliance Policy June 2018.*

Carried

4.7 Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract

Acting General Manager Infrastructure 4107.879

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the Acting General Manager Infrastructure's report 'Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract' dated 17 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Brings forward \$500,000 from Year 2, and \$204,000 from Year 3 of the Mangawhai Stormwater Capital Works Budgets approved in the Long Term Plan 2018/2028 to fund the \$704,000 shortfall for Contract 879 Quail Way Stormwater Improvement; and*
- 4 *Approves the award of Contract 879 Quail Way Stormwater Improvement to Abergeldie Harker Limited for the contract price of \$1,196,790.72 + GST.*

Carried

4.8 Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy

Policy Analyst 3201.05

[Secretarial Note: An incorrect version of Attachment 3 'Kaipara District Council Gambling Policies Review (July 2018)' was included in the Agenda. The correct version was tabled at the meeting.]

Moved Smith/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Policy Analyst's report 'Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy' dated 09 July 2018 and its circulated and tabled attachments; 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that staff have now completed a review of the Class 4 Gambling Venues Policy as required by the Gambling Act 2003 and a review of the TAB Venue Policy as required by the Racing Act 2003; and*
- 4 *Directs the Chief Executive to investigate and draft amendments to the Class 4 Gambling Venues Policy to be reported back to Council at the September 2018 Council meeting; and*
- 5 *Retains the existing TAB Venue Policy with no changes; and*
- 6 *Delegates to a Hearing Panel of Councillors Curnow and Wethey and Mayor Smith the authority and responsibility to:*
 - *oversee the drafting of the Class 4 Gambling Venues Policy amendments and the Statement of Proposal;*
 - *hear submissions on the draft Class 4 Gambling Venues Policy; and*
 - *make recommendations to Council on the draft Class 4 Gambling Venues Policy.*

Carried

4.9 Fraud Policy, adoption of amended Policy

General Manager People and Capability 2206.0

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the General Manager People and Capability's report 'Fraud Policy, adoption of amended Policy' dated 12 July 2018 and its Attachment 1 and Attachment 2 (current Policy and updated Policy); 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the Audit, Risk and Finance Committee's recommendation to adopt the Fraud Policy with amendments made at the Committee's meeting on 13 June 2018; and*
- 4 *Adopts the updated Fraud Policy (Attachment 1 to the aforementioned report) with the two-year Policy review date.*

Carried

4.10 Delegations Register Update July 2018

Policy Analyst and Executive Assistant 2304015

Moved Curnow/Jones

That Kaipara District Council:

- 1 *Receives the Policy Analyst's and Executive Assistant's report 'Delegations Register Update July 2018' dated 13 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the revision and addition to the Delegation Register, as specified in the worksheets circulated as Attachment 1 and Attachment 2 of the aforementioned report.*

Carried

4.11 Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence

Property and Commercial Advisor 5105.12

[Secretarial Note: Deputy Mayor Wethey declared conflict of interest for this item. He stepped away from the table and did not participate in the discussion nor vote on the item.]

Moved Curnow/Wade

That Kaipara District Council:

- 1 *Receives the Property and Commercial Advisor's report 'Mangawhai golf course Reserve status exchange and Golf Club surrender of lease/variation of lease or grant of new licence' dated 16 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy; and*
- 4 *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.*

Carried

5 Information

5.1 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Moved Smith/Jones

That Kaipara District Council receives the Governance Advisor's Resolutions Register and Action Tracker dated 16 July 2018.

Carried

5.2 Chief Executive's Report June 2018

Acting Chief Executive 2002.02.18/June

Moved Larsen/Curnow

That Kaipara District Council receives the Chief Executive's Report for the month of June 2018.

Carried

5.3 Recycling Stockpiling and Subsidy - Review of Options

Acting General Manager Infrastructure 4201.02

Moved Curnow/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Waters and Waste Manager's report 'Recycling Stockpiling and Subsidy - Review of Options' dated 17 July 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Continues with the current agreed subsidy for processing, stockpiling and transportation to market of recyclable plastics, but changes the method of the funding of subsidy payments from Ratepayer funded to Waste Minimisation Levy funded.*

Carried

Meeting adjourned for lunch at 1.10pm

Meeting recommenced at 1.33pm

Unconfirmed

6 Public Excluded Council minute items 26 July 2018

The meeting went into Public Excluded session at 1.33pm.

Moved Smith/Wethey

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

- *Confirmation of Public Excluded Council minutes 26 June 2018;*
- *Notice of intention to cancel lease and potential termination of lease;*
- *Baylys Beach Camp Ground Lease Extension; and*
- *Baylys Beach Access 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:

| General subject of each matter to be considered: | Reason for passing this Resolution | Ground(s) under Section 48(1) for the passing this resolution: |
|---|--|---|
| <i>Confirmation of Public Excluded Council minutes 26 June 2018</i> | <i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i> | <i>Section 48(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>Notice of intention to cancel lease and potential termination of lease</i> | <i>Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i> | <i>Section 48(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> |

| General subject of each matter to be considered: | Reason for passing this Resolution | Ground(s) under Section 48(1) for the passing this resolution: |
|---|---|---|
| <i>Baylys Beach Camp Ground Lease Extension</i> | <i>Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i> | <i>Section 48(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>Baylys Beach Access update</i> | <i>7(2)(g) maintain legal professional privilege</i> | <i>Section 48(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

Unconfirmed



7 Open Council minutes 26 July 2018

The meeting came back into Open session at 2.41pm.

Closure

The meeting closed at 2.41pm.

Confirmed

Chair

Unconfirmed

3.2 Committee minutes confirmed in July 2018

General Manager Governance, Strategy and Democracy 1616.01

Recommended

That Kaipara District Council receives the confirmed Open minutes of the following Kaipara District Council Committee meeting, for information:

- *Reserve Contributions Committee meeting held 18 January 2018.*

Minutes

| | |
|----------------|--|
| Meeting | Reserve Contributions Committee |
| Date | Thursday 18 January 2018 |
| Time | Meeting commenced at 9.00 am Meeting concluded at 9.59 am |
| Venue | Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville |
| Status | Confirmed |

Membership

Chair: Councillor Jonathan Larsen

Members: Councillor Victoria Del la Varis-Woodcock, Councillor Andrew Wade

Staff and Associates:

Acting Chief Executive, General Manager Community, General Manager Planning and Regulatory,
General Manager Infrastructure, Administration Assistant (Minute-taker)

Linda Osborne
Administration Manager

Contents

| | | |
|----------|--|----------|
| 1 | Opening | 3 |
| 1.1 | Present..... | 3 |
| 2 | Apologies | 3 |
| 3 | Confirmation of Agenda | 3 |
| 4 | Conflict of Interest Declaration | 3 |
| 5 | Confirmation of Minutes | 4 |
| 5.1 | Reserves Contributions Committee Minutes 03 November 2017..... | 4 |
| 6 | Terms of Reference | 4 |
| 6.1 | Reserve Contributions Policy Review Committee Terms of Reference | 4 |
| 7 | Policy | 4 |
| 7.1 | Reserve Contributions (use of) Policy: Implications of draft reviewed Policy | 4 |
| 7.2 | Reserve Contributions (use of) Policy: Adoption of reviewed Policy | 5 |
| 8 | Closure | 5 |

Confirmed

Minutes of the Ordinary meeting of the Reserve Contributions Committee
Thursday 18 January 2018, Dargaville

1 Opening
1.1 Present

Councillors Jonathan Larsen (Chair), Victoria Del la Varis-Woodcock and Andrew Wade.

In Attendance

| Name | Designation | Item(s) |
|----------------|---|--------------------|
| Peter Wethey | Deputy Mayor (Ex-Officio) | All |
| Peter Tynan | Acting Chief Executive | All |
| Venessa Anich | General Manager Community | All |
| Fran Mikulicic | General Manager Planning and Regulatory | All |
| Curt Martin | General Manager Infrastructure | All |
| Rick Groufsky | Financial Services Manager | All |
| Lisa Hong | Administration Assistant | All (minute-taker) |

Adjournments

Nil.

2 Apologies

Nil.

3 Confirmation of Agenda

The Committee confirmed the Agenda.

4 Conflict of Interest Declaration

Nil.

5 Confirmation of Minutes

5.1 Reserves Contributions Committee Minutes 03 November 2017

Administration Manager 1616.01

Moved del la Varis-Woodcock/Wade

That the unconfirmed minutes of the Reserves Contributions Committee meeting held on 03 November 2017 be confirmed as a true and accurate record.

Carried

6 Terms of Reference

6.1 Reserve Contributions Policy Review Committee Terms of Reference

Democratic Services Manager 1203.01

The Reserve Contributions Policy Review Committee Terms of Reference was circulated.

[**Secretarial Note:** The Committee noted that full Council has yet to adopt the Committee's Terms of Reference and was advised by staff that it will be adopted as a part of variation in Terms of Reference.]

7 Policy

7.1 Reserve Contributions (use of) Policy: Implications of draft reviewed Policy

General Manager Community 2304.17

Moved del la Varis-Woodcock/Wade

That the Reserve Contributions Committee:

- 1 *Receives the General Manager Community's report 'Reserve Contributions (use of) Policy: Implications of draft reviewed Policy' dated 04 January 2017, and its Attachments 1 and 2, and the information contained therein; 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 *Recommends to Council to provide for alternative funding for capital projects through the Long Term Plan process.*

Carried

7.2 Reserve Contributions (use of) Policy: Adoption of reviewed Policy

Policy Planner 2304.17

Moved Wade/del la Varis-Woodcock

That the Reserve Contributions Committee:

- 1 *Receives the Policy Planner's report 'Reserve Contributions (use of) Policy: Adoption of reviewed Policy' dated 01 December 2017; 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends to the Kaipara District Council the reviewed Reserve Contributions (use of) Policy as amended at the Committee's meeting on 18 January 2018 to the above-mentioned report; and*
- 4 *Recommends to the Kaipara District Council that the reviewed Policy is consulted on as part of the draft Long Term Plan process;*
- 5 *Recommends to the Kaipara District Council that the review of Reserves and Open Space Strategy (ROSS) is prioritised.*

Carried

[**Secretarial Note:** The draft Policy is to be amended to reflect the following:

- Under eligibility criteria, section 5.1.e, condition 'Within each catchment' be removed to read 'Consideration will be given to projects that add amenity to the parks and reserves that are lacking in amenities'; and
- Replacement of section 6, distribution of reserve contributions, with the following wording 'Council will generally apply funds in the locality in which they are generated, but where sufficient developed reserves exist, may apply up to 20% of the funds in other parts of the district'.]

8 Closure

The meeting closed at 9.59 am.

Confirmed 30 July 2018

Chair Councillor Jonathan Larsen

**Kaipara District Council
Dargaville**

4 Decision

File number: 4702.04.04 **Approved for agenda**
Report to: Council
Meeting date: **23 August 2018**
Subject: **Smokefree and Vape-free Kaipara Policy - Confirmation of draft Policy for consultation**
Date of report: 07 August 2018
From: Kathie Fletcher, Policy Manager and Paula Hansen, Policy Planner
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

The Northland District Health Board (NDHB) and the Cancer Society have approached Council to revise and extend Council's Smokefree in Parks and Reserves Policy. Council staff have been working with the NDHB and Cancer Society to update this Policy. The main aim is to de-normalise smoking, particularly for children. This has resulted in a draft Policy called 'Smokefree and Vape-free Kaipara Policy' (Attachment Two) for Council to consider.

It is expected that some form of consultation will be undertaken as part of the formal adoption process by Council and in accordance with Council's Significance and Engagement Policy.

Recommendation

That Kaipara District Council:

- 1 *Receives the Policy Manager's and the Policy Planner's report 'Smokefree and Vape-free Kaipara Policy - Confirmation of draft Policy for consultation' dated 07 August 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees with the direction provided for in the draft Smokefree and Vape-free Kaipara Policy, circulated as Attachment Two to the aforementioned report; and*
- 4 *Approves the draft Smokefree and Vape-free Kaipara Policy in accordance with Council's Significance and Engagement Policy; and*
- 5 *Forms a Hearing Panel made up of three Elected Members, being X, Y, Z, one of whom will be the chair of the panel, and delegates to the Hearing Panel the responsibility to hear submissions and to provide recommendations to Council.*

Reason for the recommendation

Central government has committed to a goal of New Zealand becoming smokefree by 2025; this means a smoking population of less than 5%. There is huge potential for councils to contribute to the tobacco end-game. The Health Act 1956 has a number of sections relevant to tobacco control and local

authorities, stating that it is the duty of every local authority to improve, promote and protect public health within its district. A number of councils have already committed to the Smokefree 2025 Vision and are now including vape-free areas in areas that are designated smokefree.

Expanding smokefree areas is a vitally important way of de-normalising smoking, protecting our children and promoting healthy lifestyles.

Northland experiences a higher burden from smoking than the rest of New Zealand. The prevalence of smokers in Northland is 19.1%, for Kaipara 17% compared with 15.1% for New Zealand. Smoking in Northland is related to 25% of all deaths (47% of all Māori deaths, and 18% of non-Māori deaths). Smoking-related hospitalisations in Northland (1,161 per 100,000 hospitalisations) are 1.5 times higher than the national rate.

Reason for the report

The purpose of this report is to confirm Council's approach with regard to the draft Smokefree and Vape-free Kaipara Policy prior to undertaking public consultation. This is required under Council's Significance and Engagement Policy.

Background

Council was first approached by the NDHB in 2008 as part of the Annual Plan 2008/2009 consultation round. Their request was for Council to consider a Smokefree Policy at all Council-owned parks and playgrounds. At this time, the Council implemented an educative Smokefree approach to all 12 Council administered playgrounds within the district. In November 2011, Council introduced an educative Smokefree Policy and extended the Policy to cover 10 Council-owned parks, sport fields and swimming pools from September 2012.

The NDHB and the Cancer Society worked collaboratively to support Council to implement the Policy. The purpose of the Policy was to provide smokefree role models for our children and show them that smoking is not a 'normal' part of life. The main action taken was to only erect signs at Council playgrounds. No Policy was adopted until 2011.

On 30 June 2015, Council signed a Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025, (Attachment Three). This Statement has the vision that:

'Our children and mokopuna will be free from tobacco/smoke and enjoy tobacco/smokefree lives. At least 95% of the Tai Tokerau population will be smokefree. Tobacco will be expensive to purchase and difficult to access.'

In many cases smokefree policies have been successful. The NDHB has advised that there has been a consistently high level of compliance and very little resistance.

A submission was made to Council's Long Term Plan 2018/2028 process by Patu Puaiahi Tai Tokerau (Attachment Four). They represent a group of organisations all working within the Tobacco Control sector in Northland. This group includes the NDHB and the Cancer Society. The following is a summary of key information contained within the submission. Tobacco use is the leading cause of preventable death and disease in New Zealand, accounting for around 4,300 to 4,700 deaths per year. When the deaths caused

from exposure to second-hand smoke are included, this estimate increases to around 5,000 deaths per year. Smoking causes a quarter of all cancer deaths. Disease as a result of smoking has further impacts on environmental, social, economic and cultural well-beings of those affected and of those around them as well as the country's health sector.

The NDHB and the Cancer Society have advocated to Council to further develop our Smokefree Policy in order to strengthen our position and priorities. This ensures the district continues to work towards healthy and resilient communities and increases its reputation as an appealing destination. Council Officers have been working collaboratively with the NDHB and the Cancer Society to review and make recommendations to Council on a revised Smokefree Policy.

Issues

Attention is increasingly turning to the impact on future smoking behaviour of children and the effects of children and young people seeing people around them smoke. The introduction of smokefree parks and playgrounds has the core aim of de-normalising smoking by reducing the amount of smoking, children and young people are exposed to.

Normative values play an important role in youth smoking and it is concerning that young people perceive that many more people smoke than actually do, thereby enforcing smoking as a normative behaviour. Smokefree and vape-free parks and playgrounds would reduce the exposure of children and young people to smoking and therefore their perception that smoking is a 'normal' behaviour.

Extending smokefree areas is a way in which we can further de-normalise smoking, reducing visibility of smoking behaviour, promoting healthy smokefree lifestyles and providing positive role models for children. It is based on the philosophy that if people see the behaviour every day, they are more likely to pick it up, and conversely less likely to pick up behaviours less frequently observed.

It is acknowledged that e-cigarettes or vaping are likely to be an effective tool for harm reduction amongst some smokers however the visual similarities of e-cigarettes and cigarettes (i.e. white vapour/smoke) may result in public confusion, reduced compliance, and enforcement issues. Vaping constitutes its own health risk both for a user and passively. Youth are particularly at risk of normalising smoking as part of increased exposure to vaping. Please see further information on this in Attachment One to this report.

It is proposed to apply the Smokefree Policy areas to e-cigarettes and other similar devices (i.e. no smoking or vaping) and to rename the Policy to 'Smokefree and Vape-free Kaipara Policy', Attachment Two. It is also proposed to apply the Policy to the following Council facilities and agreements.

- 1) Council-owned or managed parks, playgrounds, sports fields, reserves and skate parks;
- 2) Swimming pool complexes;
- 3) Bus and taxi shelters;
- 4) Beaches;
- 5) Social housing;
- 6) All Council-owned buildings and facilities including within four metres of their entranceways, openings and any surrounding outdoor public areas;

- 7) All contractual agreements to hire Council-owned facilities or equipment use to be smokefree and vape-free
- 8) Council funded, run and supported events will be smokefree and vape-free.
- 9) Outdoor pavement dining areas.
- 10) Council will also investigate designating areas in town centres as smokefree and vape-free.

An action Plan has also been included in the Policy to help give direction on the types of activities that will be undertaken to give effect to the revised Policy. These actions are categorised into three areas:

- 1) Communication, engagement, and monitoring;
- 2) Smoke and vapour free areas and events;
- 3) Cessation support.

Factors to consider

Community views

NDHB and the Cancer Society undertook consultation with the Kaipara communities by way of a survey online and in person in October/November 2017. Over 650 Kaipara residents responded with:

- 73% showing wide support for increased smokefree outdoor spaces;
- 69% showing support for smokefree areas outside all public buildings and facilities owned by KDC;
- 69% showing support for smokefree pedestrian areas within town centres;
- 62% showing support for smokefree areas on all public lands owned by KDC;
- 71% showing support for smokefree outdoor dining areas;
- 48% showing support for smokefree beaches.

In summary consultation with the Kaipara community by the NDHB has shown widespread support for increased smokefree outdoor public spaces.

It has been recommended that the proposed Smokefree and Vape-free Kaipara Policy be consulted on prior to a final Policy being adopted by Council. This is to allow the community to provide feedback and to be aware of the Policy and potential future actions that Council supports to help de-normalise smoking within the Kaipara District. Consultation will be undertaken in accordance with Council's Significance and Engagement Policy.

Policy implications

Consultation is required under *the Significance and Engagement Policy*. No other policies are directly affected by this proposal. The final Policy may be reflected through Council's Reserve and Open Spaces Strategy and Reserve Management Plans when they are next reviewed.

Financial implications

There are no financial implications. Resources to implement the actions proposed in the Policy will largely come from external organisations, Council Officer time will be the main resource required by Council.

Legal/delegation implications

There are no legal/delegation implications

Options

Option A: No change - keep the Policy the same and do not consult with the community.

Option B: Extend the Policy to only include additional smokefree areas and agreements and consult with the community.

Option C: Extend the Policy to include smokefree and vape-free areas and agreements and consult with the community.

Assessment of options

Option A: This option does not reflect the sentiment of Kaipara communities as per the survey and research conducted by the NDHB and the Cancer Society. It does not present Kaipara District Council as taking a leadership role or being proactive on health issues or policies. It risks our reputation as a thriving Kaipara.

Option B: This option shows some progress but does not fully consider an increasing health issue prevalent amongst youth. It does not present Kaipara District Council as taking a leadership role in the absence of clear legislative direction from central government.

Option C: This option promotes Kaipara District Council as a leader in Northland on this health issue. This Council was the first to adopt a Smokefree Policy for its playgrounds and parks, and we have the opportunity to remain a leader in this space by including vape-free areas and extending smokefree areas to physical spaces and our contractual agreements, showing a strong commitment to our communities' well-being, especially the younger and future generations.

Assessment of significance

The proposed Smokefree and Vape-free Kaipara Policy may affect how people use the District's public places and therefore the communities are likely to have an interest in the proposed Policy.

Recommended option

The recommended option is **Option C** as it is considered the most appropriate mechanism to address health issues related to smoking prevalent in Kaipara and throughout Northland. It also shows a dedicated commitment to the Tupeka Kore Smokefree Tai Tokerau 2025 vision and seeks consultation with Kaipara communities to assess what support there is for an extended Policy.

Next steps

Notice to be placed in local papers and on Council's website. Community groups will be contacted through internal networks. A one month consultation period will be provided for to allow the community to provide feedback on the proposed Policy. A Hearing Panel of three Elected Members will review the feedback and make recommendations to Council on a final Policy.

Attachments

- Attachment One: Information on Vaping
- Attachment Two: Draft 'Smokefree and Vape-free Kaipara Policy'
- Attachment Three: Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025 (signed copy)
- Attachment Four: Patu Puaiahi Tai Tokerau submission to Council's Long Term Plan 2018/28

Attachment One: Information on Vaping

The following information is to support the inclusion of vape or vaping within the proposed Smokefree and Vapefree Kaipara Policy.

Vaping products and heated tobacco and herbal products can be legally sold in New Zealand. A recent District Court decision case ruled these products can be lawfully sold under the Smoke-free Environments Act 1990.¹ (the Act).

All the requirements of the Act also apply to vaping and heated tobacco products, including banning advertising these products and making it illegal to sell them to young people under the age of 18².

The smoking ban in indoor workplaces, however, only applies to smoked tobacco and does not apply to vaping. Individual councils, employers and business owners can decide whether they want to include vaping in their smokefree policies. The Government is currently considering how best to apply risk-proportionate regulations across all tobacco products, including smoked tobacco, heated tobacco products and vaping products.³

The Ministry of Health believes vaping products have the potential to make a contribution to the Smokefree 2025 goal and could disrupt the significant inequities that are present. This however depends on the extent to which they can act as a route out of smoking for New Zealand's 550,000 daily smokers, without providing a route into smoking for children and non-smokers.⁴

Currently there are no mandatory product safety requirements specifically for vaping products in New Zealand, however generic product safety standards apply. This is in spite of the World Health Organisation, last year calling on Britain to consider a total ban in public spaces due to the risk from 'second-hand vapour'.⁵ Additionally, researchers led by Berkeley University in California found toxic chemicals released from e-cigarettes into bars, exceeded their state's guideline safety levels. Vaping products and e-cigarettes are not without their risks. The Berkeley study states: 'E-cigarettes likely represent a lower risk to health than traditional combustion cigarettes, but they are not innocuous.

Dr Hugo Destailats from Berkeley, said: 'Regular cigarettes are super unhealthy. E-cigarettes are just unhealthy.'⁶

While vaping does not produce toxic tobacco smoke, which causes lung cancer, it generates other compounds that are potentially dangerous to human health. The aerosol from vaping "can contain harmful and potentially harmful chemicals, including nicotine; ultrafine particles that can be inhaled deep into the lungs; flavouring such as diacetyl, a chemical linked to a serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead. Scientists are still working to understand more fully the health effects and harmful doses of vaping contents when

¹ *Philip Morris v Ministry of Health* [2018] NZDC 4478

² <https://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/vaping-smokeless-including-heated-tobacco>

³ <https://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/vaping-smokeless-including-heated-tobacco>

⁴ <https://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/vaping-smokeless-including-heated-tobacco>

⁵ <http://www.dailymail.co.uk/health/article-4753518/Warning-passive-vaping-bars.html>

⁶ <http://www.dailymail.co.uk/health/article-4753518/Warning-passive-vaping-bars.html>

they are heated and turned into an aerosol, both for active users who inhale from a device and for those who are exposed to the aerosol second-hand”.⁷

According to the study, “formaldehyde intake from just 100 daily puffs of one of these devices is higher than the amount inhaled by a smoker on 10 conventional cigarettes a day. Concentrations of toxic benzene are also produced, which can cause anaemia and shrink the size of women's ovaries. This level of use exposes people to unsafe levels of formaldehyde and diacetyl - a chemical used to flavour many e-cigarettes and blamed for an incurable condition called 'popcorn lung' in which the organs become so scarred, a lung transplant can be needed.”⁸

In the United States vaping is popular among teens and is now the most commonly used form of tobacco among youth in the United States. This is owing to easy availability, alluring advertisements, various e-liquid flavours, and the belief that they are safer than cigarettes. This has helped make them appealing to this age group. Furthermore, a study of high school students found that one in four teens reported using vaping for “dripping, a practice in which people produce and inhale vapours by placing e-liquid drops directly onto heated atomizer coils. Teens reported the following reasons for dripping: to create thicker vapour (63.5%), to improve flavours (38.7%), and to produce a stronger throat hit — a pleasurable feeling that the vapour creates when it causes the throat to contract (27.7%).” It is clear more research both internationally and more locally is needed on the risks of this practice.

In addition to the unknown health effects, early evidence suggests that vaping use may serve as an introductory product for pre-teens and teens who then go on to use other tobacco products, including cigarettes. A study showed that students who had used e-cigarettes by the time they started 9th grade were more likely than others to start smoking cigarettes and other smokeable tobacco products within the next year. Another study supports these findings, showing that high school students who were vaping in the last month were about seven times more likely to report that they smoked cigarettes when asked approximately six months later, as compared to students who said they did not engage in vaping. Notably, the reverse was not true — students who said they smoked cigarettes were no more likely to report vaping when asked approximately six months later. Like the previous study, these results suggest that teens vaping are at a greater risk for smoking cigarettes in the future. However, more research is still needed to understand if experimenting with vaping leads to regular use of smokeable tobacco.⁹

A small study by Wolfgang Schober of the Bavarian Health and Food Safety Authority and colleagues published in the International Journal of Hygiene and Environmental Health in December found that vaping “worsened indoor air quality, specifically by increasing the concentration of nicotine, particulate matter, PAHs and aluminum — compounds that have been linked to lung and cardiovascular disease and cancer among other health effects.”¹⁰

⁷ <https://www.drugabuse.gov/publications/drugfacts/electronic-cigarettes-e-cigarettes>

⁸ <http://www.dailymail.co.uk/health/article-4753518/Warning-passive-vaping-bars.html>


⁹ <http://www.dailymail.co.uk/health/article-4753518/Warning-passive-vaping-bars.html>

¹⁰ <https://www.sciencedirect.com/science/article/pii/S1438463913001533>

Major conclusions of the 2016 Surgeon General's Report, Electronic Cigarette Use Among Youth and Young Adults found:

- E-cigarettes are a rapidly emerging and diversified product class. These devices typically deliver nicotine, flavourings, and other additives to users via an inhaled aerosol. These devices are referred to by a variety of names, including "e-cigs," "e-hookahs," "mods," "vape pens," "vapes," and "tank systems."
- E-cigarettes are now the most commonly used tobacco product among youth, surpassing conventional cigarettes in 2014.
- E-cigarette use among youth and young adults has become a public health concern. In 2014, current use of e-cigarettes by young adults 18-24 years of age surpassed that of adults 25 years of age and older.
- The use of products containing nicotine poses dangers to youth, pregnant women, and fetuses. The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.¹¹

¹¹ https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_ECig_FAQ_508.pdf

| | | | | |
|--|------------------------|--|--------------------------------|---------------|
|  | Title of Policy | Smokefree and Vape-free Kaipara Policy | | |
| | Sponsor | Regulatory Manager | Adopted/authorised by | Council |
| | Author | Paula Hansen & Kathie Fletcher | Date adopted/authorised | December 2011 |
| | Type of Policy | Operational | Last review date | December 2016 |
| | File Reference | 4702.04.04 | Next review date | December 2021 |
| | | | | |

| Document Control | | | |
|---------------------------|-----------|--------------------------------|--|
| Version | Date | Author(s) | Comments |
| 1 st Commenced | | | |
| 1.0 | Dec 2011 | Paula Hansen | Adopted by Council in December 2011 |
| 2.0 | Dec 2016 | Mark Schreurs | The adopted Policy was moved to Council's current Policy template. Definitions and some background were added. No changes were made to the Policy itself so the Policy was not re-submitted to Council for formal re-adoption. |
| 3.01 | June 2018 | Paula Hansen & Kathie Fletcher | Draft update – previously called Smokefree Parks and Playground Policy |

1 Background

This Smokefree and Vape-free Policy will contribute toward Council's key messages promoting safe and healthy environments and thriving communities. It also supports the goal of a smokefree Aotearoa by 2025 by attempting to reduce the uptake of smoking.

Council adopted a Smokefree Parks and Playgrounds Policy in December 2011. On 30 June 2015, Council signed a Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025. This statement has the vision that:

'Our children and mokopuna will be free from tobacco/smoke and enjoy tobacco/smokefree lives. At least 95% of the Tai Tokerau population will be smokefree. Tobacco will be expensive to purchase and difficult to access.'

Building on this commitment, Kaipara District Council is providing leadership by increasing smokefree and vape-free places and facilities throughout the District. Our aim is to support the health and well-being of Kaipara's communities and our visitors by reducing the prevalence of smoking and de-normalising smoking behaviour and the impacts of second-hand smoke.

To support compliance to this Policy and to eliminate the confusion smoking, vaping (the use of electronic cigarettes) and the use of heated tobacco products (HTP) are included in this Policy. Vaping and the use of heated tobacco products mimic smoking and their emissions can create a nuisance and may result in public confusion and reduced compliance.

Exposure to vaping may act as a trigger for people who have recently quit smoking therefore providing smokefree and vape-free areas is intended to support relapse prevention.

The Ministry of Health has stated that; the evidence on vaping indicates they carry much less risk than smoking cigarettes but are not risk free.

This Smokefree and Vape-free Policy will contribute toward Council's key messages promoting safe and healthy environments and thriving communities. It also supports the goal of a Smokefree Aotearoa by 2025 by attempting to reduce the uptake of smoking and re-normalising smoking. While considered a healthier option than tobacco smoking there are also health risks associated with vaping and exposure to its use is inconsistent with trying to de-normalise smoking.

Councils throughout Aotearoa are progressively increasing areas in their districts to be smokefree and vape-free. These include, for example, parks, playgrounds, sports fields, outdoor dining areas, transport hubs, CBDs, beaches, Council-owned buildings and funded events, social housing and other designated public and civic spaces.

Kaipara District Council will work cooperatively with Mana Whenua, the Northland District Health Board, the Cancer Society and other partners to implement this Policy.

2 Objectives

This policy aims to work towards the following objectives:

- 1) Contribute to improving the health of residents by reducing the prevalence of smoking and the impacts of second-hand smoke.
- 2) Reduce the visibility of smoking and vaping in public places and de-normalise smoking and vaping for children and young people.
- 3) Deliver Council leadership and advocate for a smokefree and vape-free district.

3 Purpose

Kaipara District Council will be proactive and demonstrate leadership by promoting a smokefree lifestyle as being desirable throughout the Kaipara District. Council will send a positive message that our children's health and the environment should be protected from the effects of smoking and vaping.

4 Definitions

Council: means the Kaipara District Council unless otherwise stated.

Park: means all land administered by Council for public recreation (regardless of its classification under the Reserves Act 1977 if any) including Council's sports fields and swimming pool.

Playground: means any Council administered play equipment such as swings, slides and climbing frames as well as the grounds in which they are sited.

Vaping: means the inhaling and exhaling of the vapour produced by heated tobacco or herbal products, electronic cigarettes, or similar devices.

5 Policy Statement

Council will collaborate with partner organisations and agencies to promote Kaipara as a Smokefree District – focusing on the benefits of discouraging smoking and vaping in public places and the benefits of breathing clean air.

Council will partner with health, local businesses, organisations and agencies to encourage and support any business or organisation that wishes to become a smokefree / vape-free area.

From 2018 the following areas in the Kaipara District will be smokefree and vape-free:

- 1) Council-owned parks, playgrounds, sports fields, reserves and skate parks;
- 2) Swimming pool complexes;
- 3) Bus and taxi shelters;
- 4) Beaches;
- 5) Social housing;
- 6) All Council-owned buildings and facilities including within four metres of their entranceways, openings and any surrounding outdoor public areas;

- 7) All contractual agreements to hire Council-owned facilities or equipment use are now smokefree and vape-free;
- 8) Council funded, run and supported events will be smokefree and vape-free;
- 9) Outdoor pavement dining areas, where café and restaurant owners or managers voluntary agree to implement this Policy;
- 10) Council will also investigate designating areas in town centres as smokefree and vape-free.

6 Implementation

- 1) These areas will be promoted as smokefree and vape-free areas through signage, promotion and marketing.
- 2) The Policy will be implemented in unison with a community education and health programme. Resources to support quit smoking will be made readily available throughout the district.

7 Smokefree and Vape-free Kaipara District Action Plan 2018 - 2021

This plan identifies specific activities we will do to create a Smokefree and Vape-free Kaipara District in four areas of responsibility:

- 1) Around our assets and facilities.
- 2) Making our public areas smokefree and vape-free.
- 3) Having smokefree and vape-free events in our district.
- 4) Informing the public of our smokefree and vape-free goal.

As part of the action plan, Council will work co-operatively with Mana Whenua and partner agencies throughout the District to implement the Policy.

| Communication, engagement, monitoring | Responsibility | Timeframe |
|---|---|-----------------------|
| Establish an action plan group to facilitate the implementation of the Policy | Council, Cancer Society, NDHB, Te Ha Oranga, Medical Centre, Business Forum | End of September 2018 |
| Develop a communication plan to include: <ul style="list-style-type: none"> • Signage and messaging, to include stop smoking support messaging where appropriate; • Identify multilingual opportunities and communication networks for smokefree and vape free messaging. | Council, Cancer Society, NDHB | End of September 2018 |
| Actively work with neighbouring councils and partners on smokefree and vape-free | Council, Cancer Society, NDHB | Ongoing |

| Communication, engagement, monitoring | Responsibility | Timeframe |
|---|-------------------------------|------------------|
| educational activities and promotions | | |
| Advocate to central government on smokefree and vape-free legislation | Council | June 2019 |
| Develop a monitoring and evaluation programme for the Policy | Council, Cancer Society, NDHB | June 2019 |

| Smokefree and vape-free areas and events | Responsibility | Timeframe |
|--|--|------------------|
| Work with Mana Whenua to implement this Policy | Council, Cancer Society, NDHB | October 2018 |
| Work with restaurant and café business owners, taxi companies and bus transport companies to designate outdoor dining, shelter and waiting areas to become smokefree and vape-free | Council, Cancer Society, NDHB | December 2018 |
| Work with Council staff to make Council events smokefree and vape-free | Council | December 2018 |
| Review signage in parks and playgrounds and add or improve signage | Council | May 2019 |
| Investigate potentially smokefree and vape-free areas in all town centres throughout the district | Council, Cancer Society, NDHB | June 2019 |
| Stop smoking support | | |
| Help link smokers to local stop smoking services | Cancer Society, NDHB, Te Ha Oranga, Medical Centre | Ongoing |
| Provide stop smoking support resources at all Council funded events and facilities | Cancer Society, NDHB, Te Ha Oranga, Medical Centre | Ongoing |
| Provide multi-lingual stop smoking support resources throughout district | Cancer Society, NDHB, Te Ha Oranga, Medical Centre | Ongoing |



Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025

The Tupeka Kore Smokefree Tai Tokerau 2025 vision:

Our children and mokopuna will be free from tobacco/smoke and enjoy tobacco/smokefree lives

At least 95% of the Tai Tokerau population will be smokefree

Tobacco will be expensive to purchase and difficult to access

Rationale for Commitment and leadership for Tupeka Kore Smokefree Tai Tokerau 2025

- Tobacco use is the single largest preventable cause of illness and early death
- Tobacco is a major determinant of inequality in health
- Tobacco dependence is a chronic relapsing condition
- Pregnancy, neonatal, newborn and infant health is negatively affected by exposure to first and second hand tobacco smoke
- Reducing tobacco uptake remains the best opportunity to improve Maori health outcomes and reduce inequities

The Government has set a long-term goal of reducing smoking prevalence to <5% by 2025. Current rates of smoking by Maori within Tai Tokerau are 33.9% and for non-Maori it is 15.6%¹. Although we have seen significant reductions over the last few years there is urgency to change the current trends to a more radical reduction for us to meet our goal of <5% smoking prevalence² by 2025, with a dedicated response on achieving that for Maori.

To achieve this in Tai Tokerau we will require leadership at all levels and across all sectors and organisations. The Northland Intersectoral Forum (NIF) is ideally placed to lead the vision of a Smokefree 2025. This vision aligns with the NIF ORA population outcome: *"The community of Northland is safe and healthy. Our community is physically, spiritually and emotionally healthy. All families thrive through intergenerational leadership. Our children are our future; we nurture them to flourish. We embrace healthy and safe living environments, including violence free communities. We have access to quality services."*

The two strategic priorities that align with the vision are: Promoting healthy lifestyles, and Supporting the development of a Child and Youth Friendly Northland.

This Statement of Intent confirms that *Kaipara District Council* will support the Tai Tokerau becoming Tupeka Kore Smokefree by 2025. We will do this by:

- Expressing support and commitment for the vision of a Tupeka Kore Smokefree Tai Tokerau 2025.
- Developing and implementing an Individual Agency Plan that will identify specific actions within the organisation to progress the Smokefree 2025 agenda.
- Working collaboratively with the Northland DHB Smokefree team to develop the plan as required.
- Support the Smokefree 2025 initiatives of other NIF partners.

Smokefree 2025 will be achieved by:

- protecting our children from exposure to tobacco marketing and promotion
- reducing the supply of, and demand for tobacco
- providing the best possible support for quitting.

SIGNED

¹ Census 2013

² 'Prevalence' is the regular smokers as a % of the adult population (15years +)



SUBMISSION KAIPARA DISTRICT COUNCIL The Consultation document for our next Long Term Plan 2018/2028

Date: 4 April 2018

To: Kaipara District Council
haveyoursay@kaipara.govt.nz

Background

This letter is on behalf of Patu Puauahi Tai Tokerau a group of organisations all working within the Tobacco Control sector in Northland. Cancer Society Northland, Northland DHB, Toki Rau Stop Smoking Services - Ngati Hine Health Trust, Te Hiku Haurua, Hokianga Health Enterprise Trust, Te Ha Oranga, Ki A Ora Ngatiwai, Te Hau Ora o Ngapuhi, Te Runanga o Whaingaroa, Manaiia and Te Tai Tokerau PHOs (representing 40 GP's) and other community groups.

Patu Puauahi was established to have a voice for Northland and to think and work regionally together to promote Auahi kore/Smokefree within the communities of Tai Tokerau.

Tobacco use is the leading cause of **preventable** death and disease in New Zealand, accounting for around 4,300 to 4,700 deaths per year.^{1 2 3} When the deaths caused from exposure to second-hand smoke are included, this estimate increases to around 5,000 deaths per year.^{4 5}

Expanding smokefree areas is a vitally important way of de-normalising smoking, protecting our children and promoting healthy lifestyles.

Northland experiences a higher burden from smoking than the rest of New Zealand. The prevalence of smokers in Northland is 19.1%, for Kaipara 17% compared with 15.1% for NZ.⁶ Smoking in Northland is related to 25% of all deaths (47% of all Māori deaths, and 18% of non-Māori deaths). Smoking related hospitalisations in Northland (1,161 per 100,000 hospitalisations) are 1.5 times higher than the national rate.

Kaipara District Council has committed to the central Government goal of New Zealand becoming smokefree by 2025; this means a smoking population of less than 5% (refer appendix). There is huge potential for councils to contribute to the tobacco end-game. The Health Act 1956 has a number of sections relevant to tobacco control and local authorities,

1 Peto R, Lopez AD, Boreham J, et al. 2006. *Mortality from smoking in developed countries 1950-2000*. Second edition. www.otsu.ox.ac.uk/~tobacco/, retrieved 24 June 2009.

2 Public Health Intelligence. 2002. *Tobacco Facts May 2002 (Public Health Intelligence Occasional Report no 2)*. Wellington: Ministry of Health

3 Ibid, 2

4 Ministry of Health. 2004. *Looking upstream: Causes of death cross-classified by risk and condition, New Zealand 1997*. Wellington: Ministry of Health.

5 Tobias M, Turley M. 2005. *Causes of death classified by risk and condition, New Zealand 1997*. Australian and New Zealand Journal of Public Health, 29, 5-12.

6 <http://www.stats.govt.nz/Census/2013-census.aspx>

stating that it is the duty of every local authority to improve, promote and protect public health within its district.

A recent survey of the Kaipara was community undertaken by Northland DHB and Cancer Society, supported by council as part of the LTP pre-engagement process (refer appendix) showed 73.4% support for increased smokefree outdoor public spaces.

Based on this show of wide spread support for increased smokefree outdoor public spaces we recommend Kaipara District Council include a review of its Smokefree policy as part of the Long Term Plan 2018-2028.

Executive Summary

This is a submission to the Kaipara District Council requesting that the council implement a comprehensive smokefree outdoor public spaces policy.

We ask that Kaipara District Council be proactive and demonstrate leadership by promoting a smokefree lifestyle as being desirable. That council will send a positive message that our children's health and the environment need to be protected from the effects of smoking. The policy aims to improve the health and well-being of the Kaipara District's communities by reducing the prevalence of smoking and de-normalising smoking behaviour, it does not propose to ban smoking.

In application, this means:

- Less than five percent of the Kaipara District's population will be current smokers.
- Public spaces in Kaipara District will be smokefree for communities to better enjoy
- Our District's children will be free from exposure to tobacco and tobacco use.
- Tobacco will be difficult to sell and supply.

Purpose

To better, align the efforts of Kaipara District Council and the wider Kaipara District with the New Zealand governments Smokefree 2025 goal.

Community Outcomes

Smokefree aligns with Kaipara District Council's community outcomes and is in accord with Council's vision, mission and values statement as it supports the provision of healthy communities as well as a clean, healthy and valued environment; all outcomes sought for our residents.

Outcome 1 -

A district with welcoming and strong communities

- Assisting and supporting community involvement.
- Maintaining and improving infrastructure.
- Recognising and supporting achievement.

Outcome 2 -

A trusted Council making good decisions for the future

- Making it simpler to work with us.

- Open, transparent and engaged with communities and business.
- Intent on lifting Kaipara's well-being.

Outcome 3 -

A district with plenty of active outdoor opportunities

- Partnering with communities to develop sports and recreation facilities.
- Protecting and enhancing our natural assets and open spaces.

Recommendations

We ask that the Kaipara District Council extend its current smokefree policy for Council-owned playgrounds, sports fields and parks and **adopt a comprehensive smokefree outdoor public spaces policy.**

- Smokefree outdoor public spaces also be included in the development of all Kaipara District Council plans and strategies.
- All events (community led, council led or council sponsored events etc.) held in council owned parks, playgrounds, sports grounds and other council owned environments to be smokefree and be promoted as smokefree events through signage and publicity. Making Kaipara events safer and healthier for our children and families by promoting healthy lifestyles.
- All public land owned by the Kaipara District Council is considered to be smokefree (e.g. walking & cycling trails, pedestrian areas in the towns centres etc.)
- All outdoor dining areas (café's, restaurants etc.) on council-owned land be smokefree.
- That Council owned transport hubs (bus shelters, taxi stands etc.) and be promoted as smokefree areas through signage and publicity.
- That Council prohibit vaping in legislated smokefree areas to help preserve cultural norms around the undesirability of smoking. Vaping can compromise smokefree policies, the visual similarities of e-cigarettes and cigarettes (i.e. white vapour / smoke) may result in public confusion, reduced compliance and enforcement issues.

Policy Objectives

The objectives contained within a policy would guide Council's commitments toward achieving the policy's purpose.

1. To make efforts to minimise, contain and/or eliminate smoking harm in outdoor public spaces.
2. To be responsive to community needs and aspirations with regard to smoking.
3. To ensure signage is considered in Council work when relevant and provided when possible.
4. To ensure Council owned buildings (and outdoor areas) that are leased or hired out to others by Council will have Smokefree clauses inserted into their agreements for use.
5. To ensure events held in Council owned spaces will have Smokefree clauses inserted into their agreements for use.
6. To consider this policy in the development or review of other Council policies.

We believe this will assist council in achieving the goal of Smokefree 2025.

Appendices

1. Smokefree 2025 Statement of Intent
2. KDC LTP Pre-engagement Smokefree Survey Results



Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025

The Tupeka Kore Smokefree Tai Tokerau 2025 vision:

Our children and mokopuna will be free from tobacco/smoke and enjoy tobacco/smokefree lives

At least 95% of the Tai Tokerau population will be smokefree

Tobacco will be expensive to purchase and difficult to access

Rationale for Commitment and leadership for Tupeka Kore Smokefree Tai Tokerau 2025

- Tobacco use is the single largest preventable cause of illness and early death
- Tobacco is a major determinant of inequality in health
- Tobacco dependence is a chronic relapsing condition
- Pregnancy, neonatal, newborn and infant health is negatively affected by exposure to first and second hand tobacco smoke
- Reducing tobacco uptake remains the best opportunity to improve Maori health outcomes and reduce inequities

The Government has set a long-term goal of reducing smoking prevalence to <5% by 2025. Current rates of smoking by Maori within Tai Tokerau are 33.9% and for non-Maori it is 15.6%¹. Although we have seen significant reductions over the last few years there is urgency to change the current trends to a more radical reduction for us to meet our goal of <5% smoking prevalence² by 2025, with a dedicated response on achieving that for Maori.

To achieve this in Tai Tokerau we will require leadership at all levels and across all sectors and organisations. The Northland Intersectoral Forum (NIF) is ideally placed to lead the vision of a Smokefree 2025. This vision aligns with the NIF ORA population outcome: *"The community of Northland is safe and healthy. Our community is physically, spiritually and emotionally healthy. All families thrive through intergenerational leadership. Our children are our future; we nurture them to flourish. We embrace healthy and safe living environments, including violence free communities. We have access to quality services."*

The two strategic priorities that align with the vision are: Promoting healthy lifestyles, and Supporting the development of a Child and Youth Friendly Northland.

This Statement of Intent confirms that *Kaipara District Council* will support the Tai Tokerau becoming Tupeka Kore Smokefree by 2025. We will do this by:

- Expressing support and commitment for the vision of a Tupeka Kore Smokefree Tai Tokerau 2025.
- Developing and implementing an Individual Agency Plan that will identify specific actions within the organisation to progress the Smokefree 2025 agenda.
- Working collaboratively with the Northland DHB Smokefree team to develop the plan as required.
- Support the Smokefree 2025 initiatives of other NIF partners.

Smokefree 2025 will be achieved by:

- protecting our children from exposure to tobacco marketing and promotion
- reducing the supply of, and demand for tobacco
- providing the best possible support for quitting.

SIGNED

KDC Long Term Plan 2018–2028

Public Consultation

Smokefree Outdoor Public Spaces

Kaipara District Council could use Smokefree to develop a point of difference to grow the district by being responsive to community needs/wants with regard to smoking.

Kaipara is one of 15 of the 21 Northland Intersectoral Forum (NIF) members to have signed a Statement of Intent committing to Smokefree 2025. In application, this will mean:

- Less than five percent of Kaipara District’s population will be current smokers.
- Public spaces in Kaipara District will be Smokefree for communities to better enjoy
- Kaipara District’s children will be free from exposure to tobacco and tobacco use.
- Tobacco will be difficult to sell and supply.

Background

Central Government has committed to a goal of New Zealand becoming smokefree by 2025; this means a smoking population of less than 5%.

Tobacco use is the leading cause of **preventable** death and disease in New Zealand, accounting for around 4,300 to 4,700 deaths per year.^{7 8 9} When the deaths caused from exposure to second-hand smoke are included, this estimate increases to around 5,000 deaths per year.^{10 11}

Second-hand smoke is also a serious, and often under-estimated, public health issue, especially for children.¹²

Expanding smokefree areas is a vitally important way of de-normalising smoking, protecting our children and promoting healthy lifestyles.

Northland experiences a higher burden from smoking than the rest of New Zealand. The prevalence of smokers in Northland is 19.1%, for Kaipara its 17% compared with 15.1% for New Zealand. 33.93% of Northland Māori smoke regularly and 15.6% of non-Maori¹³. Northland has a higher prevalence of ex-smokers and a lower proportion of never smokers than the rest of NZ.

Kaipara District Council successfully introduced an educative Smokefree policy for its playgrounds in 2008 and extended the policy into its sports grounds in 2012.

Northland District Health Board and Cancer Society Northland undertook consultation with Kaipara community by way of a survey online and in-person in October/November 2017.

Results

Over 650 Kaipara residents responded with 73.4% showing wide support for increased smokefree outdoor public spaces.

7 Peto R, Lopez AD, Boreham J, et al. 2006. *Mortality from smoking in developed countries 1950-2000*. Second edition. www.otsu.ox.ac.uk/~tobacco/, retrieved 24 June 2009.

8 Public Health Intelligence. 2002. *Tobacco Facts May 2002 (Public Health Intelligence Occasional Report no 2)*. Wellington: Ministry of Health

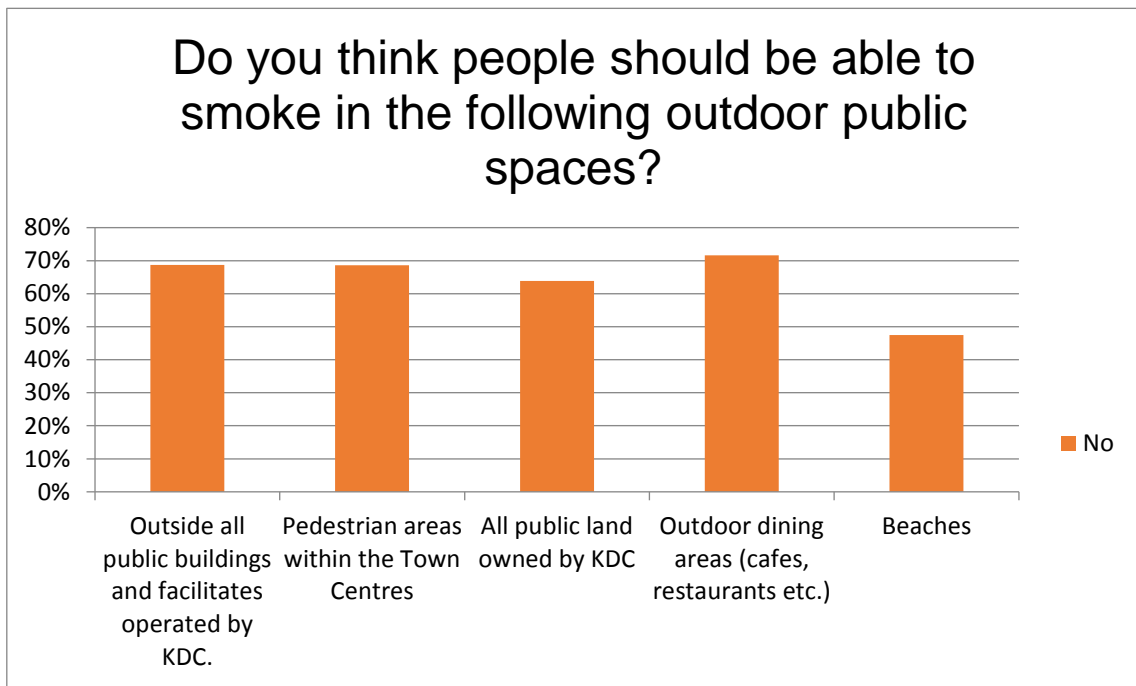
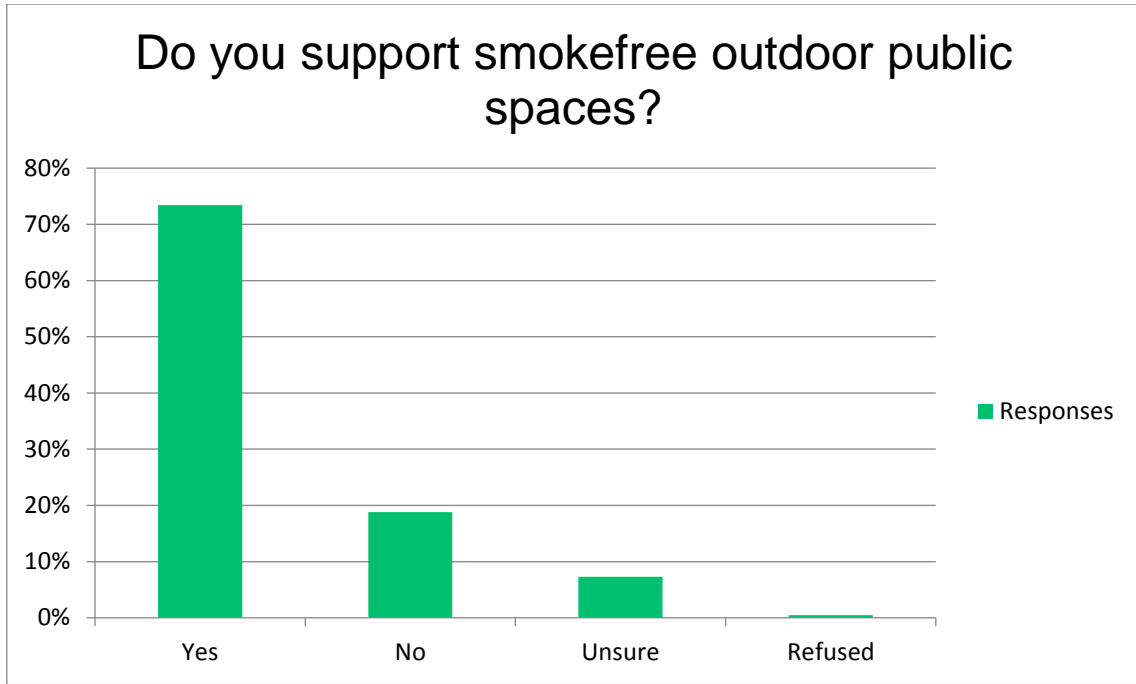
9 Ibid, 2

10 Ministry of Health. 2004. *Looking upstream: Causes of death cross-classified by risk and condition, New Zealand 1997*. Wellington: Ministry of Health.

11 Tobias M, Turley M. 2005. *Causes of death classified by risk and condition, New Zealand 1997*. Australian and New Zealand Journal of Public Health, 29, 5-12.

12 Ministry of Health (2004). *Looking Upstream: Causes of death cross-classified by risk and condition New Zealand 1997*, Public Health Intelligence Occasional Bulletin Number 20, November 2004 (revised). See http://www.moh.govt.nz/moh.nsf/wpg_Index/Publications-Looking+Upstream.

13 <http://www.stats.govt.nz/Census/2013-census.aspx>



Summary

In summary consultation with the Kaipara community has shown wide spread support for increased smokefree outdoor public spaces to be included in the Kaipara District Council Long Term Plan 2018-2028.

File number: 3211.02 **Approved for agenda**

Report to: Council

Meeting date: **23 August 2018**

Subject: **Alcohol Control Bylaw and Statement of Proposal - Adoption of drafts for consultation**

Date of report: 07 August 2018

From: Paula Hansen, Policy Planner

Report purpose **Decision** **Information**

Assessment of significance **Significant** **Non-significant**

Summary

The Local Government (Alcohol Reform) Amendment Act 2012 (the Amendment Act) states that all alcohol control bylaws created before 18 December 2013 will expire on 18 December 2018 unless earlier revoked. Council staff have been working with the Whangarei District Council (WDC) and the Far North District Council (FNDC) to review our respective current bylaws in light of the current legislation and to draft a consistent bylaw between the three District Councils.

The proposed alcohol control bylaw (the bylaw) provides the framework to allow Council to put in place alcohol controls while not having to amend the bylaw. This allows any new, amended or revoked areas to be changed with ease. This process still requires consultation with any community that it concerns. Other features include the ability for temporary alcohol controls to be put in place for largescale events which we previously could not do as there was nothing in our bylaw to accommodate this request.

Part of this process has included obtaining relevant information from the Police, so Council can seek to retain the current alcohol control areas under a new bylaw. The areas seeking to be consulted on so Council can obtain community views are located at: Mangawhai; Ruawai; Dargaville; Te Kopuru; Pouto; Glink's Gully; Baylys Beach; Omamari; Aranga and Kaihu. The only new area that is being proposed as a new alcohol control area is in Tinopai. This is because a request was made to Council prior to starting this process by the Police.

Recommendation

That Kaipara District Council:

- 1 *Receives the Policy Planner's report 'Alcohol Control Bylaw and Statement of Proposal - Adoption of drafts for consultation' dated 07 August 2018 and its attachments; 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Determines that a bylaw is the most appropriate way of addressing the perceived problem(s) associated with alcohol consumption in a public place; and*

- 4 *Adopts the Statement of Proposal for the Kaipara District Public Places Alcohol Control Bylaw including draft bylaw for public consultation; and*
- 5 *Agrees that the proposed alcohol control areas below and their associated controls as shown in the Statement of Proposal (circulated as Attachment Three to the aforementioned report) are to be consulted on alongside the draft Alcohol Control Bylaw. These being to:*
- a) *“Amend Mangawhai controls to: apply continuously (24hours a day) starting at 8.30pm on 01 December through to 7.00am on 01 March the following year and from 8.30pm to 7.00am (10.5hrs) for every other day of the year starting on 01 March at 8.30pm and ending 01 December at 7.00am each year. The control area is to remain the same, plus an extension to the Mean Low Water Springs.*
 - b) *Retain current alcohol control areas and controls – place 24hours a day all year round for Ruawai and Dargaville. The areas are to stay the same for Ruawai, with the addition of schools for Dargaville.*
 - c) *Retain current alcohol control areas and controls – from 8.30pm to 7.00am the following day on each day throughout the year for the following areas:*
 - i *Te Kopuru – Retain days and time but also include the school and Council property adjoining current control area that sits behind residential properties.*
 - ii *Pouto - Retain days and time, and extend control area to the Mean Low Water Spring Mark.*
 - iii *Glinks Gully - Retain days and time and extend control area to the Mean Low Water Spring Mark.*
 - iv *Baylys Beach - Retain days and time and extend control area to the Mean Low Water Spring Mark.*
 - v *Omamari - Retain days and time and extend control area to the Mean Low Water Spring mark.*
 - vi *Aranga - Retain days and time and extend control area to the Mean Low Water Spring Mark.*
 - vii *Kaihu - Retain days and time and area. Modification of area could be considered through consultation with the community “*
 - d) *Introduce a new alcohol control area for Tinopai with a proposed control of 24hours a day every day of the year for consultation; and*
- 6 *Forms a Hearing Panel made up of three Elected Members, being X, Y, Z, one of whom will be the chair of the panel, and delegates to the Hearing Panel the responsibility to hear submissions and to provide recommendations to Council.*

Reason for the recommendation

In order for Council to put in place alcohol control areas through a bylaw, a bylaw needs to be put in place. Council must first determine that a bylaw is the best way to deal with the issues. Council must also adopt a Statement of Proposal including the draft bylaw for public consultation. It is recommended that a Hearing Panel be established, if this approach is taken then they will be required to have the delegated authority to hear and make recommendations to Council.

Reason for the report

To inform Council of the process undertaken to review the current alcohol control bylaw and to put to Council a new proposed bylaw to replace the current bylaw for public consultation. Further to this the report also seeks agreement from Council to seek community feedback on the current alcohol control areas and one new alcohol control area.

Background

An alcohol control bylaw can prohibit, regulate or control, either generally or for one or more specified periods, any or all of the following:

- (a) the consumption of alcohol in public places.
- (b) the bringing of alcohol into public places.
- (c) the possession of alcohol in public places.

Note: The public place that the bylaw applies to needs to be specifically identified and is called an alcohol control area and can be applied on specific days at specific times.

History of alcohol bans including legislation changes

In the Local Government Act 1974 an alcohol control area could be put in place upon request with no situational analysis required. The Local Government Act 2002 also had no restrictions on making of bylaw controls and no legal requirement to provide evidence of problems. However the proposed bylaws are required to be consulted on and follow a particular process.

In 2012 the Local Government Act 2002 was amended by the Local Government (Alcohol Reform) Act 2012 (Amendment Act). This introduced new alcohol bylaw making requirements that requires evidence to justify alcohol controls. The Amendment Act also stipulated that all alcohol control bylaws put in place prior to 18 December 2013 will expire on 18 December 2018.

Issues

Council is required to create a new alcohol control bylaw in order to retain existing alcohol control areas. With this Council also needs to consider the current alcohol control areas and to retain these as they are or amend or to let these expire as well. Refer to Appendices Two and Three of Attachment Three of this report that show the proposed alcohol control areas which we are consulting on.

For *existing alcohol control areas* under the new requirements Council must be satisfied that crime and disorder is likely to arise should the alcohol control areas be removed. Given that most alcohol control areas had limited information or data to make the original control areas means that Police data and anecdotal evidence (the stories behind them) particularly before the controls were put in place, are important. Equally important are communities' stories and their feedback on alcohol controls.

The threshold under the new provisions requires more robust evidence and consideration of controls. For *new alcohol control areas* Council must be satisfied that there is evidence of alcohol related crime and disorder. Police information and data are vital, along with community input. Through this current process it is hoped to also identify areas where new alcohol control areas may be needed. With information from the community Council officers will work with the Police to gather information they have on crime and disorder within the requested area. With areas identified by the Police these will be taken

to the community for their views. Any proposed areas identified through this process will be considered through another process to be undertaken during 2019 (calendar year).

Process - summary

The legislative process, legislative considerations and an analysis of the application of the process requirements are outlined in Attachment One to this report. To summarise, any new alcohol control bylaw and any alcohol control areas are required to consider and meet the requirements under sections 147 to 147B of the LGA. Section 155 and 156 analysis needs to also be undertaken to confirm that a bylaw is the most appropriate way to address the perceived problems associated with crime and disorder within a public place and to determine the appropriate consultation method being the special consultative procedure. The special consultative procedure is to be undertaken as per section 83 modified by section 86.

Attachment One also contains an overview of the consultation process including a timeline of key steps.

In summary:

- Consultation Period starts: 28 September 2018
- Consultation closes: 28 October at 4.30pm
- Hearing to be held:
- Deliberations to be held:
- Recommendations to Council: 29 November 2018
- Bylaw made operative: 18 December 2018
- Alcohol control areas come into effect: 19 December 2018

Hearing Panel

This report recommends appointing a Hearing Panel to be delegated the responsibility to hear submissions and to recommend decisions to Council on both the bylaw and the proposed alcohol control areas. The Hearing Panel is to be made of three councillors, one of whom is to be nominated as the chair of the panel. In the event Council disagrees with the recommendations of the Hearing Panel, then all submissions will need to be reconsidered and submitters wishing to be heard will need to be heard again.

Legislative analysis of alcohol control bylaw

Attachment Two to this report outlines the legislative considerations required when considering an alcohol control bylaw under sections 147-147B, section 155 and includes the options under section 77 of the LGA. Attachment Two is split into three sections:

- 1 The proposed alcohol control bylaw
- 2 Existing alcohol control areas
- 3 New alcohol control area.

This analysis has concluded that a bylaw is the most appropriate way to address the crime and disorder through the establishment of alcohol control areas. The Statement of Proposal contains a copy of the proposed alcohol control bylaw.

Police information has been obtained for all of the current alcohol areas and the analysis in Attachment Two sections 2 and 3 has concluded that all proposed alcohol control areas, existing and new, and their associated proposed controls should be put out for public consultation. The need for consultation is to obtain information from the community around the proposed alcohol control areas that can feed into the recommendation of having these in place and also for justification for needing a bylaw in place. All maps and associated controls are attached to Appendix Two and Three of the Statement of Proposal attached to this agenda.

Owing to the criteria within the LGA for which Council must be satisfied is specific, when putting in place an alcohol control area, a special submission form has been created to help capture the relevant information required. This is attached in Appendix Four to the Statement of Proposal. The Statement of Proposal is Attachment Three to this agenda.

It should be noted that evidence of crime and disorder does not need to solely come from the Police. It is acknowledged that not all incidents involve the Police or are recorded by Police. Information from community groups can also be used as evidence in order to create a fuller picture of the crime and disorder being experienced within a particular area.

Other matters

Meaning of public place

Prior to the 2012 Amendment Act an alcohol control bylaw could only apply to areas under the control of Council. The meaning of public place has been broadened to mean:

'public place—

(a) means a place that 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 it; but

(b) does not include licensed premises.'

As a result the definition now captures areas that are not under the control of Council. The term public place now captures supermarket car parks, schools, and sports grounds not under Council control/ownership. Schools that are in close proximity to existing alcohol control areas have been highlighted for inclusion. The individual schools will be contacted through the consultation period for comment.

Jurisdiction boundaries

The current bylaw only goes to High Mean Water Springs, in 2011, the change to the Kaipara District Council boundaries to the Mean Low Water Mark was gazetted. This means that there is an anomaly with the alcohol control areas that are in place. The proposed alcohol control areas are proposed to be extended to go down to the Low Mean Water Springs.

New Zealand Bill of Rights Act 1990

The analysis in Appendix Two outlines that the proposed bylaw is consistent with the New Zealand Bill of Rights. The assessment also states that the proposed alcohol control areas being consulted on do not place unreasonable limitations on people's rights and freedoms.

Factors to consider

Community views

The proposed alcohol control bylaw is required to undertake the Special Consultative Procedure (s83 LGA) as modified by section 86 of the LGA. Consultation for the retention of the current alcohol control areas and new alcohol control areas also require consultation, particular with the communities in which they are situated.

Policy implications

There are no implications under Council's Significance and Engagement Policy. There is also no other Council Policy implications. The legislation directs Council on the process that needs to be followed and the considerations Council needs to make.

Financial implications

The Police are responsible for the ongoing monitoring and enforcement of alcohol control areas. The cost to Council is in the form of signage to enable the alcohol control areas to be enforced. The alcohol control areas cannot be enforced without the signage.

Legal/delegation implications

The Bylaw has considered and given effect to the requirements under the Local Government Act 2002.

Options

The Kaipara District Council has essentially three options when deciding whether or not to put in place a new Bylaw. They are as follows:

Option A: Do nothing: Allow the bylaw to expire and not have a bylaw at all.

Option B: Non-regulatory method.

Option C: To put in place a new Bylaw that allows Council to put in place alcohol control areas.

Assessment of options

These options are also considered in Attachment Two to this report. In summary:

Option A: This Option would not allow Council to put in place alcohol control areas and without alcohol control areas the Police are unable to address crime and disorder that occurs from the consumption of alcohol prior to them occurring, they would need to wait until something has happened.

Option B: There still would be no bylaw so as with Option A above, it would not allow the Police to address crime and disorder that occurs from the consumption of alcohol prior to them occurring, they would need to wait until something has happened.

Option C: This Option will allow Council to put in place alcohol control areas so the Police can be proactive and address adverse alcohol behaviour prior to problems presenting.

Other complementary options include education: This approach is non-regulatory and would not provide Council and the Police with the enforceable controls over the problems identified with liquor in public places. Police would only have the power to arrest people once they have exhibited offensive behaviour which is reactive not proactive. Education, however, has an important role to play in conjunction with the proposed bylaw.

There may be other non-regulatory measures that Council could consider implementing alongside the alcohol bans, such as re-designing 'hot spots' for anti-social behaviour in town centres, and advocating for improved access to support services for those with alcohol issues.

Assessment of significance

The bylaw is considered to be significant to require it to go through the special consultative procedure as required by the Local Government Act 2002.

Recommended option

The recommended option is **Option C**.

Next step

Release Statement of Proposal and proposed alcohol control areas for public consultation, through placement of a public notice and making all information free and available on Council's website.

Attachments

- Attachment One: Alcohol Control Bylaw- 2018 review process
- Attachment Two: Legislative Analysis Report – Alcohol Control Bylaw and alcohol control Areas
- Attachment Three: Statement of Proposal including:
 - draft Bylaw;
 - proposed alcohol areas (existing and new); and
 - specific submission form.

ATTACHMENT ONE

Alcohol Control Bylaw – 2018 review process

1 Legislative process, analysis and consultation requirements

This document summarises all relevant legislative requirements for the process of putting in place a new Alcohol Control Bylaw (the bylaw) as required by the Local Government (Alcohol Reform) Amendment Act 2012 (LGARAA). The document provides an overview of the associated analysis undertaken and includes the consultation activities proposed in accordance with legislative requirements.

2 Process overview

- 1) The LGARAA came into force on 18 December 2013.
- 2) The LGARAA amended the LGA by modifying s147, inserting s147A and s147B and altering other sections of the LGA that relate to alcohol control bylaws.
- 3) The LGARAA stipulates that all alcohol control bylaws made before 18 December 2013 will expire on 18 December 2018, unless earlier revoked.
- 4) An Alcohol Control bylaw made after 18 December 2013 will be considered to be a new bylaw and any existing bylaw will either expire on 18 December 2018 or be revoked.
- 5) The bylaw is made under the Local Government Act 2002 (LGA), especially s147, which gives councils the power to make bylaws for alcohol control purposes.
- 6) The definition of Public Place has been broadened for the purposes of alcohol control areas in that it now encompasses places that are not under Council ownership/management/control. This means that an Alcohol Control can now apply to schools, supermarket cars and sports fields not under Council's control.
- 7) Council's current Liquor Control Bylaw 2009 has not been reviewed, revoked or replaced since prior to 18 December 2013. It will expire on 18 December 2018.
- 8) Before making a bylaw under s147 that is intended to replace an expiring bylaw and is to the same effect (or to substantially the same effect) as the expiring bylaw, Council *must be satisfied* under s147A(3) that:
 - a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms;
 - b) a high level of crime or disorder (being caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made;
 - c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.
- 9) Before introducing a new alcohol control area Council *must be satisfied* under s147A(2) that:
 - a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms;
 - b) there is evidence that a high level of crime or disorder (being caused or made worse by alcohol consumption in the area concerned) is occurring;

- c)** the bylaw is appropriate and proportionate in the light of that likely crime or disorder.
- 10)** Section 147(2) allows Council to make bylaws for the purpose of prohibiting, regulating or controlling, the following:
- a)** The consumption of alcohol in public places;
 - b)** The bringing of alcohol into public places;
 - c)** The possession of alcohol in public places.
- 11)** Section 147(4) clarifies that a bylaw does not prohibit, regulate, or control, in the case of alcohol in an unopened container:
- (a)** the transport of the alcohol from licensed premises next to a public place, if:
 - (i)** it was lawfully bought on those premises for consumption off those premises; and
 - (ii)** it is promptly removed from the public place; or
 - (b)** the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
 - (c)** the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
 - (d)** the transport of the alcohol from premises next to a public place to a place outside the public place if:
 - (i)** the transport is undertaken by a resident of those premises; and
 - (ii)** the alcohol is promptly removed from the public place.
- 12)** If Council is satisfied that a high level of crime or disorder is likely to arise in the area if the bylaw is not made, then Council also needs to be satisfied that:
- a)** the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and
 - b)** the bylaw is appropriate and proportionate in the light of that likely crime or disorder.
- 13)** When considering if a bylaw is appropriate and proportionate in the light of that likely crime or disorder s151 LGA may require anything to be done in any manner, or within any time, that is required by the local authority or by a person referred to in the bylaw.
- 14)** Under s155 Council must also determine if a bylaw is the most appropriate way of addressing the perceived problem(s).
- 15)** If Council determines that a bylaw is the most appropriate way of addressing the perceived problem(s), Council also needs to determine:
- a)** Whether the bylaw is the most appropriate form of the bylaw; and
 - b)** Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- 16)** Once the s147A and s155 analysis has been completed Council has two options to consider:
- a)** Replace the expiring bylaw with a new bylaw; or
 - b)** Do not replace the lapsing bylaw and have no bylaw.
- 17)** If Council determines that there should be no bylaw and therefore the expiring bylaw should not be replaced then Council does not need to do anything further and just allow the bylaw to expire in 18 December 2018.

- 18) Section 156 LGA requires Council to use the special consultative procedure (s83 LGA) as modified by s86 LGA, when making, amending or revoking a bylaw if Council considers there is likely to be a significant impact on the public due to the proposed bylaw. Otherwise it can consult in accordance with the principles of s82 LGA.
- 19) The special consultative procedure requires the adoption of a Statement of Proposal.
- 20) If Council determines that the expiring bylaw should be replaced with a new bylaw, then Council is required to consult on the new bylaw.
- 21) Section 156 of the LGA requires Council to use the special consultation procedure (s83 LGA) as modified by s86 LGA when making a bylaw for Alcohol Control Purposes if Council considers there is likely to be a significant impact on the public due to the proposed bylaw. Otherwise it can consult in accordance with the principles of s82 LGA.
- 22) The special consultative procedure requires the adoption of a Statement of Proposal (SOP).
- 23) Section 86 LGA prescribes the content of a SOP (s83(a)(1)) for the purposes of public consultation in relation to bylaws. This includes a statement that this is to be a new bylaw, the reason for the proposal and a report on any relevant determinations under s155 LGA. This report is required to confirm that Council has determined that a bylaw is the most appropriate way of addressing the perceived problem.
- 24) Section 83(1)(a)(ii) of the LGA provides that where necessary to enable the public understanding of a proposal, a summary of information may also be required.
- 25) Section 151(2) LGA provides that a bylaw may leave any matter or thing to be regulated, controlled or prohibited by Council by resolution. This allows Council to make a 'skeleton' bylaw, with specific alcohol control areas made by resolution under the bylaw.
- 26) Section 147B provides that when making resolutions relating to an alcohol control bylaw for specific alcohol control areas, Council must also consider specific matters before making such resolutions.

3 Analysis and application of the process requirements – Alcohol Control Bylaw 2018 and associated individual alcohol control areas

- 1) The process overview has described the key components that apply:
 - a) if Council wishes to retain a bylaw for alcohol control purposes. Council must make a new Alcohol Control Bylaw.
 - b) Council's considerations in making a new Alcohol Control Bylaw must include the relevant requirements of s147A and s155 of the LGA.
- 2) The analysis provides that a bylaw remains the most appropriate way of addressing the perceived problem and that a new bylaw should be made (s155 LGA).
- 3) The proposed bylaw is considered to meet the criteria of s147A(3), as it is substantially to the same effect as the expiring bylaw. Council's considerations are therefore limited to the matters of s147A(3).

- 4) The proposed bylaw allows for Council to make individual alcohol control areas by resolution, after consultation. Therefore, the process to make individual alcohol control areas has two distinct steps:
 - a) the making of the new bylaw under s147 of the Act to provide the framework for resolutions on individual alcohol control areas to be made, and
 - b) making resolutions for individual alcohol control areas under s151(2) and s147A(3)/S147B of the Act.
 - c) Making resolutions for one new individual alcohol control area under s151(2) and s147A(1)/S147B of the Act.
- 5) These three matters are addressed separately in the analysis.
- 6) Legal advice has been obtained regarding the relationship for a new bylaw being made under s147A(3) and associated resolutions for existing alcohol control areas under 147B LGA. This advice concludes that Council can, in making resolutions under s147B for individual alcohol control areas that are substantially to the same effect as those contained in the existing bylaw, apply s147(3)(b) to these, as opposed to the higher test of 147B(a) which relates to new alcohol control areas.
- 7) Council is not required to make the determinations under s155(2)(a)(b) for consultation on the proposed bylaw, however this analysis has been included for completeness. These matters will be reviewed as part of the final deliberations process for the associated resolutions when Council makes the bylaw.
- 8) Council's determinations under 147A(3)/147B for existing alcohol control areas are also not specifically required for consultation under s83 and s86 LGA, however these have been included in the analysis and support the rationale for the reasons for the proposal required under s86(2)(b) LGA.
- 9) Council's determinations under 147A(1)/147B for new alcohol control areas are also not specifically required for consultation under s83 and s86 LGA, however these have been included in the analysis and support the rationale for the reasons for the proposal required under s86(2)(b) LGA.
- 10) The agenda report, together with all attachments, provides Council with a basis to propose a draft ACB through the adoption of the SOP for public consultation.
- 11) These documents also provide the appropriate analysis for Council to consult with the community on the existing alcohol control areas and a new alcohol control area for Tinopai under the appropriate sections of the LGA.
- 12) The scope of the consultation process is limited to the content of the new proposed bylaw and the existing individual alcohol control areas the community wishes to see retained, removed or changed, and to the proposed new alcohol control area.
- 13) Only the new alcohol control area being proposed is being consulted on specifically for community feedback. All other new alcohol control areas identified throughout this process are outside of the scope and cannot be put in place through this process. Rather any new area identified will go through its own individual processes next year with the community and the Police.
- 14) The bylaw has implications for a large proportion of the community and this warrants consultation in accordance with the special consultative procedure in accordance with the requirements of s156(1)(a) LGA.

- 15) For completeness, the existing individual alcohol control areas will be consulted on in conjunction with the SOP, in accordance with the requirements of s82 LGA.
- 16) Due to the nature of the proposal, the inclusion of the draft bylaw in the SOP, and maps of the proposed individual alcohol control areas, (both existing and new), it is not considered that a summary of the information is necessary.
- 17) The SOP includes the necessary components as prescribed in s86 LGA to make the new bylaw, as well as providing information for consultation on the individual proposed alcohol control areas, both existing and new.

4 Summary of the special consultative procedure activities

This section of the report details the proposed process and activities designed to meet the consultation requirements of the LGA for the proposed new bylaw. It also includes the consultation on individual alcohol control areas.

- 1) The SOP is adopted at a Council meeting. The SOP includes a copy of the draft bylaw being proposed.
- 2) Council resolves to consult on the individual proposed alcohol control areas in conjunction with the SOP at the same meeting. The SOP and the proposed alcohol control areas will be combined into a single consultation document (Attachment Three).
- 3) A specially designed submission form will be made available. Given the constraints of the Legislation the form has been designed to ensure that Council captures the information needed. This is to the SOP within Attachment Three of the Council report.
- 4) Council gives public notice of the proposal on Council's website and in the Kaipara Lifestyler, Mangawhai Focus and Northern Advocate inviting members of the public to make submissions.
- 5) The SOP will be made available for public inspection on Council's website and at Council's offices in Dargaville and Mangawhai and at the public library in Dargaville and community libraries in Paparoa, Kaiwaka and Maungaturoto.
- 6) The submission period within which views on the proposal maybe provided must be no less than one month. The submission period for the proposal is scheduled to start 28 August 2018 and will close at 4.30pm on 28 September 2018.
- 7) All stakeholders identified during the development process of the draft bylaw will be directly advised of the consultation event.
- 8) A hearing is scheduled for the week beginning 15 October 2018 to provide an opportunity for persons to present their submissions to Council or a committee of Council (Hearing Panel). This is scheduled for DD Month 2018.
- 9) Based on the decisions made at the Deliberations meeting, the Hearing Panel will make recommendations to Council to resolve the bylaw as final based on those recommendations and to resolve the proposed alcohol control bylaw and areas as final.

5 Timeline

| Task | Timing | Who |
|---|---|--|
| SOP released for consultation | Consultation opens on 28 August 2018 | Council Officers place public notice in Kaipara Lifestyler 28 August 2018 Mangawhai Focus 3 September 2018 Northern Advocate 29 August 2018 |
| Submission received | Between 28 August and 28 September 2018 | |
| Consultation closes | 28 September 2018, 4.30pm | |
| Submission heard | Week beginning 15 October 2018 | Hearing Panel with support from Council Offices. |
| Deliberations | Between the close of hearing and Friday 26 October 2018 | Hearing Panel with support from Council Offices. |
| Recommendations of Hearing Panel endorsed by Council | 29 November 2018 | Report by Council Officers in discussion with the chair. |
| Bylaw made operative | 18 December 2018 | Council Officers place Public Notice declaring operative date and ensure signage is correct and in place to allow for enforcement. |

ATTACHMENT TWO

Legislative Analysis Report – Alcohol Control Bylaw and alcohol control areas

This report provides the required legislative analysis details for both the proposed new Alcohol Control Bylaw (the bylaw) process (Part 1), as well as the process to make new individual alcohol control areas (Part 2) under s147A, s155 and s77 of the Local Government Act 2002 (LGA).

1 Proposed Alcohol Control Bylaw

Background

An assessment of the Council's current bylaw has been undertaken to determine if it meets the requirements under the LGA. Table One below outlines the findings of the assessment.

Table One

| | |
|--|---|
| <p>1) Assessment summary</p> <ul style="list-style-type: none"> a) The problems identified relate to the consumption of alcohol in public places and the associated concerns regarding nuisance, crime and disorder. b) The expiring bylaw takes an approach that is largely appropriate to the problem(s) being experienced in specific areas, however some proposed changes are identified to better address some matters. c) A bylaw is the most appropriate way of addressing the perceived problems and is the most reasonably practicable option to achieve the desired objective. d) The expiring bylaw is not the most appropriate form of bylaw. e) The proposed bylaw is the most appropriate form of bylaw. | <p>2) Perceived problems</p> <ul style="list-style-type: none"> a) The consumption of alcohol in public places can be a cause of concern for both the general public, as well as for those consuming the alcohol, in that it can incur situations resulting in alcohol related crime and disorder. b) Often the problem is experienced in areas where people congregate, either in the vicinity of licensed premises or in public areas where social gatherings occur, such as beaches or parks. c) Alcohol-related crime and disorder through the consumption of alcohol in public places can include: <ul style="list-style-type: none"> i. damage to private property or public assets; ii. aggressive, intimidating or offensive behaviour towards others; iii. public disorder/nuisance behaviour such as fighting (assaults); |
|--|---|

| | |
|---|---|
| <ul style="list-style-type: none"> f) The proposed bylaw does not give rise to any New Zealand Bill of Rights implications. g) The bylaw can be justified as a reasonable limitation on people’s rights and freedoms. h) A high level of crime or disorder (relating to alcohol consumption) is likely to arise again if the bylaw is not made to allow existing alcohol control areas to be retained. i) The bylaw is appropriate and proportionate in the light of that likely crime or disorder. j) A high level of crime or disorder (relating to alcohol consumption) is likely to arise again if most of the current individual alcohol control areas are not retained. k) New Zealand Police support the retention of all individual existing alcohol control areas. l) That the proposed individual alcohol control areas: <ul style="list-style-type: none"> i. provide a reasonable limitation on people’s rights and freedoms ii. are appropriate and proportionate. | <ul style="list-style-type: none"> iv. nuisance issues through noisy and disruptive behaviour; v. When alcohol is being consumed in a public place in a manner that may lead to the above types of behaviours, constables are limited in their abilities to take actions to ‘stop the problem before it starts’; vi. While constables do have powers to address some of the behaviours described above under other statutes, the tools available to constables under a bylaw; if the matter is alcohol-related, are more instant and less time-consuming than other options. |
|---|---|

3) Is a bylaw the most appropriate way of addressing the problems?

The first step in a review process is to assess the perceived problem(s) and analyse mechanisms available to Council to address the perceived problem.

| Option A No Bylaw to address perceived problems | Option B Non-regulatory method | Option C Have Bylaw | Recommended Option | Comment |
|---|---|---|--|---|
| The existing Bylaw expires on 18 December | The existing Bylaw expires on 18 December 2018. | Council has a bylaw that provides clear rules for the | Option C is the preferred option as it is considered | The bylaw is a tool for the Police to use to help curb alcohol-related offending and reducing |

| | | | | |
|---|--|---|--|--|
| <p>2018. The Police and Council would have no mechanisms available to control alcohol consumption in public places in the district before issues arise. There would be no mechanism that allows the Police to intervene before a problem occurs.</p> | <p>Council would develop a policy approach to the perceived problem. This would rely on voluntary compliance as it would not have any associated enforcement powers. The Police would need to wait until something happen before they could intervene.</p> | <p>community and this can be supported with enforcement activities undertaken by the Police. The bylaw will allow alcohol control areas to be put in place that will allow the police to be proactive to curb crime and disorder by not having to wait for something to happen.</p> | <p>the most appropriate mechanism to address the perceived problem, which is to reduce alcohol-related crime and disorder.</p> | <p>crime and disorder to our communities. In the absence of a bylaw the Police need to wait for something to happen before they can act. The bylaw allows the Police to act before a situation escalates to a point where crime and disorder occurs.</p> |
| <p>4) Is the expiring bylaw the most appropriate form of bylaw?</p> <p>The current bylaw is not the most appropriate form of bylaw. The bylaw:</p> <ul style="list-style-type: none"> a) duplicates powers already prescribed in the Local Government Act 2002 (LGA); b) needs to be revised to reflect current legislation; c) does not reflect modern drafting practice or use 'plain English' language; d) includes individual alcohol controls areas within the bylaw, making it more onerous for Council to add or remove alcohol control areas in the future; e) does not consider temporary alcohol control areas. | | | | |
| <p>5) Is the proposed bylaw the most appropriate form of bylaw</p> <p>The proposed bylaw addresses the perceived problems and overcomes the issues with the current bylaw. It:</p> <ul style="list-style-type: none"> a) is not overly prescriptive; b) removes duplicated powers already prescribed in the LGA; c) reflects legal developments and modern drafting practice; | | | | |

- d) uses plain English;
- e) allows Council to make or revoke individual alcohol control areas by resolution;
- f) allows Council to put in place temporary alcohol control areas.

6) A high level of crime or disorder (relating to alcohol consumption) is likely to arise again if the bylaw is not made/ the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

The proposed bylaw provides the framework for Council to retain some or all of the existing individual alcohol control areas and to introduce new areas. Therefore the decision is to make a bylaw that provides Council with an mechanism to prohibit or regulate or control, either generally or for one or more specified periods, any or all of the following:

- a) the consumption of alcohol in public places;
- b) the bringing of alcohol into public places;
- c) the possession of alcohol in public places

is only relevant if Council is satisfied that there is likely to be a high level of crime and disorder (relating to alcohol consumption) that will arise in the absence of one or more of the existing alcohol control areas. The determination of whether or not existing alcohol control areas should be retained or a new added are discussed in sections 2 and 3 of this report. If there are no areas that warrant an alcohol control within the Kaipara district then there is no need for a bylaw. The assessments to date suggest that there is at least one or more existing alcohol control areas that warrant being retained under the proposed new bylaw framework.

7) Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990 / Can the bylaw can be justified as a reasonable limitation on people's rights and freedoms?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand, including the right to freedom of movement. Whilst the bylaw provides that people can be asked to leave public places that are subject to a permanent or temporary alcohol ban, it is considered that the restrictions are fair and reasonable in the interest of public health and safety. This bylaw does not restrict the movement of people who are not in possession of alcohol or those drinking alcohol in private premises. Therefore it is considered that the proposed bylaw does not give rise to any implications under the Bill of Rights.

2 Existing Individual Alcohol Control Areas

1) Background

The following provides an analysis of the existing 10 alcohol control areas within the Kaipara district.

The proposed form of the bylaw discussed in 1.5) (appropriate form of bylaw) above proposes to change the current structure of the bylaw to allow individual alcohol control areas to be made, changed or revoked by resolution of Council after consultation, rather than through an amendment to the bylaw. This approach is specifically provided for in the legislation (s151(2) and s147B LGA).

The scope of this review process is concentrating on the current alcohol control areas, made under the 2009 Liquor Control Bylaw and one new alcohol control area (covered in section 3 below). The existing alcohol control areas and the new one have been separated out due to the technical differences in analysis required to make a new alcohol control areas. For new alcohol control areas, evidence of a high level of crime and disorder related to alcohol consumption is required. As part of the bylaw process the existing alcohol control areas are proposed to be retained through a public consultation occurring concurrently with the bylaw consultation followed by a Council resolution.

As outlined in Attachment One of the agenda report, in making individual alcohol control areas to replace those contained within the current expiring bylaw, Council must consider the following matters:

- a) whether a high level of crime or disorder linked to alcohol consumption is likely arise in the individual alcohol control area;
- b) whether the individual alcohol control area is appropriate and proportionate in the light of that likely crime or disorder;
- c) whether the individual alcohol control area can be justified as a reasonable limitation on people's rights and freedoms.

In undertaking the analysis to support Council in making these determinations, staff have sought feedback from the New Zealand Police. There are limitations on the Police information as they do not record incidences where they have talked to someone who has complied with their instructions and things have not elevated, therefore they are not captured within their information. Not all incidences are likely to be reported to the Police and therefore are not recorded either. The mere presence of an alcohol ban could prevent persons from consuming or possessing alcohol in the first place. Therefore a lack of statistics highlighting offending does not mean the alcohol ban is ineffective. Effective prevention using alcohol control areas is by noticeable signs and publicity around the areas being well-known to local residents, therefore stopping most of the offending in the first place.

The definition of Public Place has also changed since the last review in 2009. Previously Council could only apply an alcohol control over land which Council had control over. Through the 2012 legislation amendments the meaning of public place has been significantly broadened to include any place that is freely open to the general public. This means that that areas such as supermarket car parks, school grounds and any sports grounds where people can freely come and go at any time whether or not they are under the control of Council, are now included in the definition of a public place.

This analysis has supported proposed changes to some of the boundaries of the existing alcohol control areas to ensure the areas identified are appropriate and proportionate. The table below summarises the outcomes of this analysis for each area and takes into consideration of Police information. Appendix A is a Police report from September 2013 which indicates that there were some issues being experienced between 2008 and 2012 and Appendix B is recent anecdotal evidence provided by the Police. Both of these help form a picture of issues associated with alcohol consumption in the Kaipara district.

2) Key problems identified included:

- a) Offending due to drunkenness
- b) Minor disorder
- c) Assaults
- d) Drink driving
- e) Serious assaults
- f) Sexual offending
- g) Arson
- h) Fighting
- i) Wilful damage
- j) Tagging and damage to sign posts
- k) Unable to put in place a temporary alcohol control area for a large scale event
- l) Change in definition of public place for alcohol control purposes, before only referred to places under the control of Council, new definition now includes areas that are open to the public regardless of ownership, this means that an alcohol control area may include school grounds, supermarket carparks and privately owned sports fields could be captured.
- m) Since the last review the Kaipara District boundaries have changed from Mean High Water Springs to Mean Low Water Springs. This means that alcohol control areas can now be made down to the low tide mark.

3) Current alcohol control areas in place

Controls in place 24 hours a day all year round include:

- a) Dargaville and
- b) Ruawai

Controls in place from 8.30pm to 7.00am the following day on each day throughout the year include:

- a) Mangawhai
- b) Te Kopuru
- c) Pouto
- d) Glinks Gully
- e) Baylys Beach
- f) Omamari
- g) Aranga
- h) Kaihu

Table Two

| Alcohol Control Area | Appropriate and Proportionate - Area | Appropriate and Proportionate – Control (applicable time/days) | Crime and disorder | Reasonable limitation on people’s rights and freedoms |
|-----------------------------|--|--|--|--|
| Mangawhai | Current boundaries are considered to be appropriate and proportionate to where problems are occurring. Refer to Map 1. | In light of the Police information it is found that the current controls of 8.30pm to 7.00am every day of the year is no longer appropriate. With ongoing issues being experienced over the summer months it is considered more appropriate and proportionate to have a continuous | Each of these existing control areas is supported by anecdotal Police feedback. The feedback highlights Police concerns about the crime and disorder | Each area is considered a reasonable limitation on people’s rights and freedoms considering the concerns raised regarding potential crime and disorder and the |

| | | | | |
|-------------------|---|--|--|---|
| | | (24 hours a day) control starting from 8.30pm on 01 December and ending at 7.00am on 01 March of the following year with all other days of the year retaining the current control of 8.30pm to 7.00am. | risks related to the potential removal of the current control areas. (Appendix B below). | associated impacts on public health and safety. |
| Ruawai | Current boundaries are considered to be appropriate and proportionate to where problems are occurring. Refer to Map 2. | Current controls are considered to be appropriate and proportionate being 24 hours every day of the year. | | |
| Dargaville | Current boundaries are considered to be appropriate and proportionate to where problems are occurring. It is suggested to extend the area to include the schools, particularly those close to the current control area. Refer to Map 3. | Current controls are considered to be appropriate and proportionate being 24 hours every day of the year. | | |
| Te Kopuru | Current boundaries are considered to be appropriate and proportionate to where problems are occurring. It is suggested to extend the area to include Council property behind residential sections and the Primary school. Refer to Map 4. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | | |

| | | | | |
|---------------------|---|--|--|--|
| Pouto | Current boundaries are considered to be appropriate and proportionate to where problems are occurring, with extension to Low Mean Water Springs to reflect District Boundary Changes in 2011. Refer to Map 5. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | The retention of each of these areas are supported by the Police as shown in Appendix B. Refer to Note One below. | |
| Glinks Gully | Current boundaries are considered to be appropriate and proportionate to where problems are occurring, with extension to Low Mean Water Springs to reflect District Boundary Changes in 2011. Refer to Map 6. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | | |
| Baylys Beach | Current boundaries are considered to be appropriate and proportionate to where problems are occurring, with extension to Low Mean Water Springs to reflect District Boundary Changes in 2011. Refer to Map 7. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | | |

| | | | | |
|----------------|---|--|---|--|
| Omamari | Current boundaries are considered to be appropriate and proportionate to where problems are occurring, with extension to Low Mean Water Springs to reflect District Boundary Changes in 2011. Refer to Map 8. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | | |
| Aranga | Current boundaries are considered to be appropriate and proportionate to where problems are occurring, with extension to Low Mean Water Springs to reflect District Boundary Changes in 2011. Refer to Map 9. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | | |
| Kaihu | Current boundaries are considered to be appropriate and proportionate to where problems are occurring. Refer to Map 10. | Current controls are considered to be appropriate and proportionate being from 8.30pm to 7.00am (10.5hours) every day of the year. | The retention of this area is supported by the Police as shown in Appendix A below. Refer to Note Two below. | |

Note One: The original request for the west coast communities came from the Glinks Gully community. In considering this request Council had some robust discussions around the implications of having an alcohol control area at only one community and the potential flow on effect that might occur in relation to crime and disorder becoming more prominent in the other west coast communities (Pouto, Glinks Gully, Baylys Beach, Omamari, and Aranga.) As a result of this

concern the other west coast communities areas were included for consultation to also have individual alcohol control areas in place. Subsequently these areas were accepted by the communities and adopted by Council. Council now needs to be satisfied that a high level of crime or disorder linked to alcohol consumption is likely to arise in the individual alcohol control areas. Due to the nature of the 2009 process historical Police data is limited, however the controls were supported by community at the time and therefore it is considered appropriate to consult with these communities to see if they still agree that the controls are appropriate. Council staff are recommending that Council consults on the retention of these controls. The Police through anecdotal evidence provided support the retention of these areas.

Note Two: In relation to Kaihu, this request originated from the Kaihu community due to issues that this community was experiencing. As mentioned with the west coast communities due to the nature of the 2009 process historical Police data is limited. This was also supported by the community and therefore as with the west coast communities it is considered appropriate to consult on the retention of this alcohol control area. At the time through the submission process on the 2009 bylaw, there were requests in the Kaihu area for the inclusion of properties which Council had no control over to be included. With the change in the definition of public place these areas can now be considered if they are requested again.

4) Proposed adjustments to existing alcohol control areas

- a) Amend Mangawhai controls to: apply continuously (24hours a day) starting at 8.30pm on 01 December through to 7.00am on 01 March the following year and from 8.30pm to 7.00am for every other day of the year starting on 01 March at 8.30pm and ending 01 December at 7.00am each year. The area to remain the same.
- b) Retain current alcohol control areas and controls – place 24hours a day all year round for Ruawai and Dargaville. The area to stay the same for Ruawai with the addition of schools for Dargaville. These will need to be consulted on as part of the consultation process.
- c) Retain current alcohol control areas and controls – from 8.30pm to 7.00am the following day on each day throughout the year for the following areas:
 - i. Te Kopuru – Retain days and time but also include the school and Council property adjoining current control area that sits behind residential properties.
 - ii. Pouto - Retain days and time, and extend control area to the Mean Low Water Spring mark.
 - iii. Glinks Gully - Retain days and time and extend control area to the Mean Low Water Spring mark.
 - iv. Baylys Beach - Retain days and time and extend control area to the Mean Low Water Spring mark.
 - v. Omamari - Retain days and time and extend control area to the Mean Low Water Spring mark.

- vi. Aranga - Retain days and time and extend control area to the Mean Low Water Spring mark.
- vii. Kaihu - Retain days and time and area. Modification of area could be considered through consultation with the community

3 Proposed new alcohol control area - Tinopai

1) Background

Council first received a request for an alcohol control area to be applied to Tinopai in May 2016. The information at this time outlined a 25% increase of crime and disorder within the Tinopai urban area in the year from May 2015 to May 2016. From conversations with the Police, the Police arranged a public meeting at Tinopai where the idea of seeking an alcohol control area for Tinopai was put forward, Council has received subsequent correspondence from a community member asking where we are at with this process. Council has also received requests to put in place temporary alcohol controls during the annual Tinopai Fishing Competition, however have been unable to do so due to having no mechanism in the bylaw. Appendix C contains relevant Police information.

Because this is new Proposed Area it has slightly different criteria for Council to consider than for the existing areas. The test for this new proposed area is under s147(1).

As outlined in Attachment 1 of the agenda report, in making new individual alcohol control areas Council must consider the following matters:

- a) whether the individual alcohol control area is appropriate and proportionate in the light of the crime or disorder;
- b) whether there is evidence that a high level of crime or disorder has been experienced that was caused by or made worse by alcohol consumption in the proposed alcohol control area.

The difference to s2 above is that s2 above only requires Council to be satisfied the a high level of crime and disorder *will arise*, while this section requires Council to be satisfied that there is evidence that shows a high level of crime and disorder that has been caused or made worse by the consumption of alcohol.

The legislation has no definition of what a high level of crime and disorder is. Currently there is no case law around what this means therefore it is not easy to define what a high level of crime and disorder may look like. The legislation has been left open for councils to interpret what this means. As such it is believed that the definition is likely to require some context around what a high level of crime and disorder may look like for individual communities. If there was a hard and fast definition solely based on numbers with no other considerations this could affect Council alcohol control areas which it is believed is not the intention of the legislation.

The Sale and Supply Alcohol Act 2012 Handbook notes that when the legislation was being put in place two of the objectives are *‘to reduce the harm caused by alcohol use, including crime, disorder, public nuisance and negative health outcomes; and support the safe and responsible sale, supply and consumption of alcohol.’* It also states that part of the object of the SSAA is that *the harm caused by the excessive or inappropriate consumption of alcohol should be*

minimised. Harm caused by the excessive or inappropriate consumption of alcohol includes: harm to the community and society generally caused or contributed to by that crime, damage, death, disease, disorderly behaviour, illness or injury. These are important when considering the intent of the new provisions within the LGA. It is seen that the intention of the legislation is to have some basis to when an alcohol control area is applied as opposed to just putting one in place upon request in the absence of any evidence of a problem as Council could have done in the past.

As with s2 above there are limitations on the Police information as they do not record incidences where they have talked to someone who has complied with their instructions and things have not elevated, therefore they are not captured within their information. It is likely that not all incidences are reported to the Police and therefore are not recorded either. While there is a reliance on Police information it is not the only source of information Council can use. Evidence from the community is important to establish the incidences that may not have been report or recorded by the Police.

Table Three

| | |
|---|--|
| <p>1) Assessment summary</p> <ul style="list-style-type: none"> a) The problems identified relate to the consumption of alcohol in public places and the associated concerns regarding nuisance, crime and disorder within the Tinopai urban area. b) Putting in place an alcohol control area is the most appropriate way of addressing the perceived problems in the light of the level of crime or disorder being experienced c) New Zealand Police support the retention of all individual existing alcohol control areas. d) That the proposed alcohol control areas: <ul style="list-style-type: none"> a. provide a reasonable limitation on people's rights and freedoms; b. are appropriate and proportionate. | <p>2) Perceived problems</p> <ul style="list-style-type: none"> a) The consumption of alcohol in public places is of concern for both the general public, as well as for those consuming the alcohol, in that it can incur situations resulting in alcohol-related crime and disorder. b) Alcohol related offending through the consumption of alcohol in public places can include: <ul style="list-style-type: none"> i. damage to private property or public assets; ii. aggressive, intimidating or offensive behaviour towards others; iii. public disorder/nuisance behaviour such as fighting (assaults); iv. nuisance issues through noisy and disruptive behaviour. c) When alcohol is being consumed in a public place in a manner that may lead to the above types of behaviour, constables are limited in their abilities to take actions to 'stop the problem before it starts'. |
|---|--|

| | |
|--|--|
| | <p>d) While constables do have powers to address some of the behaviour described above under other statutes, the tools available to constables under a bylaw; if the matter is alcohol-related, are more instant and less time-consuming than other options.</p> |
|--|--|

3) Council needs to establish if there is evidence that a high level of crime or disorder has been experienced that was caused by or made worse by alcohol consumption in the proposed alcohol control area and to consider if whether the individual alcohol control area is appropriate and proportionate in the light of the crime or disorder.

| Appropriate and Proportionate - Area | Appropriate and Proportionate – Control (applicable time /days) | Crime and disorder | Reasonable limitation on people’s rights and freedoms | Comment |
|---|---|--|---|---|
| <p>It is not considered to be overly excessive the area to which the alcohol control area is asked to be applied to. It is contained within a defined area.</p> | <p>The Police have asked for 24 hours a day every day of the year alcohol control area to be put in place. This is based on there being no set day of the week that issues occur, although they are more prevalent in the summer months. They are also stated the issues tended to be at night. As shown in the past with the Ruawai control area having a set time may mean that the problems shift. For consultation purposes it is considered appropriate for to</p> | <p>While the number of incidences may not appear a lot in relation to the population they are significant for this community. Given Police resourcing an alcohol control area will also help deter crime and disorder through the signage.</p> | <p>NZ Police concerns about the crime and disorder risks related to the crime and disorder being experienced within the Tinopai urban area.</p> | <p>The bylaw is a tool for the Police to use to help curb alcohol-related offending and reducing crime and disorder to our communities. In the absence of a bylaw the Police need to wait for something to happen before they can act. The bylaw allows the Police to act before a situation escalates to a point where crime and disorder occurs. Given that Tinopai is an isolated community the mere presence of alcohol control signs may help curb the issues being experienced.</p> |

| | | | | |
|--|--|--|--|--|
| | <p>consult on this timeframe to give the opportunity for the community to have they say. Council can always decide otherwise through the deliberation process. In terms of scope it may not be easy to extend the time if Council consults on a shorter timeframe for which the control may apply.</p> | | | |
|--|--|--|--|--|

Appendix A – Police Report 2013

Calls to Police related to alcohol

Kaipara District

Released 17th September 2013



Contents

| | |
|---|----|
| Key Findings | 3 |
| Introduction..... | 4 |
| Analysis | 5 |
| Possible Prevention Measures..... | 6 |
| Appendix – Hotspot Maps and Data clocks | 7 |
| 2008 | 8 |
| 2009 | 9 |
| 2010 | 1 |
| 2011 | 11 |
| 2012 | 12 |
| Appendix – Licensed Premises..... | 13 |

CAVEAT

Police data examined in this report is drawn from a dynamic operational database and is subject to change as new information is continually recorded. It is only as accurate as the information contained in the databases at the time that it is sourced. Statistics from provisional data are counted differently than official statistics and should not be compared.



Key Findings

Analysis of calls to Police was conducted in relation to events occurring within Kaipara District from January 2008 to December 2012. During that time, within this area, Police received 2,982 calls for types of events that are typically related to alcohol (approximately 600 per year).

The following has been identified:

- The use and abuse of alcohol is a driver of many of the crime and crash issues in Kaipara, notably with regard to violence, family violence, disorder, and drink driving and to a lesser degree to sexual offences and wilful damage.
- In Kaipara problem drinking often occurs in the home rather than in public or in licensed premises. There are probably a number of factors behind this behaviour including the remoteness of many settlements from population hubs and bars; a lack of suitable local drinking locations; the lack of public transport and illegality of drink-driving; cheaper alcohol from off-licenses and supermarkets rather than on license premises; and the introduction of liquor bans in a number of public places. Problem home-based drinking can generate family violence, neighbourhood disputes, disorder and drink driving.
- Alcohol is also a key driver of youth dishonesty offences, which are committed primarily for financial gain in order to purchase commodities including alcohol – the main drug of choice for youth.
- Alcohol related offending in Dargaville (third level hotspot maps) is centred on the main shopping area which has two licensed premises, off licence bottle stores and the Dargaville Rugby Club.
- Alcohol offending in Dargaville (third level hotspot maps); particularly violence, disorder, wilful damage and drink driving occur mostly at night between Thursday and the early hours of Sunday.
- Alcohol related offending in Kaipara east hotspot (second level hotspot maps) is likely due to a particular address of note in Victoria Street. The address was used as a juvenile hangout where alcohol was supplied by the tenant; it is expected that alcohol related offending in this area will decrease as the tenant has recently left the area.
- Alcohol related offending in the Kaipara west hotspot (second level hotspot maps) can partly be contributed to the Funky Fish Restaurant and bar at Baylys Beach, although there is a high degree of private place consumption of alcohol in this area; this is also true of township of Te Kopuru which has no licensed premises; the closest being the Aratapu Hotel which is located half way between Dargaville and Te Kopuru.
- The festive holidays of Christmas and New Year are particularly vulnerable to heavy alcohol use, as well as the period in the lead up to Christmas and immediately after New Year.
- The general summer holiday period from December through to February is also vulnerable to higher levels of alcohol consumption.

Police would like to strengthen partnerships with the Kaipara District Territorial Authority to develop solutions that will reduce the demand currently placed on police resources. This can be achieved by:

- Continued partnerships with key agencies such as ALAC, Regional and District Councils, and relevant business partners and associations, such as licensed premises and retailers, etc.
- Preventative educational strategies targeted at younger groups to reduce alcohol related offending.



Introduction

1. The operating strategy for New Zealand Police to 2015 is *Prevention First*. The strategy is aimed at preventing crime before it happens, using targeted policing, partnerships, and focusing on the drivers of crime.
2. The new Sale and Supply of Alcohol Act 2012 states that when developing a draft or provisional Local Alcohol Policy, a Territorial Authority must consider a range of factors set out in the Act, including the nature and severity of the alcohol-related problems arising in the district¹. To that end, Police (along with Licensing Inspectors and Medical Officers of Health) must make reasonable efforts to give the Territorial Authority any relevant information they may hold².
3. This report analyses calls made by the public to police. In each case the Police employee who takes the call, categorises the incident based on what the caller tells them into basic event types such as violence, disorder, etc. These calls are then recorded in the Police Communications and Resource Deployment database (CARD). An event can be re-categorised into different types throughout the life of a call, so for the purposes of this analysis, event types are considered at the time of call closure.
4. Although CARD does not hold information on whether alcohol was consumed by the offender or by the victim, certain types of events are typically considered to be related to alcohol. These are:

| | | |
|---------------------------------|---|------------------------------------|
| Grievous Assaults | Sexual Affronts | Disorder |
| Serious Assaults | Abduction For Sex | Breach Of The Peace |
| Minor Assaults | Sexual Attacks | Obstructing/Hindering/Resisting |
| Intimidation/Threats | Rape | Unlawful Assembly |
| Crimes Against Personal Privacy | Domestic Dispute | Breach Of Local Council Liquor Ban |
| Drunk Custody/Detox Centre | Domestic Violence | Sale of Liquor offences (old Act) |
| Drunk Home | (Sale and Supply of Alcohol offences – new Act) | |

5. The calls analysed in this report were made between 1 January 2008 and 31 December 2012 and fall into the categories listed above. They are presented visually in the attached maps by individual years. In the future, yearly updates will be provided. The calls do not include those initiated by Police (i.e., officer-discovered contact with the Communications Centre) and exclude duplicate calls.
6. In this analysis, the calls to Police were spatially analysed using a hot spotting technique called Gi*. The Gi* technique aggregates events to a grid, the size of which depends on the area of analysis. The totals within each grid square are then compared with each other across the entire study area.
7. Gi* compares local averages with global averages, identifying those areas where the local averages (e.g., concentrations of crime) are significantly different from the global averages (i.e., in comparison to what is generally observed across the whole study area).
8. Gi* identifies if the local pattern of crime is different from what is generally observed across the whole study area, and produces a level of significance. The areas identified as not significant are those where clustering would likely have occurred due to chance and not due to the location itself.
9. As Gi* adds statistical significance to hotspot analysis, it shows which hotspots are significant, and alerts to something unusual occurring at specific locations.

¹ Sections 78 and 79(2) of the Act

² Section 78(4) of the Act



10. Hotspots identified as 99.9% significant using the Gi* technique are most likely to be locations that are generators, attractors, or enablers of crime. Focusing on these locations and determining the underlying causes of crime happening there is likely to reduce the level of crime across the overall study area.
11. The Appendix includes:
 - Map one – first level hotspots; Gi* analysis of alcohol-related events in the given year for the entire Territorial Authority.
 - Map two – second level hotspots; Gi* analysis of alcohol-related events that occurred only in those locations that were identified as 90% significant hotspots from map one. If multiple second level hotspots are present, multiple maps are provided.
 - Data clocks – time distribution of events that occurred within the second-level hotspots, showing when those events took place.
 - Map of licensed premises – the data (current as at 2011) was sourced from the Local Licensing Authority and provided to Police by Massey University in May 2013. The displayed licensed premises are only of those types that Massey University consider contribute to alcohol-related harm; these are supermarkets, bottle stores, grocery stores, night clubs, and taverns. The map shows the distribution and number of on-licensed and off-licensed premises. As the data relates to 2011, there may have been some changes to the licensed premises since that time.

Analysis

| Year | Alcohol-related events |
|--------------|------------------------|
| 2008 | 601 |
| 2009 | 554 |
| 2010 | 637 |
| 2011 | 577 |
| 2012 | 613 |
| Total | 2,982 |

12. Kaipara consists of the towns of Dargaville, Ruawai, Paparoa, Maungaturoto, Kaiwaka and Mangawhai, as well as the rural area which surrounds them. The population is largely rural.
13. Dargaville is the largest town; it is estimated that quarter of the population of Kaipara live there.
14. The use and abuse of alcohol is a driver of many of the crime and crash issues in the Kaipara area, notably with regard to violence, family violence, disorder, and drink driving and to a lesser degree to sexual offences and wilful damage.
15. Alcohol is a key driver of youth dishonesty offences, which are committed primarily for financial gain in order to purchase commodities including alcohol – the main drug of choice for youth.
16. Levels of social deprivation are possible factors and drivers with regard to the use and abuse of alcohol. It is possible that those with high levels of social deprivation will be more prone to the frequent, heavy or dependant use of alcohol.
17. In Kaipara problem drinking often occurs in the home rather than in public or in licensed premises. There are probably a number of factors behind this behaviour including the remoteness of many settlements from population hubs and bars; a lack of suitable local drinking locations; the lack of public transport and illegality of drink-driving; cheaper alcohol from off-licenses and supermarkets rather than on license premises; and the introduction of



liquor bans in a number of public places. Problem home-based drinking can generate family violence, neighbourhood disputes, disorder and drink driving.

18. Alcohol related offending in Dargaville (third level hotspot maps) is centred on the main shopping area which has two hotels (Northern Wairoa Hotel and Central Hotel), off licence bottle stores and the Dargaville Rugby Club. The area is primarily the social hub of the local Kaipara Community; the residential area within close proximity has high levels of social deprivation and high unemployment.
19. Alcohol related offending in Dargaville; particularly violence, disorder, wilful damage and drink driving occurs mostly at night between Thursday and early hours of Sunday.
20. A Liquor Management Bylaw covering central Dargaville (third level hotspot) is in place; this applies all year round and is in force 24 hours a day.
21. Alcohol related offending in Kaipara east hotspot (second level hotspot maps) is likely due to a particular address of note in Victoria Street. The address was used as a juvenile hangout where alcohol was supplied by the tenant; it is expected that alcohol related offending in this area will decrease as the tenant has recently left the area.
22. Alcohol related offending in the Kaipara west hotspot (second level hotspot maps) can partly be contributed to the Funky Fish Restaurant and bar at Baylys Beach, although there is a high degree of private place consumption of alcohol in this area; this is also true of township of Te Kopuru which has no licensed premises; the closest being the Aratapu Hotel which is located half way between Dargaville and Te Kopuru.
23. The festive holidays of Christmas and New Year are particularly vulnerable to heavy alcohol use, as well as the period in the lead up to Christmas and immediately after New Year.
24. The general summer holiday period from December through to February is also vulnerable to higher levels of alcohol consumption.

Possible Prevention Measures

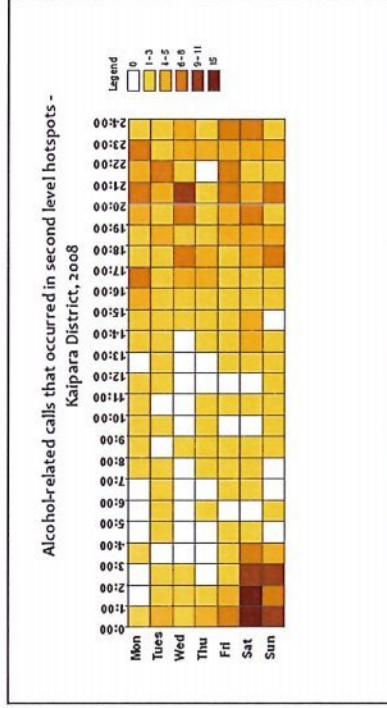
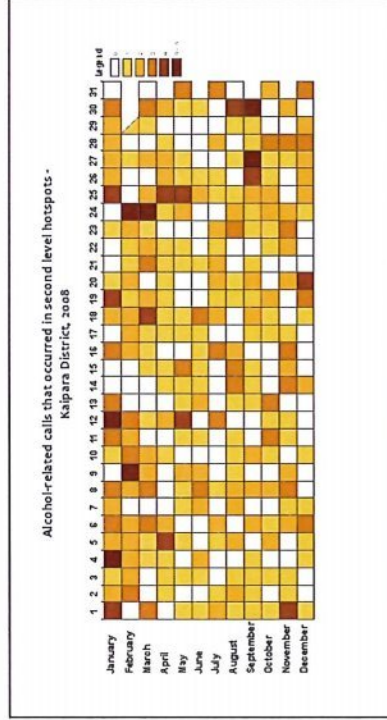
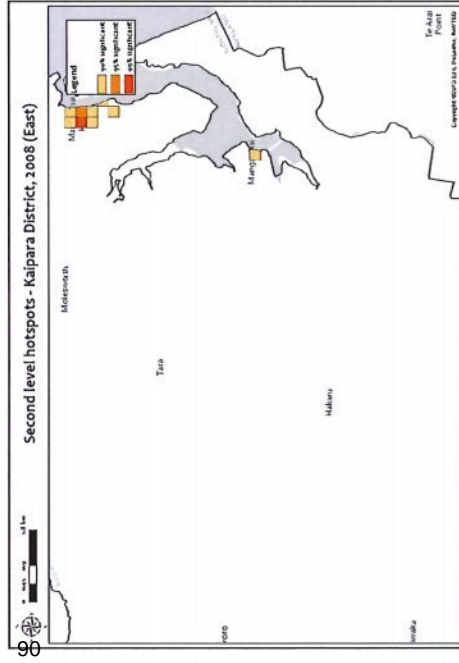
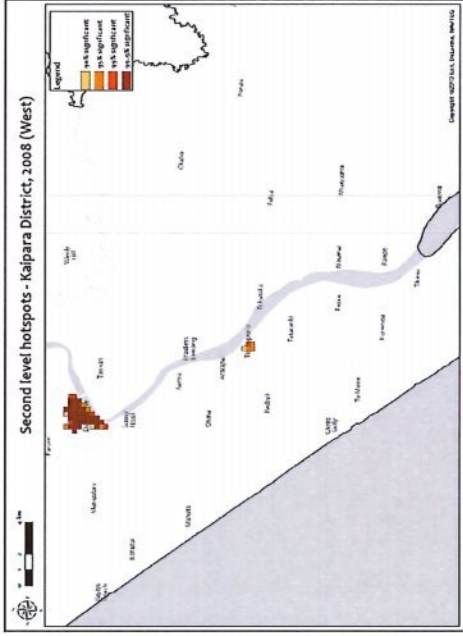
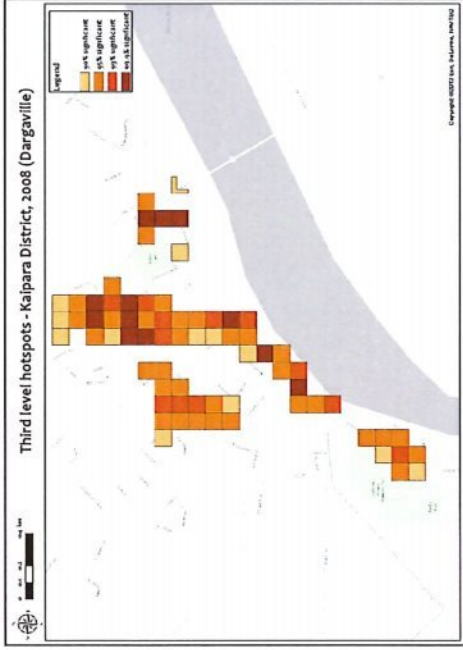
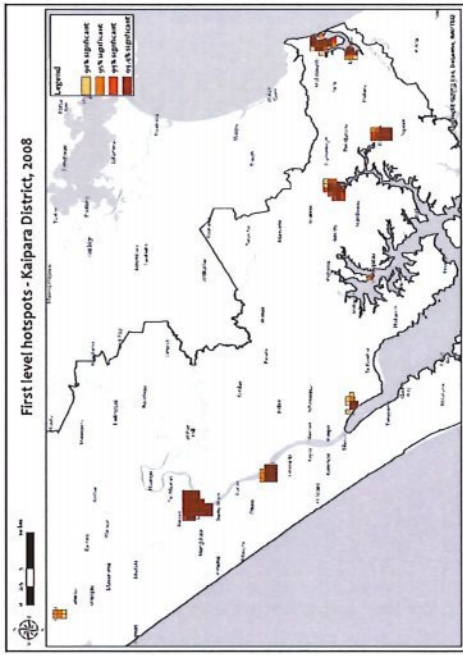
25.
 - Continue partnerships with key agencies such as ALAC, Regional and District Councils, and relevant business partners and associations, such as licensed premises and retailers, etc.
 - Preventive educational strategies targeted at younger groups to reduce alcohol related offending.



Appendix – Hotspot Maps and Data clocks

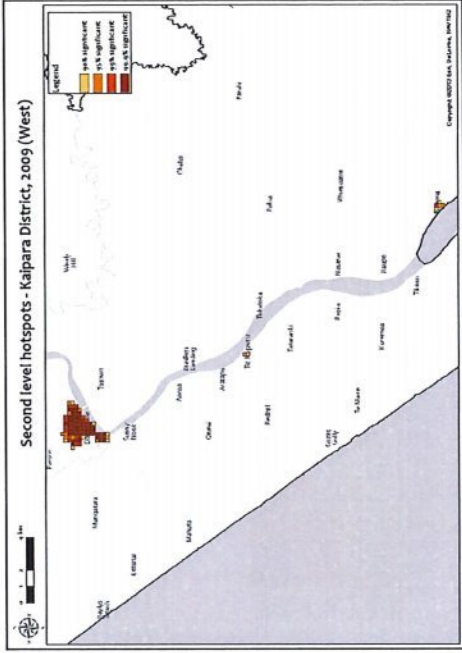
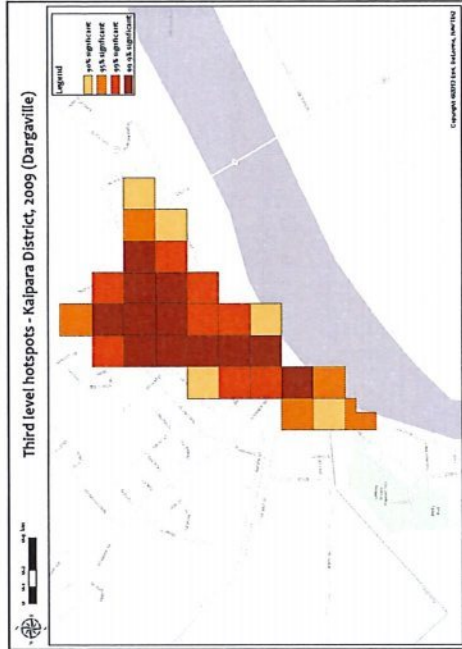
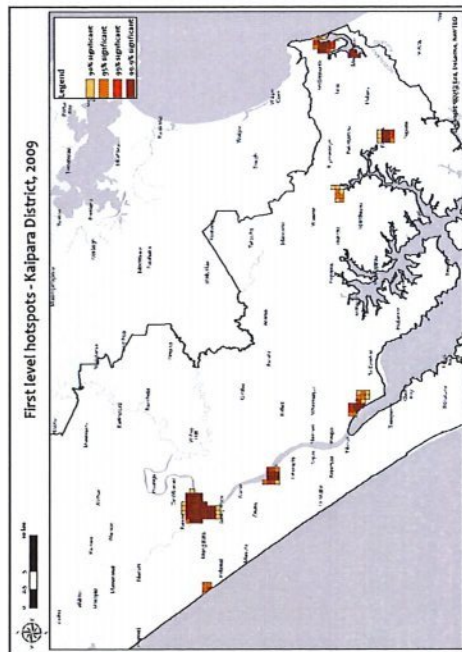


2008

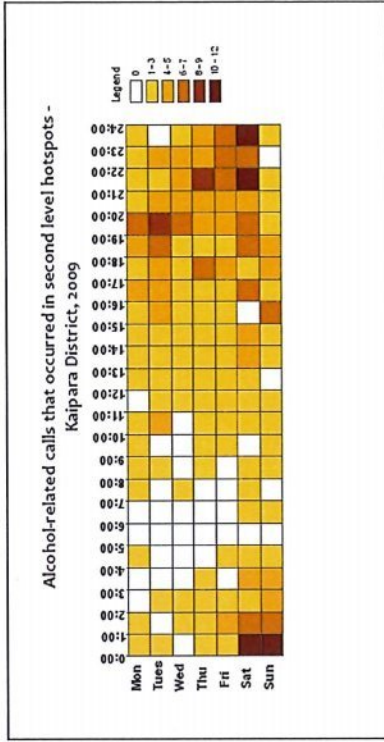
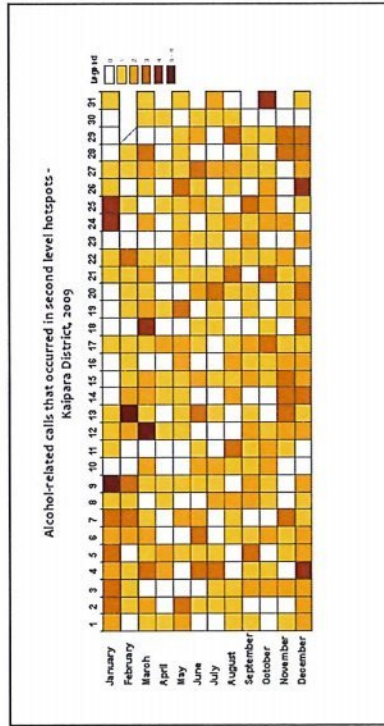
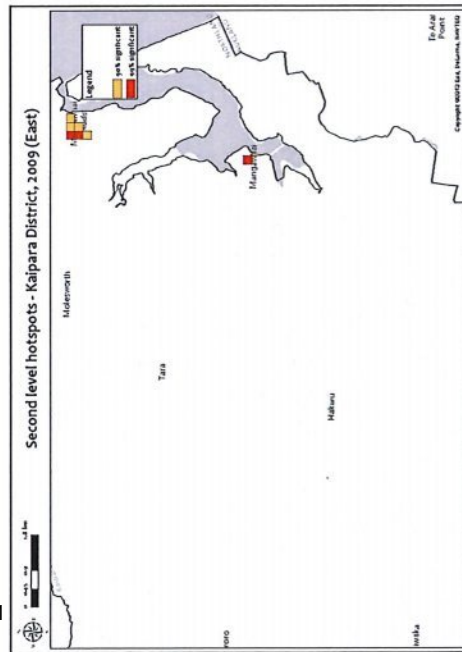


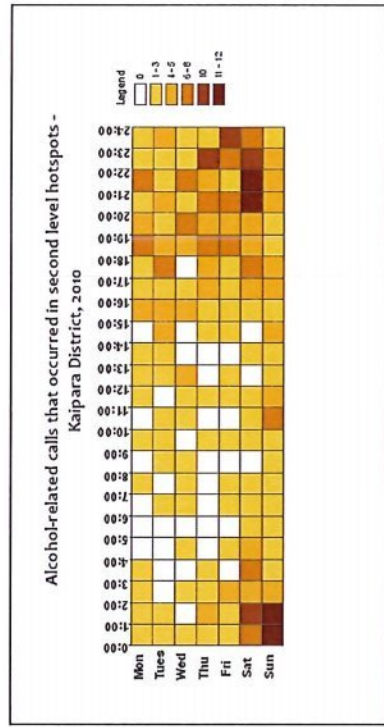
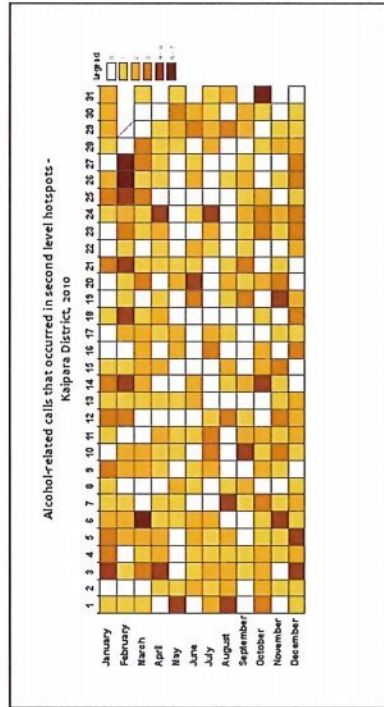
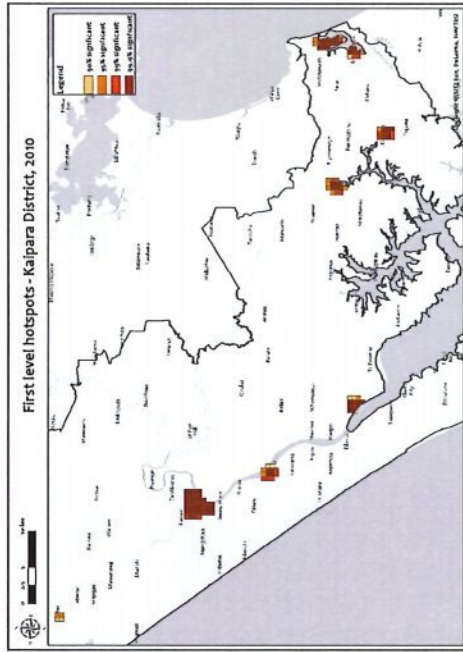
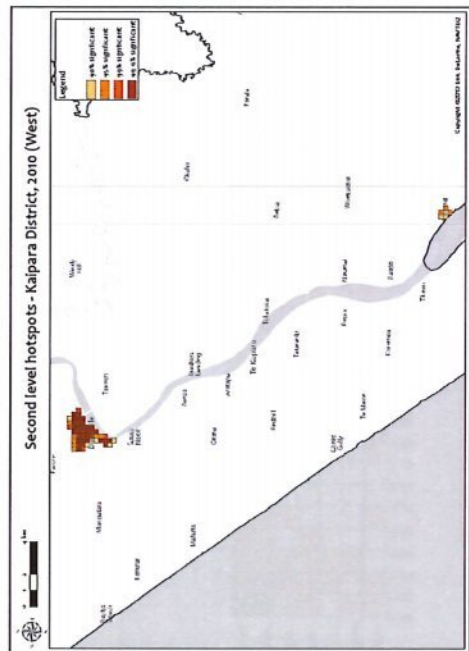
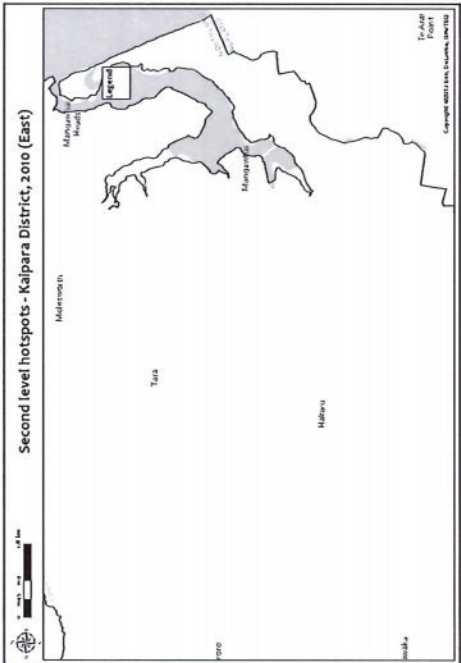
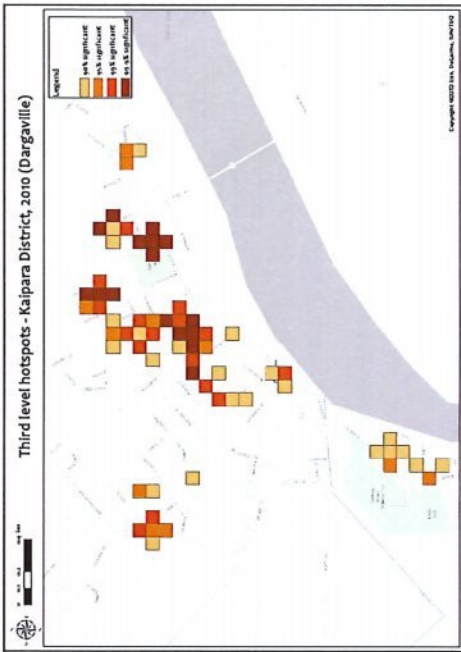


2009



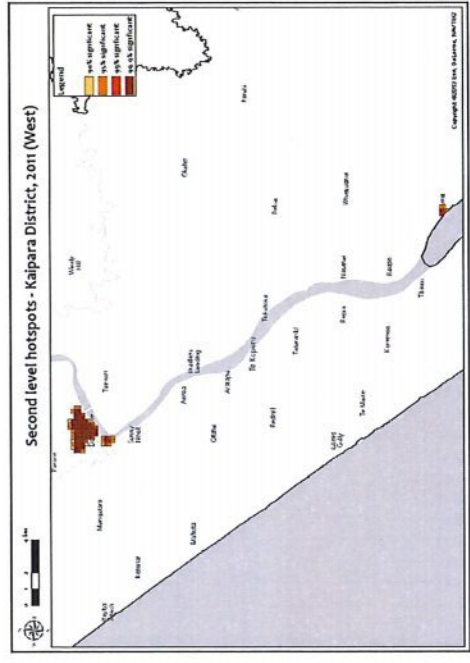
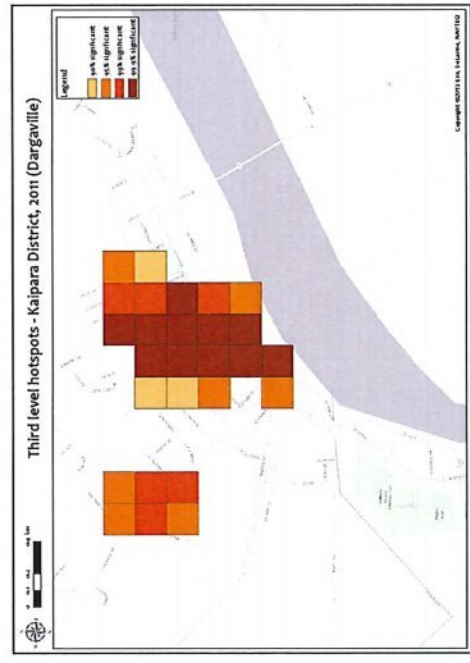
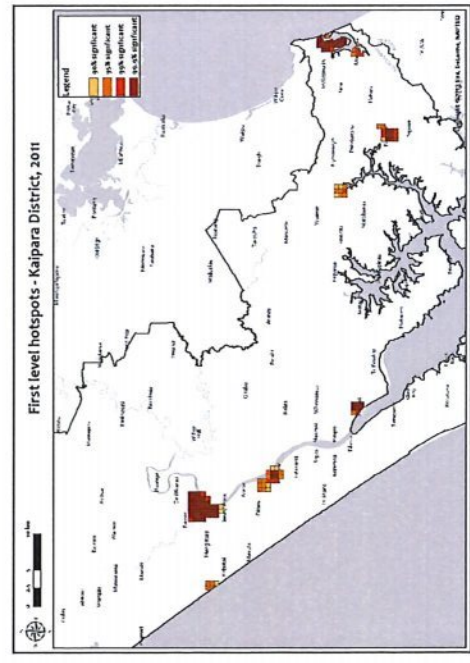
91



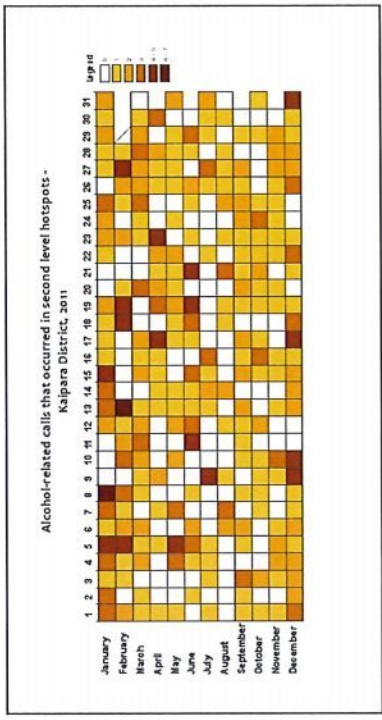
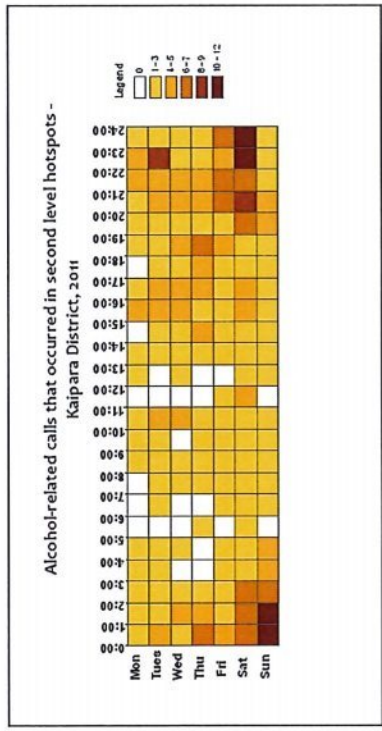
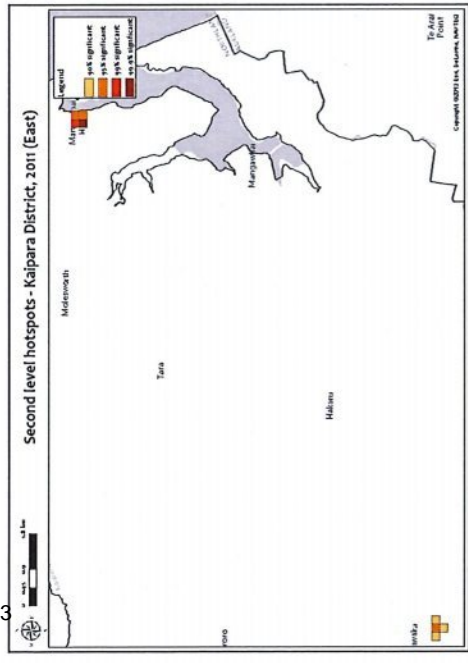




2011

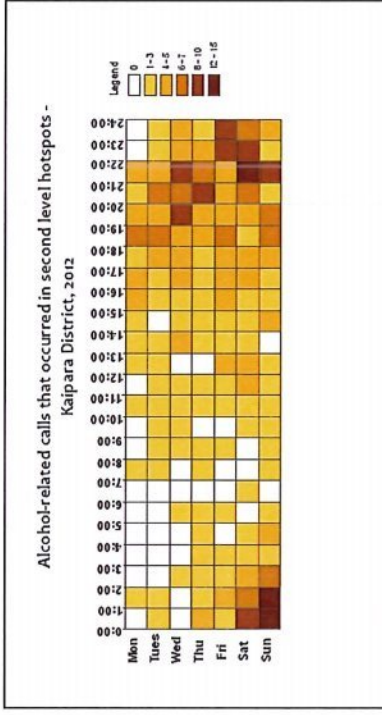
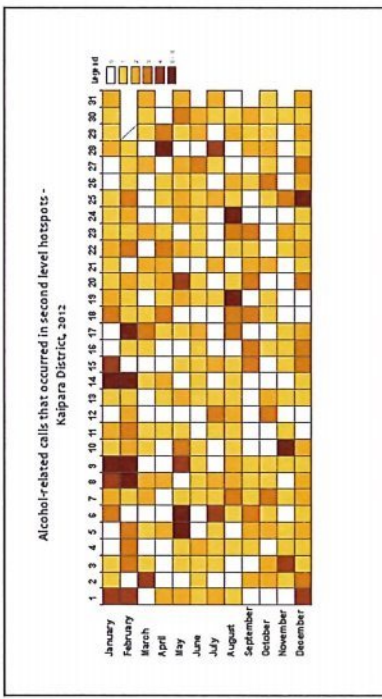
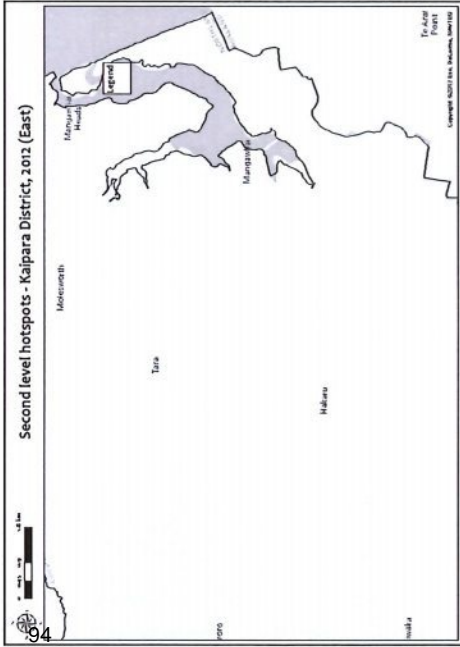
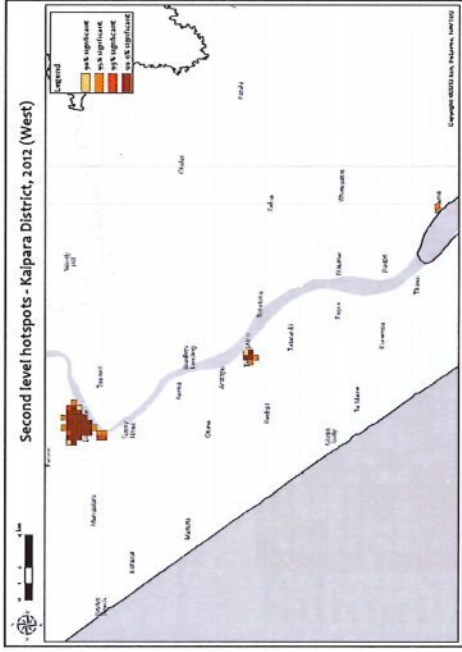
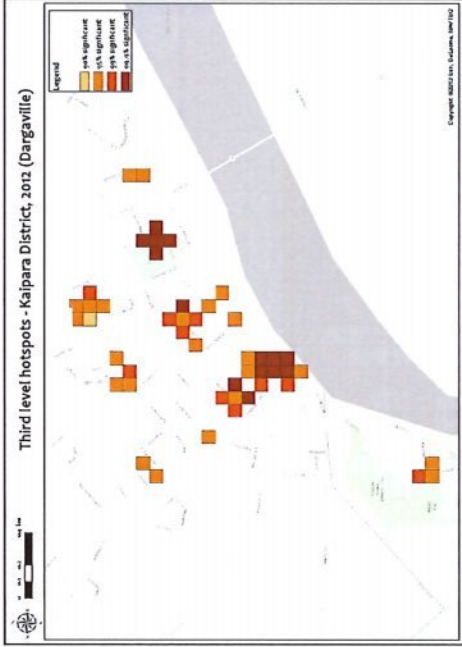
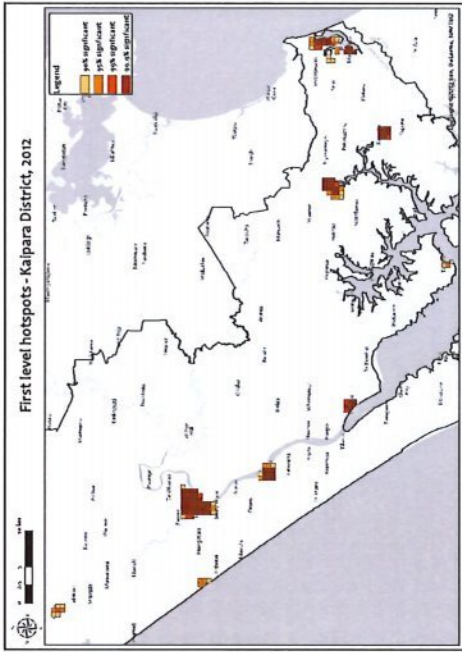


93



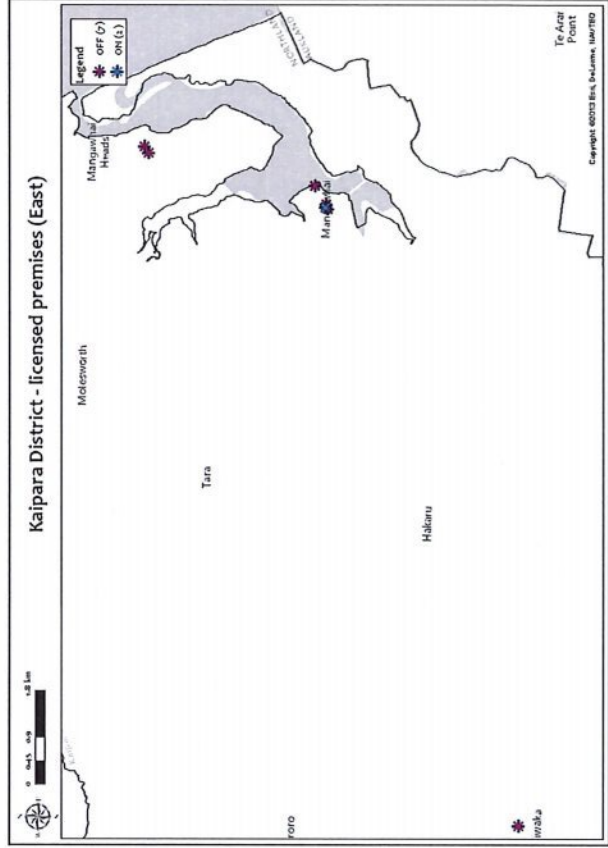
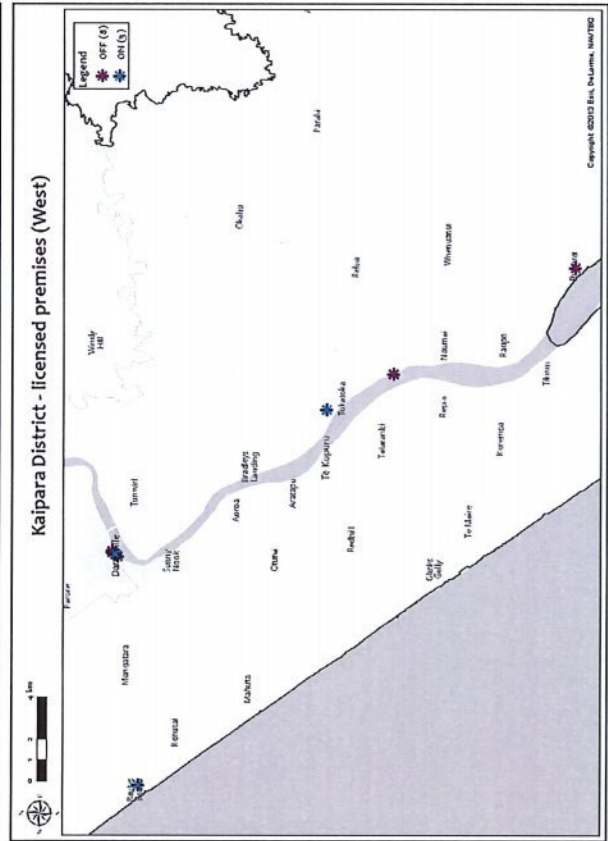
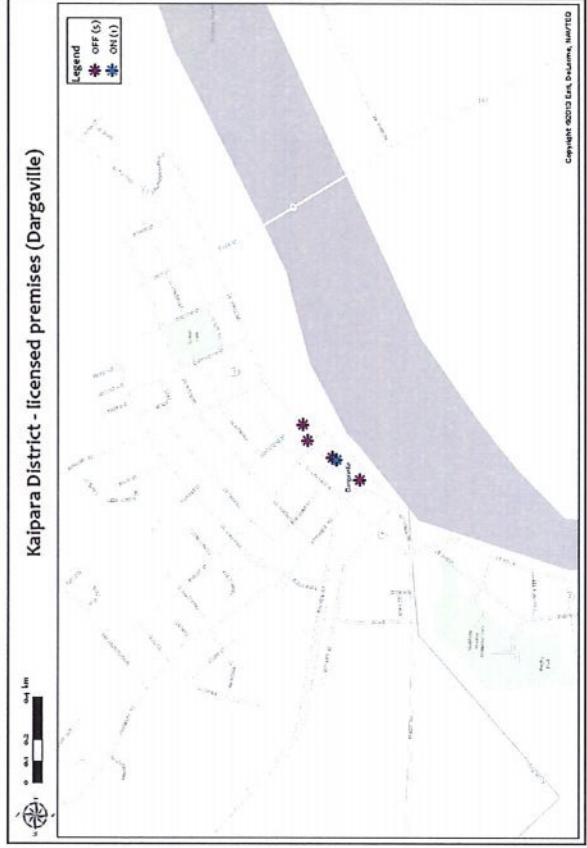
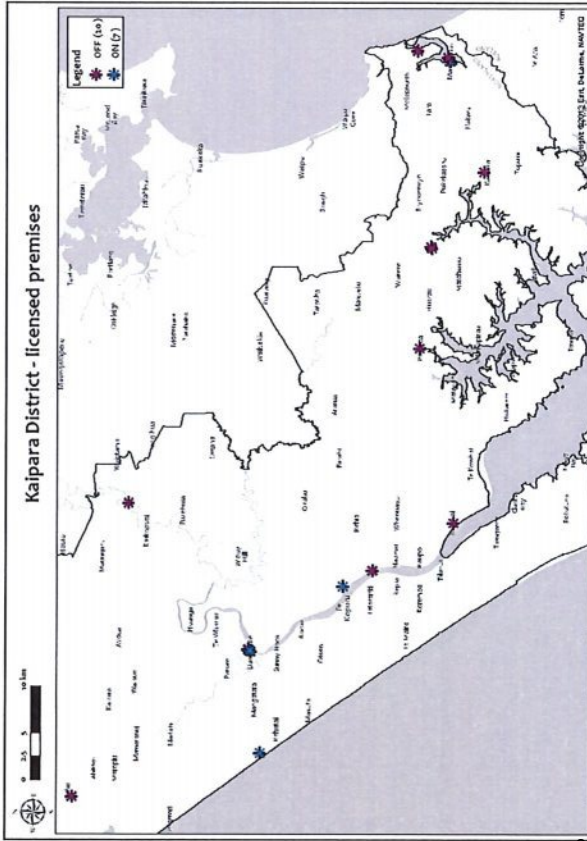


2012





Appendix – Licensed Premises



Appendix B – Police Reports for Existing Alcohol Control Areas

- 1) Mangawhai Alcohol Control Area**
- 2) Ruawai Alcohol Control Area**
- 3) Dargaville Alcohol Control Area**
- 4) Te Kopuru Alcohol Control Area**
- 5) Pouto Alcohol Control Area**
- 6) Glinks Gully Alcohol Control Area**
- 7) Baylys Beach Alcohol Control; Area**
- 8) Omamari Alcohol Control Area**
- 9) Aranga Alcohol Control Area**
- 10) Kaihu Alcohol Control Area**

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: Geoff MEDLAND GMJ401

Title: Sergeant

Police Station (if applicable): Wellsford / Mangawhai Stations

Which alcohol control area are you commenting on?

Area Mangawhai

District Choose a district.

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

Prior to any liquor bans Mangawhai has, in the past, experienced a large amount offending due to drunkenness, minor disorder, assaults, drink driving, all of which have occasionally escalating to serious crimes such as serious assaults, sexual offending and arson.

This offending has occurred as local and holiday populations move around the area between their homes, beaches or liquor outlets. Young people from outside area such as Auckland, Whangarei, and more localised areas such as Wellsford and Maungaturoto will congregate with friends at the beaches and consume alcohol.

Excessive alcohol consumption and associated offending had created a greater demands on local Police over the weekends / long holiday weekends / Christmas holiday / New Year period.

Large crowds were also attracted to events provided by the Mangawhai Tavern and intoxicated patrons were expected in public areas as they attempted to get back to their accommodations.

Enforcement of liquor offending was sporadic and/or non-existent as the local Police (two officers) backed up by Wellsford staff were forced to prioritise their workloads focusing more on serious offending. This did not address the prevention aspects of offending which the Liquor Bans greatly assist with.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Mangawhai has a steadily growing population which also supports a busy weekend holiday population throughout the year where alcohol offending still remains a concern.

With an increased number of liquor outlets and population it is feared that should the alcohol bans be removed, the public arena will quickly deteriorate and be susceptible to increased offending.

Fighting, wilful damage, disorder and drink driving still continue as issues in the area. The 2017 raft race to the Mangawhai Tavern is one example of preloading resulting in an unmanageable intoxicated crowd.

Wilful damage exists with tagging and damage to sign posts on a regular basis.

Drink driving is evidenced by the motor vehicle crash rates in the area and related prosecutions.

Wilful damage to heavy machinery is also a problem.

Please describe how the alcohol control in this area assists you in supporting community safety:

The same types of offending still exist within the area but is greatly reduced by the Liquor bans.

Large events such as the Northern Base festival which runs for four days up to New Year, puts another 10,000 people into an area already heavily populated by holiday makers. The concert goes and local population is more easily controlled due to the bans.

Other events such as the Mangawhai Wine and food festival are more easily managed upon closure by organisers and minimal police resources utilising the liquor ban.

It is suggested however that the current bans be improved upon to a more complete '24hour', or earlier start times such as 1600hrs. If so offending in the area could be greatly impacted. During the summer months alcohol consumption starts earlier and these bans would impact on offending rates further.

It should be noted that signage needs to be improved upon in Molesworth Drive. Large amounts of people carry alcohol while they walk to bus stops for planned events. They also walk between the village and Heads areas whilst intoxicated.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Ruawai

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Ruawai has approximately 450 resident. Calls for service range from drunk driving, intoxicated members of the public, assaults and domestics.

I have warned approximately 20 persons for drinking inside the Alcohol Control Areas, issued three fines (repeat offenders).

To date there has been one recent call for service inside the Alcohol Control Areas where two person that were new to the area where drinking alcohol. They were advised of the Alcohol Control Area and warned for their indiscretion, ordered to empty their opened bottles and move on which they did.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a location like Ruawai, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places. It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior. It reduces the safety hazards around issues such as broken glass and discarded rubbish. To date there have been no recent calls for service inside the ACA.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Dargaville

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

Dargaville Liquor Ban controls year round – 24 hours a day.

Before the bans were put in place local Dargaville Police routinely dealt with incidents involving the consumption of alcohol by intoxicated persons in these highly populated public areas. This behavior has lead on to a number of disorder type offending from disorderly to threatening behavior, depositing of dangerous litter, wilfully breaks glass, graffiti, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults including assaults with offensive weapons. This offending saw a number of persons appearing before the courts for the offences described above impacting on public trust and confidence to frequent these areas.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Dargaville has approximately 4500 residents

Offending ranges from disorderly or threatening behavior, wilful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

There are a number of schools and early childhood education centres, kids playground parks contained in our banned areas. Persons consuming alcohol in these areas can be in full view of school aged children. There are always public calls for service for Police to move such persons on. If the bans were lifted it would affect public trust and confidence frequenting these areas. It would encourage public drinking and these undesirable behaviours. Alcohol is one of the major contributors to crime amongst our community

and keeping the liquor bans in place is an easy way to contribute to our community who frequent these areas without the presence of those effected by alcohol restoring trust and confidence that we are a safe community. We have a proven high fatality rate on our Northland roads and alcohol features highly as contributing factor. If we promote drinking in highly populated public places we set a precedent that will be hard to retract similar to the lowering of the drinking age.

An example of this is that local Dargaville Police have dealt with persons drinking alcohol in the playground area by the Dargaville kindergarten on Portland Street, Dargaville. On a positive note there have been a significant decrease calling for responses since the bans came into effect.

Our local court has been a local hang out area for persons appearing in court and their extended families where they would meet up to sit and drink alcohol. Extra Police staff on a number of occasions have been required to assist the courts to remove intoxicated persons and deal with a number of offending such as disorderly or threatening behavior, willful breaking glass, littering, vandalism, willful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including offensive weapons.

Since the bans came into effect there has been a significant decrease calling for Police assistance surrounding the intake of alcohol in this area.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Te Kopuru

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

Before the bans were put in place local Dargaville Police routinely dealt with incidents involving the consumption of alcohol by intoxicated persons in the Te Kopuru area. This behavior has lead on to a number is disorder type offending from disorderly to threatening behavior, depositing of dangerous litter, wilfully breaks glass, graffiti, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults including assaults with offensive weapons. This offending saw a number of persons appearing before the courts for the offences described above impacting on public trust and confidence to frequent these areas.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Te Kopuru has approximately 400 residents, calls for service range from drunk driving, intoxicated members of the public, assaults and domestics.

Since the bans came into effect there has been a significant decrease calling for Police assistance surrounding the intake of alcohol in this area.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a location like Te Kopuru, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places. It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Pouto

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Pouto peninsular has approximately 350 to 400 residents, and is a popular location in summer

Offending has ranged from disorderly or threatening behavior, willful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a location like Pouto, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places.

It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Glinks gully

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Glinks Gully has approximately 100 residents, and is a popular location in summer

Offending has ranged from disorderly or threatening behavior, willful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a coastal location like Glinks Gully, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places.

It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Baylys

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Baylys has approximately 300 residents, and is a popular location in summer.

Offending has ranged from disorderly or threatening behavior, willful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a coastal location like Baylys, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places.

It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

To date there have been no recent calls for service inside the ACA.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Omamari

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Omamari has approximately <50 residents, and is a popular location in summer

Offending has ranged from disorderly or threatening behavior, willful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a coastal location like Omamari, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places.

It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Aranga

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Offending has ranged from disorderly or threatening behavior, willful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a coastal location like Aranga, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places.

It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: William PANIORA

Title: Acting Sergeant

Police Station (if applicable): Dargaville

Which alcohol control area are you commenting on?

Area Kaihu

District KDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Alcohol Control Areas (ACA) are a positive for the small communities.

ACA areas have been carefully selected in partnership with the Kaipara District Council after review (anecdotal and evidence based) of the following factors;

- Identification of a disorder/ violence/ antisocial behavior hotspot in a particular location.
- Antisocial behavior related complaints from members of the public.
- Behavior observed by Police, giving cause for concern about the probability of disorder and/ or violence.
- Evidence of intoxication in a public place.

Prior to having an ACA, Police could attend a situation where undesirable behavior, such as excessive drinking on a beach, was occurring, but once leaving, the behavior could and often would continue.

An ACA offers a mechanism for Police to issue an infringement if needed and enables a community to feel safer.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Kaihu has approximately 150 residents.

Offending has ranged from disorderly or threatening behavior, willful breaking glass, littering, vandalism, wilful damage, urinating in public, unlawful group assemblies, fighting, both minor and serious assaults and offences including assaults with offensive weapons, driving with excess breath or blood alcohol, driving whilst suspended or disqualified.

Please describe how the alcohol control in this area assists you in supporting community safety:

A ACA acts as a deterrent, making a location like Kaihu, conducive for families and creates a wider sense of community and is an effective tool where circumstances require a firmer intervention to prevent alcohol related harm and antisocial behavior caused by the consumption of alcohol in public places.

It encourages the public to call police if necessary giving the public confidence that the Police are able to do something about this type of unwanted behavior.

It reduces the safety hazards around issues such as broken glass and discarded rubbish.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.

Appendix C – Police Information for Tinopai



Paula Hansen

Kaipara District Council

Private Bag 1001

Dargaville 0340

Dear Paula,

Bylaw Review – Alcohol Control Area (ACA) – TINOPAI

I write to ask that they area of TINOPAI be included as an ACA in the Bylaw Review currently being undertaken by Kaipara District Council.

I currently Police in the Ruawai area which includes the township of TINOPAI.

I wish to apply for this control all year round for 24 hours each day, and note that Kaipara currently has enforceable controls in other coastal areas including, Omamari, Glinks Gully, Baylys Beach and Pouto Peninsula.

The reason the control is sought for the TINOPAI area is;

- Curbing alcohol offending
- Offer the ability to deter fires and drinking on the Tinopai foreshore
- Reduce safety hazards through broken bottles in public places
- Remove alcohol and drinking in public areas making it more conducive for families.

TINOPAI is a low socio-economic area, and unfortunately as such, alcohol related harm is experienced in the later part of the week and over weekends (from Wednesday to Sunday) regularly. Occurrences are all year round, with an increase noted over warmer periods from October to March and generally happen after 5pm. Offending in six months to August has seen 12 alcohol related incidences. This is concerning for a remote area like TINOPAI with a population of approximately 80 permanent residents that is 40 minutes from assistance

Attached is a map of the area that the ACA is sought.

If your require any further information please let me know

Yours sincerely

W N PANIORA

Constable WPZ630

Ruawai



Council

From: Council
Sent: Thursday, 19 May 2016 9:47 a.m.
To: Council
Subject: FW: Tinopai

From: PANIORA, William (Willie)
Sent: Wednesday, 4 May 2016 2:53 p.m.
To: Council <Council@kaipara.govt.nz>
Subject: Tinopai

To whom it may concern,

Proposed Liquor Ban - Tinopai

I wish to submit to Council's 2016 - 2017 Annual Plan for consideration a Liquor Ban Area in Tinopai.

I currently police in the Ruawai area which includes the Tinopai Township.

I note that several areas of the Kaipara currently have enforceable Liquor ban areas including, Dargaville, Ruawai, Mangawhai, Kaihu, Aranga, Omamari, Baylys, Glinks Gully, Pouto and Te Kopuru.

The reason I seek this liquor ban for the Tinopai area includes assisting in,

- Curbing the alcohol offending.
- Offer the ability to deter fires and drinking on the Tinopai foreshore.
- Reduce safety hazards through broken bottles in public places.
- Remove alcohol and drinking in public areas making it more conducive for families.

I would estimate a twenty five percent increase in complaints from residents and visitors to the Tinopai community regarding drunken and abusive behaviour over the last twelve months.

If successful, I would like the liquor ban area to encompass the area between the start of the 100k sign on Tinopai road near the Tinopai Primary School down to the roundabout, along Ngatoto Road to the end of the seal. The whole of Komiti Road including the wharf, reserves and foreshore. The enforceable times for the liquor ban area would be the same as the Ruawai Liquor Ban Area.

For your information and consideration, please.

Regards Willie

W N PANIORA

=====

WARNING



Kaipara District Council

Draft Alcohol Control

Bylaw

Statement of Proposal

Contents

1 Introduction1

2 Outline of Proposed Bylaw1

3 Reason for Proposal2

4 Legal Considerations2

DRAFT

1 Introduction

The objective of the Alcohol Control Bylaw (the bylaw) is to prevent adverse behaviours associated with the consumption of alcohol in public places from occurring. These adverse behaviours include, but are not limited to, vandalism, assault and intimidation. Without this bylaw the New Zealand Police (“the Police”) are powerless to do anything until an actual incident has occurred. There are currently alcohol controls in place in the following locations: Mangawhai, Ruawai, Dargaville, Te Kopuru, Pouto, Glinks Gully, Baylys Beach, Omamari, Aranga and Kaihu.

The bylaw was last reviewed in 2009. In 2012 Local Government (Alcohol Reform) Amendment Act 2012 (LGARAA) came into force and amendments were made to the Local Government Act (LGA). As a result of the changes the current bylaw will automatically expire on 18 December 2018. In order to keep the current alcohol control areas in place Council needs to put a new bylaw in place by this date.

The current process focuses on:

- 1) the wording of the bylaw;
- 2) retaining the current alcohol control areas;
- 3) addition of one area already identified (Tinopai); and
- 4) identifying any new areas that could benefit with alcohol controls.

Any other new areas identified by the community will be worked through with the Police and will be subject to further consultation in 2019.

There is a tension between the rights of individuals and the well-being of the community at large. The objective is to produce a bylaw which acts in the best interests of the community as a whole without unduly compromising the opportunity for individuals to consume alcohol in a manner that does not adversely affect the community.

Council must follow the special consultative procedure when introducing a new bylaw. This Statement of Proposal (SOP) has been prepared in accordance with the Local Government Act 2002 (LGA).

A SOP document is a legal requirement when Council is proposing to make, amend or revoke a bylaw. The SOP is the document that is made available to you as part of the consultation process to provide background information on the proposal to assist you in providing your thoughts to Council on the topic.

2 Outline of Proposed Bylaw

Council is proposing to introduce a new bylaw as required under the LGARAA. The new bylaw has been written slightly differently to the existing bylaw. This is to allow the addition of new alcohol control areas that are identified in the future with as much ease as possible. It is worded so as to allow amendments to alcohol control areas without having to amend the bylaw every time, with amendments, additions or rescinding of areas being captured in a register of resolutions. (Appendix A contains the draft bylaw.)

The new bylaw also provides for temporary alcohol bans to be put in place for largescale events. This has been included as Council has previously been asked for a temporary bans but has been unable to do so as the bylaw did not allow for this to occur. The other addition is the use of exemptions that could be applied where alcohol will not be sold or supplied (hence no licence required) but organisers would like to let people bring their own. An example of this is when a wedding occurs in a public place.

As part of the consultation process on the draft bylaw the existing alcohol control areas will also be consulted on at the same time, (Appendix B contains the proposed areas and associated controls). A new alcohol control area was also brought to Council's attention in 2016 (Appendix C contains the proposed new area and control). This has been included with this consultation as information has been able to be gained from the Police. No other new areas may be considered for inclusion through this process, however they can be identified for consideration in 2019. These proposed areas are attached to this SOP in Appendix B and C, along with the draft bylaw in Appendix A.

3 Reason for Proposal

Council is proposing a new bylaw in 2018, because:

- The current bylaw will lapse on 18 December 2018 therefore a new bylaw needs to be put in place before this time in order to retain the current alcohol control areas;
- Reports from the Police suggest that the control of alcohol through a bylaw has been effective. Council wishes to see the continuation of these positive results of the control of alcohol in public places throughout selected communities in the district;
- A bylaw allows Police to proactively control possession and consumption of liquor in public places before people's behaviours become unruly and disruptive to others;
- Council wishes to continue to effectively manage the issues associated with the possession and consumption of alcohol in public places;
- There has been significant legislative changes relating to bylaws for alcohol control since the bylaw was last reviewed in 2009.

4 Legal Considerations

Before making the decision to consult on the proposed bylaw, Council is required to consider several legislative requirements. The full report on these determinations can be found in the 23 August 2018 report to Council's meeting when they adopted this SOP for public consultation. This section summarises the key aspects of the assessment undertaken.

1) Does the justification for the bylaw exist as required by sections 147 to 147C of the LGA?

These new provisions were added to the LGA as part of the wider alcohol reform that took place alongside the enactment of the Sale and Supply of Alcohol Act 2012. These amendments have introduced new evidence-based requirements that Council must be satisfied have been met, before it makes a bylaw for alcohol control in public places.

Council considered detailed crime profile reports produced by the Police for the current 10 alcohol control areas within the Kaipara district. Information has been obtained through a request for inclusion by the Police prior to this bylaw process being undertaken. Not all crime and disorder is reported to the Police, therefore Police statistics can only show part of the picture and information received from communities is important to help provide a fuller picture of the problems being experienced.

Under s147 – 147C of the LGA, Council needs to:

- a) Be satisfied that there is a high level of alcohol-related crime and disorder in the existing areas, is likely to arise if the current bans lapsed. This is supported by the Police;

- b) Be satisfied that there is evidence of a high level of alcohol-related crime and disorder that is caused by or made worse by the consumption of alcohol for the new alcohol control area;
- c) Consider a range of options with respect to the timing and area that each proposed ban should apply;
- d) Consider and agree that the proposed alcohol bans in the specified public places are a reasonable limitation on people's rights and freedoms; and
- e) Consider and agree that a bylaw is an appropriate and proportionate response.

2) Section 155 LGA Considerations

Council must also determine whether:

- a) A bylaw is the most appropriate way to of addressing the perceived issues;
- b) The draft bylaw is the most appropriate form of bylaw; and
- c) The draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

3) Is the proposed bylaw the most appropriate way of addressing the perceived problems?

Council considered a range of options to address alcohol-related crime, disorder and nuisance in the district's main towns. Whilst it is accepted that there are a number of agencies responsible for reducing alcohol-related harm in our communities, it was considered that a bylaw provides the most appropriate mechanism to effectively deal with people drinking in public places in a manner that has a negative impact on the enjoyment and safety of other people using that public place. The Police have requested that all 10 of the current alcohol control areas remain in some form because it is an effective tool to manage public nuisance behaviour, also the inclusion of one new alcohol control area. These are all being consulted concurrently with the new proposed bylaw.

The Kaipara District Council has essentially two options when deciding whether or not to put in place a new bylaw. They are as follows:

- 1) Do nothing: Allow the bylaw to expire and do not have a bylaw at all.
- 2) To put in place a new bylaw that allows for identified alcohol control areas to be managed.

Other complementary options include Education: This approach is non-regulatory and would not provide Council and the Police with the enforceable controls over the problems identified with liquor in public places. Police would only have the power to arrest people once they have exhibited offensive behaviour which is reactive not proactive. Education, however, has an important role to play in conjunction with the proposed bylaw.

There may be other non-regulatory measures that Council could consider implementing alongside the alcohol bans, such as re-designing 'hot spots' for anti-social behaviour in town centres, and advocating for improved access to support services for those with alcohol issues.

The bylaw is perceived to have been an effective tool in reducing alcohol-related crime, disorder and nuisance in the specific locations that the alcohol bans currently apply, and has contributed to those community's perceptions of safety. The proposed bylaw aligns with the LGA purposes above, and is considered to be consistent with the approach taken by other local authorities of a similar size and nature.

Council staff who work with the bylaws and Council lawyers have confirmed that as a whole the proposed bylaws address actual and potential problems and provide certainty when issues do arise and allows for proper enforcement of these issues.

4) **Is the proposed bylaw the most appropriate form of bylaw?**

The bylaw does not on specific locations in the district, rather it provides for the framework to allow Council to put alcohol control areas in place, where Council considers that a high proportion of offences committed are alcohol-related, and also a high proportion of offences are committed in public places. The extent and timing applicable in the proposed alcohol control areas being put forward as part of this process are supported by the Police and the majority of community feedback received thus far. The draft bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

5) **Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?**

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand, including the right to freedom of movement. Whilst the bylaw provides that people can be asked to leave public places that are subject to a permanent or temporary alcohol ban, it is considered that the restrictions are fair and reasonable in the interest of public health and safety. This bylaw does not restrict the movement of people who are not in possession of alcohol or those drinking alcohol in private premises. Therefore it is considered that the proposed bylaw does not give rise to any implications under the Bill of Rights.

6) **Have your say**

This section of the report details the proposed process and activities designed to meet the consultation requirements of the LGA for the bylaw. The SOP will be made available for public inspection on Council's website, at Council's offices in Dargaville and Mangawhai and at the public library in Dargaville and community libraries in Paparoa, Kaiwaka and Maungaturoto.

We need your feedback by 28 September 2018

You can give us feedback by:

- Entering it online at:
- Posting it to: Private Bag 1001, Dargaville 0340
- Emailing it to: council@kaipara.govt.nz
- Delivering it to Council offices:
 - 42 Hokianga Road, Dargaville
 - Unit 6, 6 Molesworth Drive, Mangawhai

7) **Giving effective feedback**

Effective feedback will reference the clause(s) of the draft bylaw that you wish to comment on, states why the clause is supported or not supported. If you do not support what is proposed, you may also wish to state the changes you seek to be made.

Please make sure that if you are commenting on one of the 11 proposed alcohol bans (existing or new), that you clearly indicate what area your feedback relates to.

Feedback on matters outside the scope of the draft bylaw cannot be considered by Council as part of this bylaw review process. For example, this bylaw does not regulate the number and location of licensed premises (these are matters for the Local Alcohol Policy). A submission form can be found in Appendix D to this Statement of Proposal.

8) What happens next?

Council will acknowledge in writing the receipt of your feedback. A hearing will be held in mid-October 2018 on submissions to the proposed alcohol control bylaw and proposed areas. If you indicate on your feedback form that you would like to participate in a hearing, you will be contacted to let you know when and the hearing will be taking place. Depending on the number and location of submitters, the hearing may be across one or two days within the district.

Key dates:

- | | |
|------------------------------|--|
| ▪ Period for feedback opens | Tuesday 28 August 2018 |
| ▪ Period for feedback closes | Friday 28 September 2018, 4.30pm |
| ▪ Hearing | Week beginning 15 October 2018 |
| ▪ Deliberations | Between Hearing closing and Friday 26 October 2018 |
| ▪ Council adopts bylaw | 29 November 2018 |
| ▪ Bylaw becomes effective | 18 December 2018 |

Appendices:

Appendix A: Draft Bylaw

Appendix B: Proposed Alcohol Control Areas (existing areas)

Appendix C: Proposed New Alcohol Control Area

Appendix D: Submission form



Kaipara District Council

Draft Alcohol Control Bylaw 2018

draft

Comment

1 Title3

2 Commencement3

3 Application3

4 Purpose.....3

5 Interpretation.....3

6 Alcohol Controls.....4

7 Permanent Alcohol Control Areas4

8 Temporary Alcohol Control.....4

9 Matters to be considered before declaring alcohol control areas.....5

10 Enforcement.....5

11 Bylaw Breaches6

12 Exceptions6

13 Additional Information To Alcohol Control Bylaw 20187

1 Title

This bylaw is the Alcohol Control Bylaw 2018.

2 Commencement

XX December 2018.

3 Application

This bylaw applies to the Kaipara District.

Part 1 – Preliminary Provisions

4 Purpose

The purpose of this bylaw is to provide for prohibition and control of the consumption of alcohol in public places (including vehicles in public places) to reduce alcohol-related harm.

Explanatory notes:

The provisions of the Act provide explicit details about what this type of bylaw can control. Generally, any transporting of alcohol in unopened containers within an alcohol control area is permitted, subject to certain conditions. See s147 of the Act for further details.

Alcohol bans do not apply to licensed premises, which can include situations where a special licence has been issued for a specific event. Licensed premises can include areas of public places such as footpaths.

Under the Act only constables (New Zealand Police Officers) can take enforcement action under this bylaw. Constables have powers of arrest, search and seizure under the Act and they can also issue infringement notices.

5 Interpretation

- (1) Any word used in this bylaw that is defined in s5, s147, s169, s169A and s243 of the Local Government Act 2002, or s5 of the Sale and Supply of Alcohol Act 2012 has, for the purposes of this bylaw, the same meaning as in those sections, unless otherwise provided for in this clause.
- (2) In this bylaw, unless the context otherwise requires:

| | |
|------------------|--|
| Act | means the Local Government Act 2002. |
| Council | means the Kaipara District Council. |
| Kaipara District | means the area within the boundaries of the Kaipara District and includes all coastal areas to the line of mean low water springs. |
- (3) Any explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- (4) The Interpretation Act 1999 applies to this bylaw.

Part 2 – Control Of Alcohol

6 Alcohol Controls

- (1) Council may, by resolution, declare alcohol control areas in which the consumption, bringing in, and possession of alcohol in public places is prohibited or controlled.
- (2) Any resolution made under clause 6(1) must also:
 - a) Include a map of the alcohol control area;
 - b) Specify the time(s) that any prohibition or control applies, and whether the alcohol control area is permeant or temporary;
 - c) If consumption, bringing and possession of alcohol is controlled rather than prohibited, specify the nature of the control.
- (3) No person shall consume, bring into or possess alcohol in any public place (including inside a vehicle) in an alcohol control area in contravention of a resolution made under clauses 6(1) and 6(2).
- (4) Clause 6(3) does not apply to a person who is acting pursuant to, and in accordance with any conditions of, a consent granted under 12(1).

Explanatory note

As at 01 April 2014, The Act defines a public place for the purposes of an alcohol control area as: “a place that 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 it; but does not include licensed premises.”

7 Permanent Alcohol Control Areas

- (1) Council may under clause 6(1) declare an area to be a permanent alcohol control area at all times, or for specified, repeated periods of time.
- (2) Council will consult in accordance with the principles of consultation in s82 of the Act on any proposal to declare, amend or revoke a permanent alcohol control area.

Explanatory note

All resolutions of Council declaring alcohol bans are contained within the additional information to Alcohol Control Bylaw 2018, register of resolutions, attached to this bylaw. Each resolution will define the specified area and state the period of time(s) that the alcohol ban applies.

8 Temporary Alcohol Control

- (1) Council may under clause 6(1) declare an area to be a temporarily alcohol control area for a specific period not exceeding seven consecutive days.
- (2) Council will give public notice of a temporary alcohol control area at least 14 days before the temporary alcohol control area comes into force.

9 Matters to be considered before declaring alcohol control areas

- (1) Before declaring a permanent alcohol control area Council:
 - (a) Must consider views presented to the Council through consultation on the proposal to declare a permanent alcohol control area;
 - (b) Must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
 - (c) May consider any other matter it considers relevant.
- (2) Before declaring a temporary alcohol control area the Council:
 - (a) Must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
 - (b) Where the temporary alcohol control area applies to an event:
 - i. may consider the nature and type of the event;
 - ii. the history (if any) of the event;
 - iii. the number of people expected to attend the event;
 - iv. the area in which the event is to be held;
 - v. whether the Police support the proposed temporary alcohol control area, and whether the Police will be present at the event to enforce it;
 - (c) May consider any other information it considers relevant.

Explanatory note

Records of resolutions made for temporary alcohol bans will not be included in the 'register of resolutions' but are permanently recorded through the appropriate Council records of meetings, minutes and resolutions.

Part 3: Enforcement Powers

10 Enforcement

- (1) A constable may use their powers under the Act to enforce this bylaw.
- (2) This bylaw authorises a constable to exercise the power of search under s169(2)(a) and s170(2) of the Act for temporary alcohol areas declared in accordance with clauses 6 and 8.

Explanatory note

S170(2) provides constables with additional powers of search in relation to temporary alcohol controls that have been notified and indicated by signs in accordance with s170(3) of the Act.

Part 4: Offences And Penalties

11 Bylaw Breaches

- (1) Every person who breaches this bylaw commits an offence.
- (2) Every person who commits an offence under this bylaw is liable to a penalty under the Act.

Explanatory note

As at 29 October 2013 the penalty for breaching an alcohol control bylaw is an infringement fee of \$250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.

Part 5: Exceptions

12 Exceptions

- (1) Council may, issue a consent to any person or class of persons to allow the consumption, brining in, and possession of alcohol in a public place (including inside a vehicle) within an alcohol control area.
- (2) In considering an application for a consent under clause 12(1), Council will consider the following matters:
 - (a) The purpose of the exception
 - (b) The proposed duration of the exception
 - (c) The area of the proposed exception
 - (d) Whether the area is under the control of, or managed by, Council
 - (e) Whether any other permits are required from Council for the event
 - (f) Any other matter Council considers relevant
- (3) Council may prescribe conditions for any such consent, including, but not limited to:
 - (a) the duration of the consent.
 - (b) the exact location to which the consent applies.
 - (c) the maximum number of people the consent applies to.
- (3) Council may by resolution, made after public consultation that gives effect to the requirements of s82 of the Act:
 - (a) prescribe a fee for receiving and processing an application and issuing a consent.
 - (b) determine situations when consent fees may be remitted, refunded or waived.
- (4) A consent may be cancelled by Council at any time.

Explanatory note

Exceptions for events with special licenses do not require consent under clause 11 as they are excluded from the definition of public places that applies to this bylaw.

13 Additional Information To Alcohol Control Bylaw 2018

Part 13 is for information purposes only and does not form part of this bylaw. It contains matters made pursuant to this bylaw to help users to understand, use and maintain this bylaw. The document may be updated at any time.

Register of resolutions for permanent alcohol bans

| General location description | Map number | Operative time | Decision date | Commencement date |
|------------------------------|------------|----------------|---------------|-------------------|
| Mangawhai | 1 | | | |
| Ruawai | 2 | | | |
| Dargaville | 3 | | | |
| Te Kopuru | 4 | | | |
| Pouto | 5 | | | |
| Glinks Gully | 6 | | | |
| Baylys Beach | 7 | | | |
| Omamari | 8 | | | |
| Aranga | 9 | | | |
| Kaihu | 10 | | | |
| Tinopai | 11 | | | |

Register of resolutions for temporary alcohol bans

| General location description | Map number | Operative days / time | Decision date |
|------------------------------|------------|-----------------------|---------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appendix B – Proposed Alcohol Control Areas (existing areas)

- 1) Mangawhai Alcohol Control Area**
- 2) Ruawai Alcohol Control Area**
- 3) Dargaville Alcohol Control Area**
- 4) Te Kopuru Alcohol Control Area**
- 5) Pouto Alcohol Control Area**
- 6) Glinks Gully Alcohol Control Area**
- 7) Baylys Beach Alcohol Control; Area**
- 8) Omamari Alcohol Control Area**
- 9) Aranga Alcohol Control Area**
- 10) Kaihu Alcohol Control Area**

MAP ONE - PROPOSED MANGAWHAI ALCOHOL CONTROL AREA

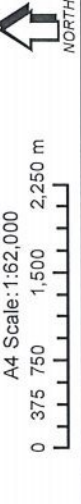
-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

Operative Times:
 continuously (24 hours a day) from 8.30pm on the 1 December to 7.00am on 1 March the following year; and
 8.30pm to 7.00am (10.5 hours) every day starting 8.30pm on the 1 March day and ending 7.00 on 1 December.

This applies to public places as defined under section 147 of the Local Government Act 2002. This does not



(C) Crown Copyright Reserved.
 Data sourced from Land Information New Zealand Data Service. Licensed for re-use under the Creative Commons Attribution 4.0 International Licence.
 The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Kaipara District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.



ALCOHOL CONTROL BYLAW 2018

MAP TWO - PROPOSED RUAWAI ALCOHOL CONTROL AREA

 Alcohol Control Area

Operative Times:
24 hours a day all year round



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service. Licensed for re-use under the Creative Commons Attribution 4.0 International Licence.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Kaipara District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.





Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.

A4 Scale: 1:8,000
0 125 250 m
NORTH

ALCOHOL CONTROL BYLAW 2018

MAP THREE - PROPOSED DARGAVILLE ALCOHOL CONTROL AREA

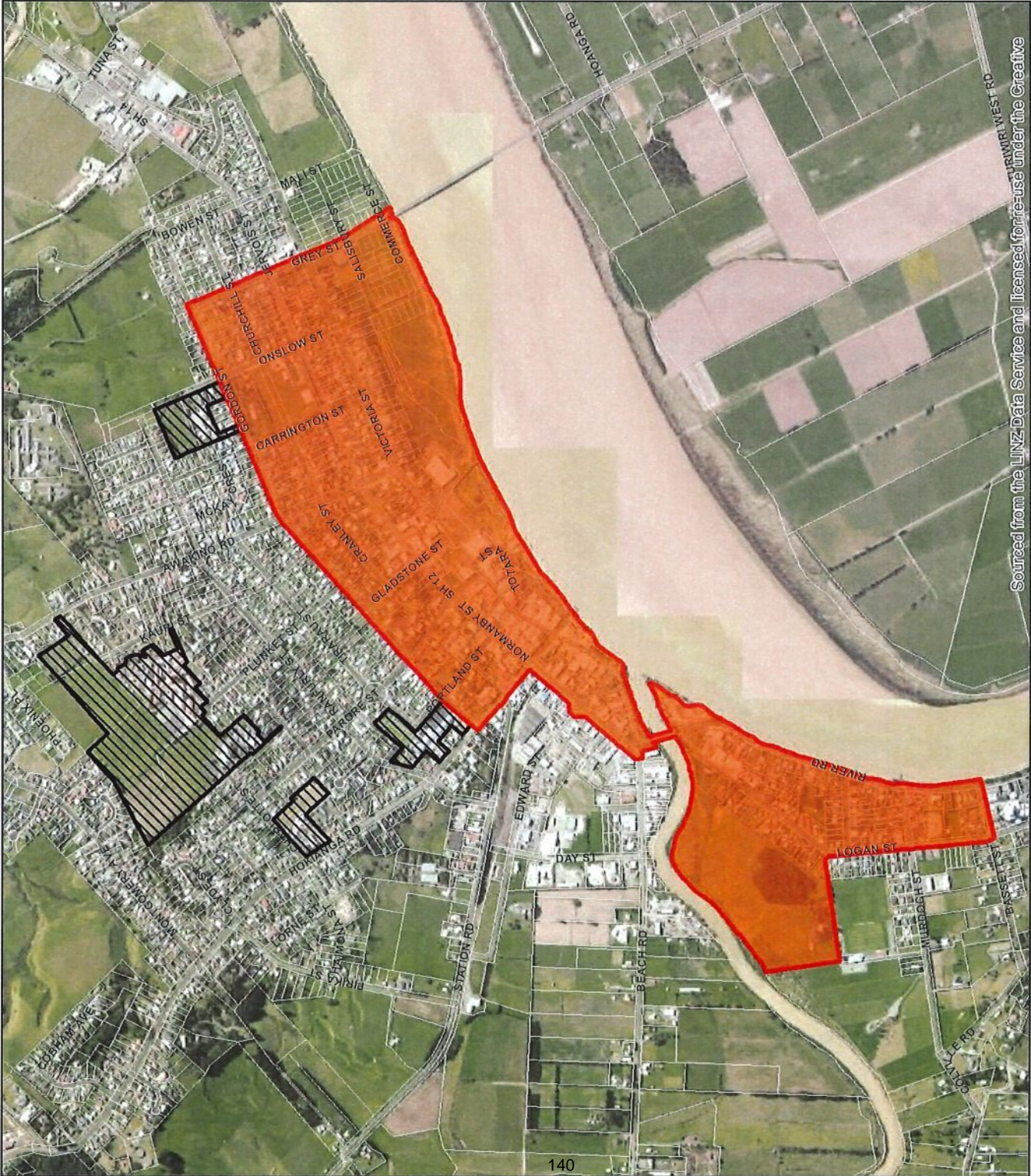
-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

Operative Times:
24 hours a day all year round

This applies to public places as defined under section 147 of the Local Government Act 2002. This does not apply to private residences and property.



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service. Licensed for re-use under the Creative Commons Attribution 4.0 International Licence.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Kaipara District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.





Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.

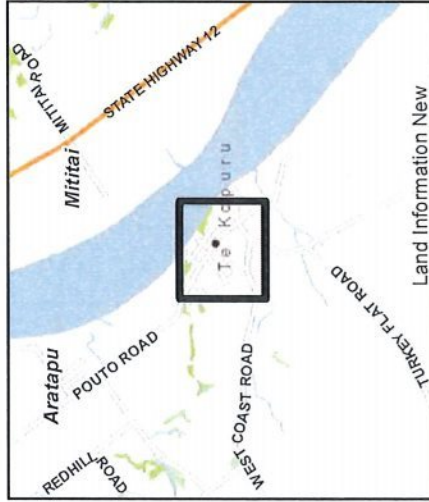


ALCOHOL CONTROL BYLAW 2018

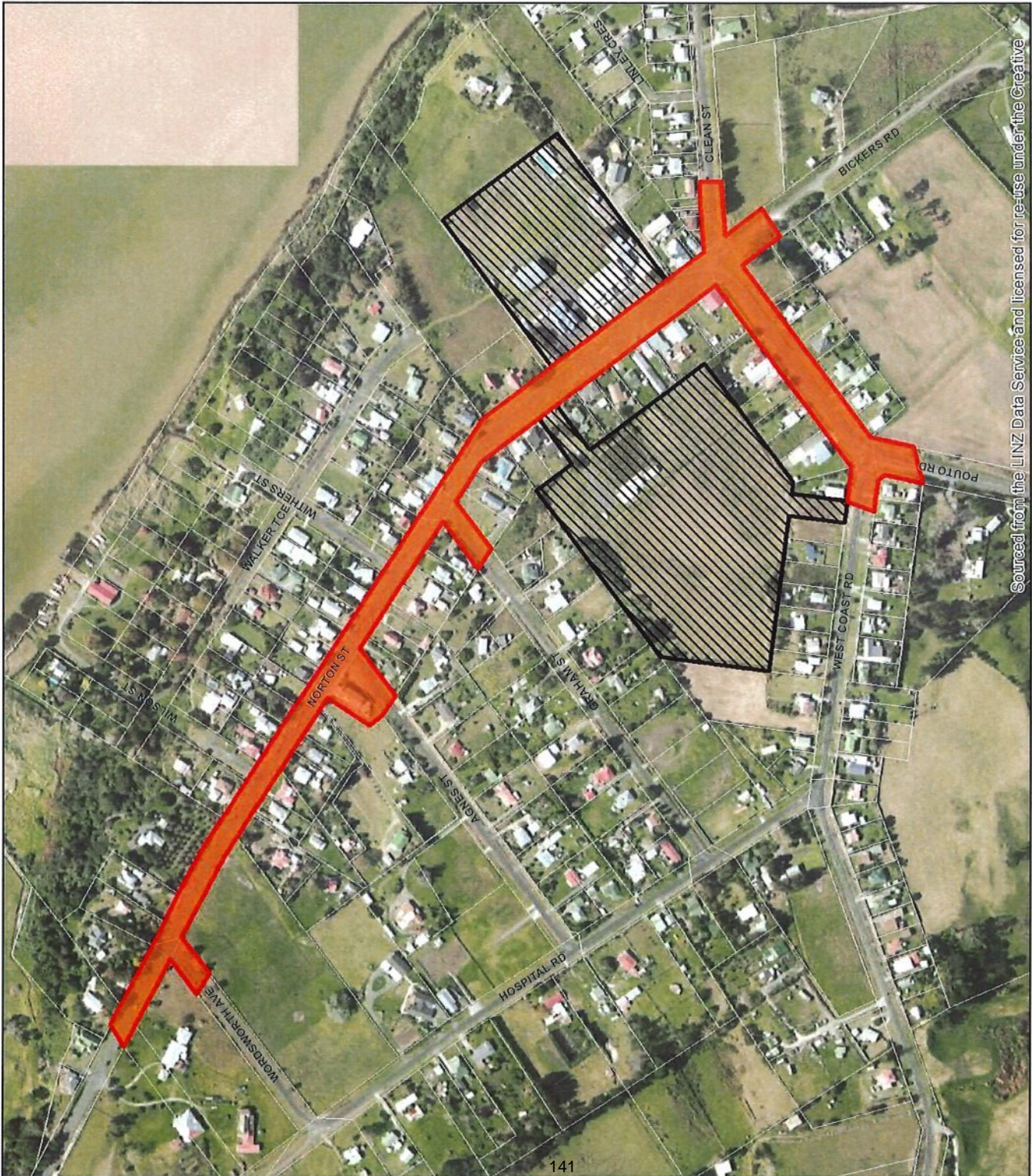
MAP FOUR - PROPOSED TE KOPURU ALCOHOL CONTROL AREA

-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

Operative Times:
8.30pm to 7.00am the following day all year round



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service. Licensed for re-use under the Creative Commons Attribution 4.0 International Licence.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Kaipara District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.





Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.



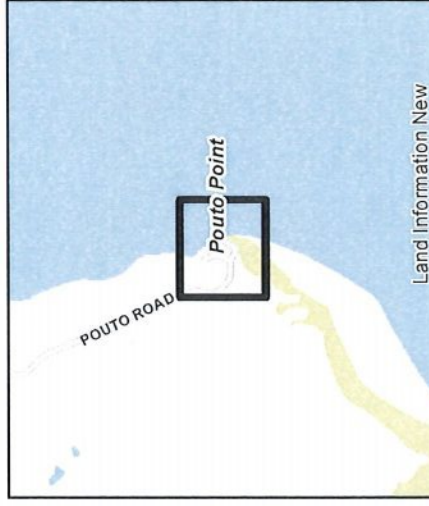
A4 Scale: 1:5,000

ALCOHOL CONTROL BYLAW 2018

MAP FIVE - PROPOSED POUTO ALCOHOL CONTROL AREA

-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

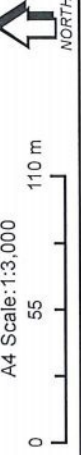
Operative Times:
8.30pm to 7.00am the following day all year round



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service.
Licensed for re-use under the Creative Commons Attribution 4.0 International Licence.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Kaipara District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.





Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.

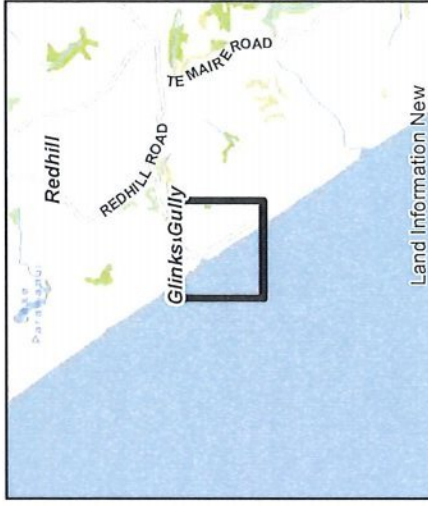


ALCOHOL CONTROL BYLAW 2018

MAP SIX - PROPOSED GLINKS GULLY ALCOHOL CONTROL AREA

-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

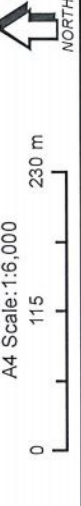
Operative Times:
8.30pm to 7.00am the following day all year round



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service. Licensed for re-use under the Creative Commons Attribution 4.0 International Licence.
The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Kaipara District Council and its contractors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.





Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.



ALCOHOL CONTROL BYLAW 2018

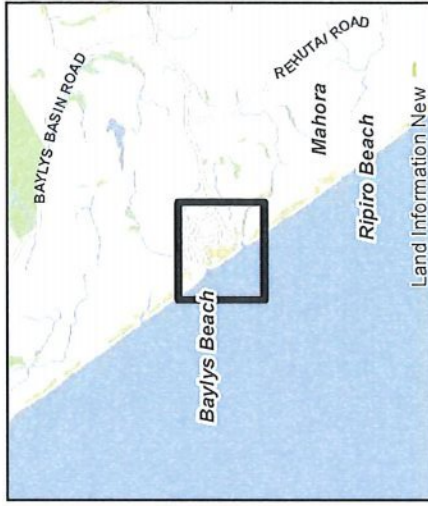
**MAP SEVEN - PROPOSED
BAYLYS ALCOHOL CONTROL
AREA**

-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

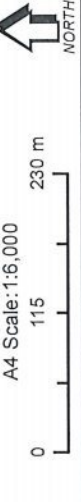
Operative Times:
8.30pm to 7.00am the following day all
year round



Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.




(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service.
Licensed for re-use under the Creative Commons Attribution 4.0
International Licence.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Kaipara District Council
and its contractors cannot accept any responsibility for errors, omissions
or positional accuracy. Not to be used for navigation.



ALCOHOL CONTROL BYLAW 2018

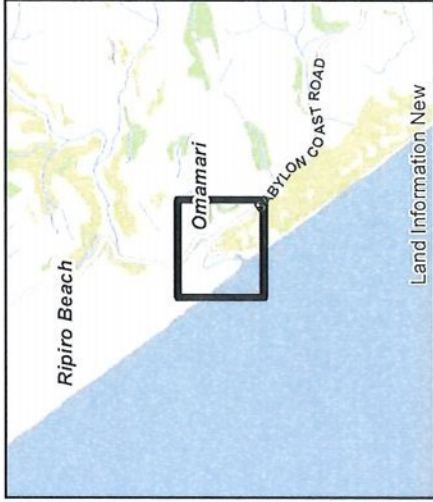
**MAP EIGHT - PROPOSED
OMAMARI ALCOHOL CONTROL
AREA**

-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

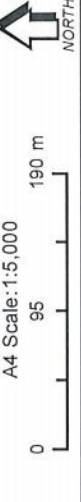
Operative Times:
8.30pm to 7.00am the following day all
year round



Sourced from the LINZ Data Service and licensed for re-use under the Creative





(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service.
Licensed for re-use under the Creative Commons Attribution 4.0
International Licence.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Kaipara District Council
and its contactors cannot accept any responsibility for errors, omissions
or positional accuracy. Not to be used for navigation.



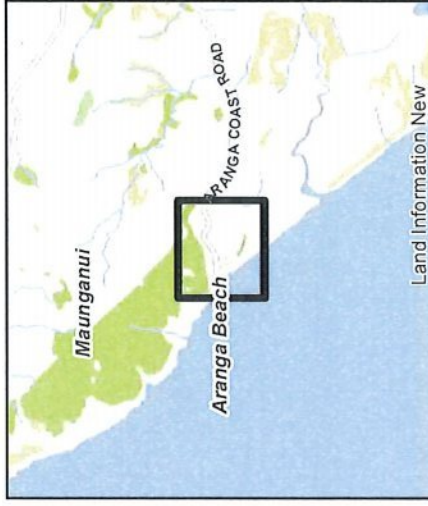
A4 Scale: 1:5,000

ALCOHOL CONTROL BYLAW 2018

**MAP NINE - PROPOSED
ARANGA ALCOHOL CONTROL
AREA**

-  Alcohol Control Area
-  Proposed extension to current Alcohol Control Area

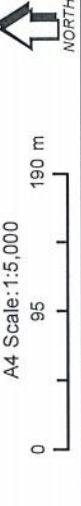
Operative Times:
8.30pm to 7.00am the following day all
year round



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service.
Licensed for re-use under the Creative Commons Attribution 4.0
International Licence.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Kaipara District Council
and its contractors cannot accept any responsibility for errors, omissions
or positional accuracy. Not to be used for navigation.



Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 International Licence.

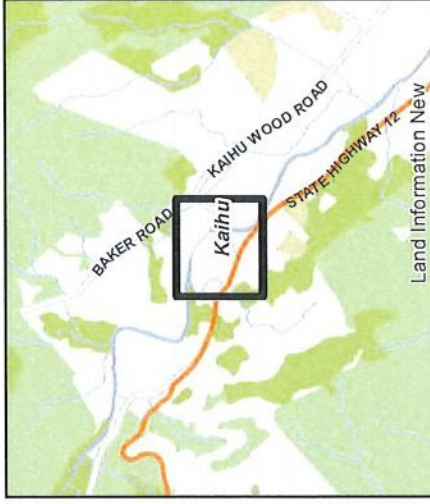


ALCOHOL CONTROL BYLAW 2018

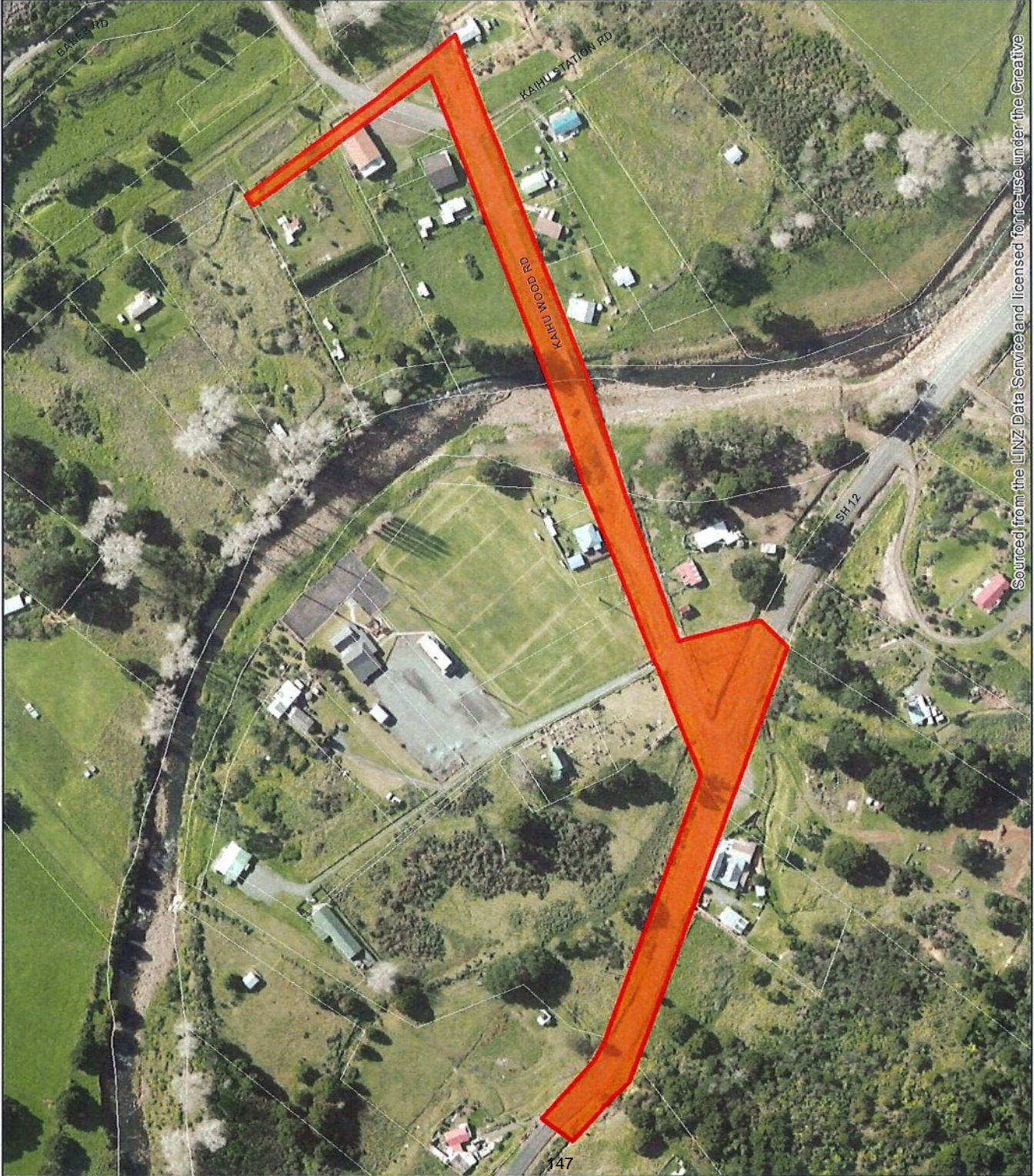
**MAP TEN - PROPOSED KAIHU
ALCOHOL CONTROL AREA**

Alcohol Control Area

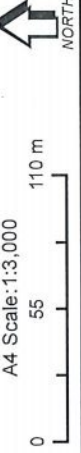
Operative Times:
8.30pm to 7.00am the following day all
year round



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service.
Licensed for re-use under the Creative Commons Attribution 4.0
International Licence.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Kaipara District Council
and its contractors cannot accept any responsibility for errors, omissions
or positional accuracy. Not to be used for navigation.



Sourced from the LINZ Data Service and licensed for re-use under the Creative



A4 Scale: 1:3,000

ALCOHOL CONTROL BYLAW 2018

Appendix C – Proposed New Alcohol Control Area, Tinopai

**MAP ELEVEN - PROPOSED
TINOPAI ALCOHOL CONTROL
AREA**



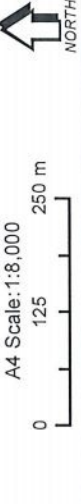
Operative Times:
24 hours a day all year round



Sourced from the LINZ Data Service and licensed for re-use under the Creative



(C) Crown Copyright Reserved.
Data sourced from Land Information New Zealand Data Service.
Licensed for re-use under the Creative Commons Attribution 4.0
International Licence.
The information in this map was derived from digital databases. Care
was taken in the creation of this map, however, Kaipara District Council
and its contractors cannot accept any responsibility for errors, omissions
or positional accuracy. Not to be used for navigation.



ALCOHOL CONTROL BYLAW 2018



Appendix D

SUBMISSION FORM

Proposed Alcohol Control Bylaw and individual alcohol control areas

Thank you for taking this opportunity to comment, we welcome your feedback.

Please enter your details below

First name(s):

Last name:

Postal address:

Best daytime phone number: Mobile:

Email:

I am writing this submission (tick box) as an individual on behalf of an organisation

Organisation's name:

| | |
|---|---|
| <p>Please indicate which age bracket you belong to:</p> <p>[] Under 18yrs [] 18yrs - 30yrs</p> <p>[] 31yrs – 45yrs [] 46yrs – 65 yrs</p> <p>[] Over 65yrs</p> | <p>Do you consider yourself to be:</p> <p>[] Full time Kaipara resident</p> <p>[] Part time Kaipara resident</p> |
|---|---|

Tell us in person

If you are providing a written submission, you can also attend our hearing to tell us about your thoughts in person. Alternatively, you do not have to write a submission to provide us with your feedback. Please register if you are interested in speaking at a hearing in support of your submission:

Day, time and venue to be confirmed (tick box) Yes No

Please get your submission and/or your Hearing registration to us by **4.30pm Friday 28 September 2018**.

Tell us in writing

Be sure to get your written comments to us **by 4.30pm on Friday 28 September 2018**. Follow the instructions and provide your comments on the next page.

How to register and/or get this form to us

In person:

By visiting Customer Service desks at either:
42 Hokianga Road, Dargaville or
6 The Hub, 6 Molesworth Drive, Mangawhai

Online/email:

Complete this form online: www.Kaipara.govt.nz or
Email us: Council@kaipara.govt.nz

Points to remember when making a submission

Please print clearly. The form should be easy to read and be understood, and may need to be photocopied.

We will respond in writing to every submission received. Please ensure that you provide appropriate contact details for this. Emails are our preferred form of communication.

All submissions are considered public under the Local Government Official Information and Meetings Act, and may be published and made available to elected members of Council and the public.

Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

Before you start writing

Council is consulting on three linked matters that we are wanting your feedback on.

1 Proposed Alcohol Control Bylaw

The bylaw provides a 'framework' for individual alcohol control areas to be made, as well as providing for temporary alcohol controls to be made.

2 Proposed alcohol control areas need to have documented evidence

New national criteria now mean that alcohol control areas need to have documented evidence of alcohol-related crime or disorder. Your submission can be part of the evidence that Council needs to support our decision-making concerning our existing alcohol control areas and a proposed new alcohol control area at Tinopai. That is why this form has specific questions for you to answer for the alcohol control area(s) you wish to comment on. *If you want to comment on more than one area, please fill in an additional form for each area.*

3 New alcohol control areas

This process is also about seeking feedback on possible new alcohol control areas. Any feedback that supports a new alcohol control area that is not being consulted on through this process will be reviewed, together with New Zealand Police data for Council to determine whether it wants to consider putting any new alcohol control areas in place over the next few years.

1 Proposed Alcohol Control Bylaw

1) Do you feel the current alcohol control bylaw is effective? (if no, please explain)

2) Proposed Alcohol Control Bylaw

Please tell us your thoughts about the proposed bylaw (feel free to skip this section if you only want to comment on individual control areas).

2 Proposed existing and new alcohol control areas

Which area do you want to comment on?

| | | |
|--|---|---|
| <p>1) Describe the crime or disorder you have experienced or witnessed, as a result of alcohol consumption, in this area</p> <p>Examples of <u>alcohol-related crime or disorder</u> may include property damage, fighting, broken glass, or aggressive, intimidating or offensive behaviour towards others as a result of drinking alcohol.</p> <p>If you need more space, please feel free to write on extra pages. If you have extra information, please attach it to your submission.</p> | | |
| <p>2) When was (or is) the crime or disorder you have experienced or witnessed most likely to happen?</p> <p>Please select all that apply.</p> | <input type="checkbox"/> Weekend <input type="checkbox"/> Weekdays <input type="checkbox"/> Summer <input type="checkbox"/> Autumn <input type="checkbox"/> Winter <input type="checkbox"/> Spring | <input type="checkbox"/> A particular holiday (please specify): _____ <input type="checkbox"/> Other (please specify): _____ |
| <p>3) What time of the day was (or is) the crime or disorder you have experienced or witnessed most likely to happen?</p> <p>Please select one.</p> | <input type="checkbox"/> Day (between 7am and 7pm) <input type="checkbox"/> Evening (between 7pm and 10pm) <input type="checkbox"/> Night (between 10pm and 7am) | |
| <p>4) How often was (or is) the crime or disorder you have experienced or witnessed happening?</p> <p>Please select one.</p> | <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Holidays <input type="checkbox"/> Weekends | <input type="checkbox"/> One-off (please specify): _____ <input type="checkbox"/> Other (please specify): _____ |
| <p>5) What else do you think could be done to prevent the crime or disorder you have experienced or witnessed from happening?</p> <p>Examples may include better lighting or locked gates.</p> | | |

2 Potential future alcohol control areas

Please provide a detailed description of the area.

| | | |
|--|---|---|
| <p>1) Describe the crime or disorder you have experienced or witnessed, as a result of alcohol consumption, in this area</p> <p>Examples of <u>alcohol-related crime or disorder</u> may include property damage, fighting, broken glass, or aggressive, intimidating or offensive behaviour towards others as a result of drinking alcohol.</p> <p>If you need more space, please feel free to write on extra pages. If you have extra information, please attach it to your submission.</p> | | |
| <p>2) When was (or is) the crime or disorder you have experienced or witnessed most likely to happen?</p> <p>Please select all that apply.</p> | <input type="checkbox"/> Weekend <input type="checkbox"/> Weekdays <input type="checkbox"/> Summer <input type="checkbox"/> Autumn <input type="checkbox"/> Winter <input type="checkbox"/> Spring | <input type="checkbox"/> A particular holiday (please specify): _____ <input type="checkbox"/> Other (please specify): _____ |
| <p>3) What time of the day was (or is) the crime or disorder you have experienced or witnessed most likely to happen?</p> <p>Please select one.</p> | <input type="checkbox"/> Day (between 7am and 7pm) <input type="checkbox"/> Evening (between 7pm and 10pm) <input type="checkbox"/> Night (between 10pm and 7am) | |
| <p>4) How often was (or is) the crime or disorder you have experienced or witnessed happening?</p> <p>Please select one.</p> | <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Holidays <input type="checkbox"/> Weekends | <input type="checkbox"/> One-off (please specify): _____ <input type="checkbox"/> Other (please specify): _____ |
| <p>5) What else do you think could be done to prevent the crime or disorder you have experienced or witnessed from happening?</p> <p>Examples may include better lighting or locked gates.</p> | | |

File Number 2304.0 **Approved for agenda**
Report to: Council
Meeting date: 23 August 2018
Subject: Budget Carryovers 2017/2018
Date of report: 10 August 2018
From: Donnick Mugutso, Acting General Manager Infrastructure
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

Budgets are approved by Council via the triennial Long Term Plan (LTP) and subsequent Annual Plans. Due to the timing of the LTP/Annual Plan (AP) preparation, budget carry forwards have to be forecast a few months prior to the end of the financial year. In some instances the actual value of the works completed to 30 June is less than what was forecast at the time of the LTP or AP preparation. This results in a shortfall of the budget that has been carried forward to the following financial year resulting in a budget shortfall to allow completion of the works.

Recommended

That Kaipara District Council:

- 1 *Receives the Acting General Manager Infrastructure's report 'Budget Carryovers 2017/2018' dated 10 August 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the carryover of the following budgets from the 2017/2018 financial year to the 2018/2019 financial year:*

| Project | Budget Carryover | Comments |
|---|-------------------------|--|
| Roading | | |
| 000 LEDs | \$724,609 | <i>For the LEDs we have completed the renewal work for the P category lights (replaced with new LED luminaire), the next step is to do the design work for the V categories. With these there is a bit more work involved, it needs to be designed for each light gap, meaning either a stronger luminaire, or a new post.</i> |
| 164 Emergency Works and Preventative 'Maintenance | \$246,156 | <i>We have completed 17 of the 19 slips that was a result of the two cyclones, Debbie and Cook, the two remaining slips is under construction at the moment.</i> |

| District Leadership | | |
|---|-----------|--|
| 10636 Electronic Document and Records Management | \$110,000 | Project briefs are being developed for each software application, and then being prioritised. Options and costs for these projects will become clearer when this is completed. |
| 10716 Microsoft Azure Cloud Migration | \$60,000 | Project briefs are being developed for each software application, and then being prioritised. Options and costs for these projects will become clearer when this is completed. |
| 10718 GIS Shared Service | \$60,000 | Project briefs are being developed for each software application, and then being prioritised. Options and costs for these projects will become clearer when this is completed. |
| 10649 Mangawhai Office Extension | \$35,000 | Delays finalising plans and specifications Work commenced prior to 30 June 2018 and the majority of Plans and Specifications have been finalised with the architect Building Consent and procurement of contractors start this August 2018. |
| 10038 Civic Building Renewals (Dargaville Office) | \$40,000 | Delays finalising plans and specifications due to being more complicated and broader than originally anticipated. |
| Community | | |
| 10709 Dargaville Placemaking | \$25,000 | This project was to be completed on June 30, but the contractor was held up on another project and now weather has impacted on works and contractor has not been able to complete |
| 10087 Kai Iwi facilities Boat Ramp | \$30,000 | Did not have enough information at the start of this project and investigation was required, we are now in discussion with NRC and Engineer for designs and consents to make sure we achieve the right outcomes. This project is tied up with the other project at Taharoa Domain completion date end of 2018/2019 Financial Year. |
| 10326 Building Renewal and Earthquake Stabilisation | \$50,000 | Delays finalising plans and specifications due to being more complicated and broader than originally anticipated. |
| 10705 Public Toilets – Lake Waikare | \$40,000 | The original project was to make the existing toilets in the Lake Waikare Education Centre building accessible to the public from outside. It was decided if we could secure additional external funding we would install a stand-alone toilet as this was a better option. This is a project in conjunction with additional funding from MBIE of \$90,500. We were unable to start this project until we confirmed we had secured the additional funding and we are about to start construction. Toilet has been ordered and is due for delivery in August along with the materials for Campervan dump station, expected completion September 2018. |
| 10520 Community Infrastructure - District | \$36,000 | An application has been lodged with Tourism Infrastructure Fund (TIF) for additional funding to complete this project. We cannot start work until we receive a decision. Expecting positive outcome. |

| | | |
|---|--------------------|--|
| | | <i>This is part of an application with TIF for a boardwalk at Bayllys Beach from carpark to beach past toilets for safe access to beach.</i> |
| <i>10523 Mangawhai Community Park – Implement Master Plan</i> | <i>\$21,000</i> | <i>Unable to complete due to weather constraints. Completion due date September 2018.</i> |
| <i>10524 Cycleway/Walkway – develop and implement strategy</i> | <i>\$39,000</i> | <i>This is part of an application with Provincial Growth Fund (PGF) for Kaihu Valley Rail Trail. We are waiting to hear if we have been successful before we can continue, we also need to do a full feasibility and business case along with consultation with all the adjoining property owners. If funding is unsuccessful we will need to reassess this project. Some work has been done with maps and project management costs to investigate possible routes and basic investigation prior to going to full feasibility.</i> |
| <i>10704 Mangawhai Heads to Alamar Cres Walkway</i> | <i>\$74,000</i> | <i>This a part of the Picnic Bay to Pearl Street walkway. We started this project but received a lot of feedback which put a stop to the project. This project needs a lot more consultation, feasibility study and consents before it can commence. This is a part of the bigger Coastal walkway linkages project identified through the Mangawhai Community Plan process.</i> |
| <i>10706 Taharoa Domain RMP Bio security screen for boat ramp</i> | <i>\$34,000</i> | <i>This project could not be started as it was identified in conjunction with the boat ramp and we are in discussion with NRC and Engineer for designs and consents. Completion date End of Financial Year 2018/2019.</i> |
| <i>10060 Elderly Housing Renewals</i> | <i>\$11,000</i> | <i>Project not started due to changes in staff.</i> |
| Total | \$1,635,765 | |

Reason for the recommendation

To authorise the carryover of unspent budgets from the 2017/2018 financial year in order to complete the works without impacting adversely on the 2018/2019 financial year budgets.

Reason for the report

To seek Council's approval to carry over the 2017/2018 budgets of identified uncompleted projects.

Background

Budgets are approved by Council via the triennial Long Term Plan (LTP) and subsequent Annual Plans (AP).

Due to the timing of the LTP or AP preparation, budget carry forwards have to be forecast a few months prior to the end of the financial year. In some instances due to various reasons, often outside the control of Council (e.g. inclement weather or a contractor falling behind programme), the actual value of the works completed to 30 June is less than what was forecast at the time of the LTP or AP preparation. This results in a shortfall of the budget that has been carried forward to the following financial year and consequently a budget shortfall to allow completion of the works.

The following budgets are proposed to be carried over into the 2018/2019 financial year:

| Project | Budget Carryover | Comments |
|---|-------------------------|--|
| Roading | | |
| 000 LEDs | \$724,609 | For the LEDs we have completed the renewal work for the P category lights (replaced with new LED luminaire), the next step is to do the design work for the V categories. With these there is a bit more work involved, it needs to be designed for each light gap, meaning either a stronger luminaire, or a new post. |
| 164 Emergency Works and Preventative 'Maintenance | \$246,156 | We have completed 17 of the 19 slips that was a result of the two cyclones, Debbie and Cook, the two remaining slips is under construction at the moment. |
| District Leadership | | |
| 10636 Electronic Document and Records Management | \$110,000 | Project briefs are being developed for each software application, and then being prioritised. Options and costs for these projects will become clearer when this is completed. |
| 10716 Microsoft Azure Cloud Migration | \$60,000 | Project briefs are being developed for each software application, and then being prioritised. Options and costs for these projects will become clearer when this is completed. |
| 10718 GIS Shared Service | \$60,000 | Project briefs are being developed for each software application, and then being prioritised. Options and costs for these projects will become clearer when this is completed. |
| 10649 Mangawhai Office Extension | \$35,000 | Delays finalising plans and specifications Work commenced prior to 30 June 2018 and the majority of Plans and Specifications have been finalised with the architect Building Consent and procurement of contractors start this August 2018. |
| 10038 Civic Building Renewals (Dargaville Office) | \$40,000 | Delays finalising plans and specifications due to being more complicated and broader than originally anticipated. |
| Community | | |
| 10709 Dargaville Placemaking | \$25,000 | This project was to be completed on June 30, but the contractor was held up on another project and now weather has impacted on works and contractor has not been able to complete |
| 10087 Kai Iwi facilities Boat Ramp | \$30,000 | Did not have enough information at the start of this project and investigation was required, we are now in discussion with NRC and Engineer for designs and consents to make sure we achieve the right outcomes. This project is tied up with the other project at Taharoa Domain completion date end of 2018/2019 Financial Year. |
| 10326 Building Renewal and Earthquake Stabilisation | \$50,000 | Delays finalising plans and specifications due to being more complicated and broader than originally anticipated. |
| 10705 Public Toilets – Lake Waikare | \$40,000 | The original project was to make the existing toilets in the Lake Waikare Education Centre building accessible to the public from outside. It was decided if we could secure additional external funding we would install a stand-alone toilet as this was a better |

| | | |
|---|--------------------|---|
| | | option. This is a project in conjunction with additional funding from MBIE of \$90,500. We were unable to start this project until we confirmed we had secured the additional funding and we are about to start construction. Toilet has been ordered and is due for delivery in August along with the materials for Campervan dump station, expected completion September 2018. |
| 10520 Community Infrastructure - District | \$36,000 | An application has been lodged with Tourism Infrastructure Fund (TIF) for additional funding to complete this project. We cannot start work until we receive a decision. Expecting positive outcome. This is part of an application with TIF for a boardwalk at Baylys Beach from carpark to beach past toilets for safe access to beach. |
| 10523 Mangawhai Community Park – Implement Master Plan | \$21,000 | Unable to complete due to weather constraints. Completion due date September 2018. |
| 10524 Cycleway/Walkway – develop and implement strategy | \$39,000 | This is part of an application with Provincial Growth Fund (PGF) for Kaihu Valley Rail Trail. We are waiting to hear if we have been successful before we can continue, we also need to do a full feasibility and business case along with consultation with all the adjoining property owners. If funding is unsuccessful we will need to reassess this project. Some work has been done with maps and project management costs to investigate possible routes and basic investigation prior to going to full feasibility. |
| 10704 Mangawhai Heads to Alamar Cres Walkway | \$74,000 | This a part of the Picnic Bay to Pearl Street walkway. We started this project but received a lot of feedback which put a stop to the project. This project needs a lot more consultation, feasibility study and consents before it can commence. This is a part of the bigger Coastal walkway linkages project identified through the Mangawhai Community Plan process. |
| 10706 Taharoa Domain RMP Bio security screen for boat ramp | \$34,000 | This project could not be started as it was identified in conjunction with the boat ramp and we are in discussion with NRC and Engineer for designs and consents. Completion date End of Financial Year 2018/2019. |
| 10060 Elderly Housing Renewals | \$11,000 | Project not started due to changes in staff. |
| Total | \$1,635,765 | |

The carrying over of unspent budgets is a mechanism to transfer budgets between the financial years to allow the completion of approved projects. This ensures that the 2017/2018 projects are not offset into the following year.

Issues

In some instances insufficient funds have been carried forward as part of the LTP process into the 2018/2019 financial year to allow completion of the 2017/2018 financial year projects.

Factors to consider

Council has committed to undertake these projects and it would be prudent to allow their completion without impacting adversely on the 2018/2019 financial year budgets.

Council also has a legal obligation to honour its contractual commitments.

Whilst a reasonable effort has been made to identify the projects that would not be completed by 30 June, the early timing of the preparation of the AP will at times result in the risk of the actual spend at year end being less than the forecast spend at 30 June due to the works being delayed.

Community views

The community has been consulted regarding the budgets provided in Year 3 of the LTP 2015/2025 and there will be an expectation that the associated projects will be completed by Council.

Policy implications

No policy implications have been identified.

Financial implications

There would be no adverse financial implications if the unspent 2017/2018 budgets were carried over into the following 2018/2019 financial year.

Legal/delegation implications

Council has a legal obligation to honour its contractual commitments. As such it needs to ensure funding is available to allow payment to its contractors.

Options

The following options are available for consideration:

Option A: Accept the recommendation to approve the carryovers from the 2017/2018 financial year.

Option B: Decline to approve the carryovers from the 2017/2018 financial year.

Assessment of options

Option A would allow Council to complete the works approved in the 2017/2018 financial year that have not been able to be completed by 30 June 2018, and where insufficient funds have already been carried forward into the 2018/2019 budget.

Finance has confirmed that there would be no adverse financial effects should Council resolve to carry over the unspent funds.

Option B would result in Council having to either:

- terminate the remainder of the contract works (this would result in a risk of claims for loss of profit); or
- fund the shortfall from budgets provided in the 2018/2019 budget for other projects; or
- overspend the 2018/2019 budget; or
- a combination of the above.

Assessment of significance

In accordance with Council's Significance and Engagement Policy the carryover of the identified budgets to the 2018/2019 financial year is an operational matter and not significant.

Recommended option

The recommended option is **Option A**.

Next step

If approved by Council, Finance will include the carryovers in the 2018/2019 financial year budgets.

File number: 4102.069 **Approved for agenda**
Report to: Council
Meeting date: **Thursday 23 August 2018**
Subject: **Cames Road, Mangawhai, Improvement report**
Date of report: 11 August 2018
From: Shakhin Sharma, Roding Projects Engineer
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

Cames Road is a 3.773km length of road that has been constructed and surfaced with differing materials to differing standards. The different surfaces are chip seal, asphalt, concrete and unsealed aggregate. The width varies from 3.3 metres to 6.3 metres.

Most of the sections of the road do not comply with KDC Engineering Standards and an investigation report has been derived on the current condition of the road. An Improvement report was commissioned and was based on the following:

- What maintenance was required to bring the road up to an acceptable rural road standard;
- What was required to bring the road to a reconstructed road standard;
- Whether it was possible to close the road anywhere along the route to reduce maintenance and upgrade costs.

The Improvement report has identified significant differences in the pavement structure and this and other issues are set out in this Council report.

Recommendation

That Kaipara District Council:

- 1 *Receives the Roding Projects Engineer's report 'Cames Road, Mangawhai, Improvement report' dated 11 August 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Resolves to approve the recommended Option A which is to undertake routine maintenance estimated at \$200,090 + GST, to be prioritised and funded from existing budgets.*

Reason for the recommendation

To provide Council information of the existing roading infrastructure on Cames Road (3.773km). The existing infrastructure is not as per KDC standard and the residents in the area have raised concerns on the existing condition of the road.

Reason for the report

The purpose of this report is to provide Council with information on the status of the existing roading infrastructure on Cames Road and provide an assessment of costs if the infrastructure is upgraded or maintained.

Background

The full length of Cames Road is 5.306km, of which Auckland Transport maintains 1.533km to the district boundary. The Kaipara District Council owned portion of Cames Road is 3.773km that has been constructed and surfaced with differing materials to differing standards. The starting Route Position (RP) RP 0 is at the Lawrence Road intersection, and the district boundary is at RP3773 (i.e. 3.773km) at the southern end of Cames Road, and beyond this is Auckland Region. This report only relates to the Kaipara District Council owned 3.773km portion of Cames Road.

An independent Improvement report was commissioned and has identified significant differences in the pavement structure with road widths not compliant with KDC Engineering Standards. Each section of the road has been divided according to the surface type and the report provided a maintenance priority order with costs and an upgrading priority order with costs (starting RP 0 is at the Lawrence Road intersection).

The sections with costs are as follows:

| Section number | Route Position (metres) | Description | Maintenance cost \$ | Capital cost \$ |
|----------------|-------------------------|--|---------------------|-----------------|
| 1 | 0-760 | Sealed road with concrete edge beams 5.2m wide | 111,435.00 | 122,400.00 |
| 2 | 760-820 | Asphalt road with concrete | 1,000.00 | Nil |
| 3 | 820-1020 | Sealed road width 5.5m | 5,300.00 | 34,800.00 |
| 4 | 1020-1205 | Sealed road, gradually narrows to 3.3m wide | 9,360.00 | 80,200.00 |
| 5 | 1205-1356 | Sealed road 5.0m wide | 4,240.00 | 23,600.00 |
| 6 | 1356-1410 | Concrete section 3.0m wide | 2,160.00 | 25,650.00 |
| 7 | 1410-1639 | Metal road 4.2m wide | 7,320.00 | 98,960.00 |
| 8 | 1639-1792 | Concrete section 5.6m wide | 1,875.00 | 16,075.00 |
| 9 | 1792-2836 | Metal road 6.3m wide | 16,800.00 | 213,340.00 |
| 10 | 2836-3031 | Concrete section 6.6m wide | NIL | NIL |
| 11 | 3031-3773 | Metal road 5.5m wide | 34,600.00 | 226,740.00 |

It needs to be noted that for each of the above sections the cost estimates are based on the condition at the time of the assessment and for section 10 there is no maintenance or capital costs needed at this point in time due to it being a concrete surface that is in a good condition.

The option to close the road as a through road was assessed in the report. Two option locations have been considered for closure along the road and both are in the RP1,100 to 1,825 range. The exact location is to be determined after consultation with the community if this is the recommended option. For both locations the desire is to retain the legal road reserve but remove a short portion of the formed road at an appropriate location so that vehicles are unable to use the road as a through road, but pedestrians still

have legal access. This would also retain all the legal road frontage to the properties and not require the landowners to have to maintain private right-of-ways.

Costs associated with road closure for both option locations are as follows:

| Item | Proposed work needed | Capital cost \$ |
|------|----------------------|-----------------|
| 1 | Turning area | 42,135.00 |
| 2 | Pavement works | 41,070.00 |

The historical data on the volume of traffic before and after Cames Road was opened as a through road (in 2006) is as follows:

| Traffic count date | Average daily traffic |
|--------------------|-----------------------|
| 14 December 1990 | 22 |
| 27 February 2008 | 56 |
| 25 March 2008 | 127 |
| June 2017 | 125 |

Before

After

2006

From the traffic data, it can be seen that there has been an increase in through traffic volume. The Investigation report also identifies the legal implication of closing the road. The road closure will impact properties on either side and in order for Council not to breach its statutory requirements to act in a fair and transparent manner pursuant to s14(1)(a)(i) Local Government Act 2002, this report has used s342 of the Local Government Act 1974 which provides for public notification. However the Local Government Act is silent on the road closure and s342 has concentrated on legally stopping the road. The initial assessment of closing the road is likely to be unsuccessful with a high likelihood of ending up in the Environment Court.

However if Council decides to proceed with road closure, the initial feasibility costs is estimated as follows:

| Item | Activity | Cost \$ |
|------|--|--------------------------|
| 1 | Initial public consultation (exclusive of one-on-one meetings) | 10,000 |
| 2 | Legal / Cadastral Survey | 30,000 |
| 3 | Engineering Survey / Design | 7,000 – 10,000 |
| | Indicative Total | 150,000 – 200,000 |

These costs are purely indicative and a much clearer picture of costs should emerge at the end of the initial public consultation.

Issues

The existing infrastructure is not up to KDC Engineering Standards and acceptable rural road standard. Dust nuisance and safety concerns on the unsealed sections on Cames Road have been raised by the local community.

Factors to consider

Community views

Community consultation would be required if any upgrade or road closure is recommended. The local community is in favour of action on this road, and have voiced their views on this topic at previous Council meetings.

Policy implications

No Significance and Engagement Policy implication.

Financial implications

Budgets associated with any upgrading have not been included in the current Long Term Plan, but would need to be further developed as more detail is needed when the preferred option is made.

Legal/delegation implications

None.

Options

The options below are on the infrastructure upgrading or maintenance. The road closure/stopping will require community consultation which could have legal implications.

Option A: The routine maintenance work should be carried out irrespective of whatever capital works are undertaken. Total maintenance costs for all sections are estimated at \$200,090.

Option B: Upgrade the road to KDC Engineering Standards of 6.5m sealed carriageway with 0.5m shoulders and feather edge. This would bring all sections of road up to the required standard.

Option C: A cost-effective action would be to close/stop the road at a safe point along the road between distance RP1,100 to RP1,825. This would reduce maintenance costs and reduce upgrade costs. The exact location for the road closure would be determined after the community consultation.

Assessment of options

Option A – Routine maintenance consists of repair of missing surfacing, shoulder strengthening, rock lining of water table to stop erosion, culvert upgrades and pavement upgraded with stabilisation or asphalt.

Option B – Upgrade the full route to KDC Engineering Standards would require getting correct crossfalls on pavement, existing edge beams to be well constructed, drainage improvements, earthworks and corner easing and introduction of kerb and channel at locations. The estimated cost for the capital works would be in excess of \$841,765.

Option C – This option needs further investigation and consultation from a legal perspective. However this option would provide financial savings from maintaining and upgrading but at the same time Council could expect legal challenges to the Environment Court.

Assessment of significance

This is not considered to trigger Council's Significance and Engagement Policy.

Recommended option

The recommended option is **Option A**.

Next step

Implement the Council decision on Cames Road.

File number: 4102.17 **Approved for agenda**

Report to: Council

Meeting date: **23 August 2018**

Subject: **Road stopping and amalgamation: 623 Golden Stairs Road, Paparoa**

Date of report: 10 August 2018

From: Henri Van Zyl, Roading Manager

Report purpose **Decision** **Information**

Assessment of significance **Significant** **Non-significant**

Summary

Council was approached by Crown Property Services Ltd., acting on behalf of Owen Randal Clements and Northland Trustee (Clements) Limited, to acquire a road stopping of approximately 7,771 square metres (m²) of road reserve on 623 Golden Stairs Road adjoining Allotment 196 Parish of Mareretu CFR NA 62/193.

The proposed area of road reserve to be stopped is an approximate 20 metre wide strip which is surrounded by dairy support farmland and is utilised within the farming operation. It is unfenced and in pasture.

Council received a revised valuation for the road stopping application by Crown Property Services Ltd. valued at \$7,800.00 plus GST (if any).

Recommendation

That Kaipara District Council:

- 1 *Receives the Roading Manager's report 'Road stopping and amalgamation: 623 Golden Stairs Road, Paparoa' dated 10 August 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 provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees in principle to the stopping of a portion of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the above-mentioned report) under s116 of the Public Works Act subject to reaching prior agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement, subject to the sale price being no less than \$7,800 plus GST (if any), and that the purchaser meets all costs associated with the transaction: and*
- 4 *Delegates authority to the Chief Executive to finalise the sale of the stopped portion of road of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the above-mentioned report).*

Reason for the recommendation

The section of road proposed to be stopped is not currently formed to any Council standard and is not maintained by Council. The only party that uses the unformed road currently is the purchaser who has made an application to Council for the road to be stopped.

Reason for the report

The consideration of the application to stop an area of unformed road in Papanui which is not currently maintained by Council, and does not offer water access. The adjoining land to the unformed road is owned by the applicant.

Background

The proposed area of road reserve to be stopped is an approximate 20 metre wide strip which is surrounded by dairy support farmland and is utilised within the farming operation. It is unfenced and in pasture.

This report is to consider stopping a section of unformed road and by amalgamating it with the adjacent property would enable formalisation of the occupancy.

The different legislation offers local and central governments a mechanism to stop areas of road that may be formed but are no longer in use.

There are two methods available to Council when stopping roads. These are:

- Section 116 of the Public Works Act 1981
- Section 342 of the Local Government Act 1974 (LGA).

Both have merit and having two methods offers flexibility for different scenarios when considering stopping a road.

Issues

Staff are not aware of any issues surrounding the stopping of the section of unformed road at 623 Golden Stairs Road.

Factors to consider

The community will not be affected by the formalisation, as the section of road reserve is unformed and currently in pasture. Public access is also provided via the formed section of road parallel to and in close proximity to this section of unformed road.

Policy implications

The purchase is to be in accordance with Section 116 of the Public Works Act 1981.

Financial implications

If the portion of road reserve was to be stopped a condition of the stopping would require the applicant to meet all the costs associated with the stopping as well as the land purchase from Council at the fair market value.

There would thus be no cost to Council.

Legal/delegation implications

The applicant has asked that Council considers this application under the PWA 1981, because they believe that this legislation best suits their circumstance. This approach is also supported by Council's advisors, Crown Properties Ltd.

Land Information New Zealand (LINZ) published in August 2012 the Standard for stopping or resumption of road (LINZS15002). This standard states that LINZ prefers that, in the first instance, local authorities apply the procedures in section 342 of the LGA, given the requirements for public notification. The road should be stopped using the LGA when there are likely to be objections to the proposal, or matters of public access to consider.

Council's advisors, Crown Properties Ltd., believe that in these circumstances the PWA 1981 can be applied as:

- The applicant is the surrounding sole adjoining landowner who wishes to acquire the land;
- There is no public expectation that the road may be formed or be a walkway;
- The road in question does not offer any public access to any area of interest or water.

Options

Option A: Give permission for the road to be stopped under section 116 of the Public Works Act 1981 and make the recommendation to the Minister of Land Information.

Option B: Agreement to Licence with responsibility for ongoing maintenance and alteration according to Council's Engineering Standards.

Option C: Deny the application for road stopping.

Assessment of options

Option A: The road reserve is to be stopped in approximation with the area as shown on Attachment 1 and sold to the adjacent property owner at fair market value acceptable to Council. The applicant will be required to bear all associated costs.

Option B: The applicant is granted the ability to access and utilise this portion of the road reserve, while Council would be responsible for all ongoing maintenance of this section of road reserve in accordance with Council's obligations as a Road Controlling Authority.

Option C: If the road stopping is denied the road will not be stopped and the status quo will be maintained.

Assessment of significance

In accordance with Council's Significance and Engagement Policy the selling of the portion of land has been assessed against the thresholds for significance. This assessment is shown in the table below:

| Threshold | Significance |
|---|-------------------------------|
| Budgeted expenditure of \$3,000,000 or more | No – No cost to Council. |
| Unbudgeted expenditure of \$300,000 or more | No – No cost to Council. |
| Increases individual rate levies by 10% | No – There will be no change. |

| | |
|---|--|
| Transfer ownership or control of a strategic asset to or from Council | No – The portion of land is seen as not significant and not a strategic asset. |
| It alters significantly the intended level of service provision for any significant activity. | No – the level of service will remain the same |
| Overall assessment | Not significant |

Recommended option

The recommended option is **Option A**.

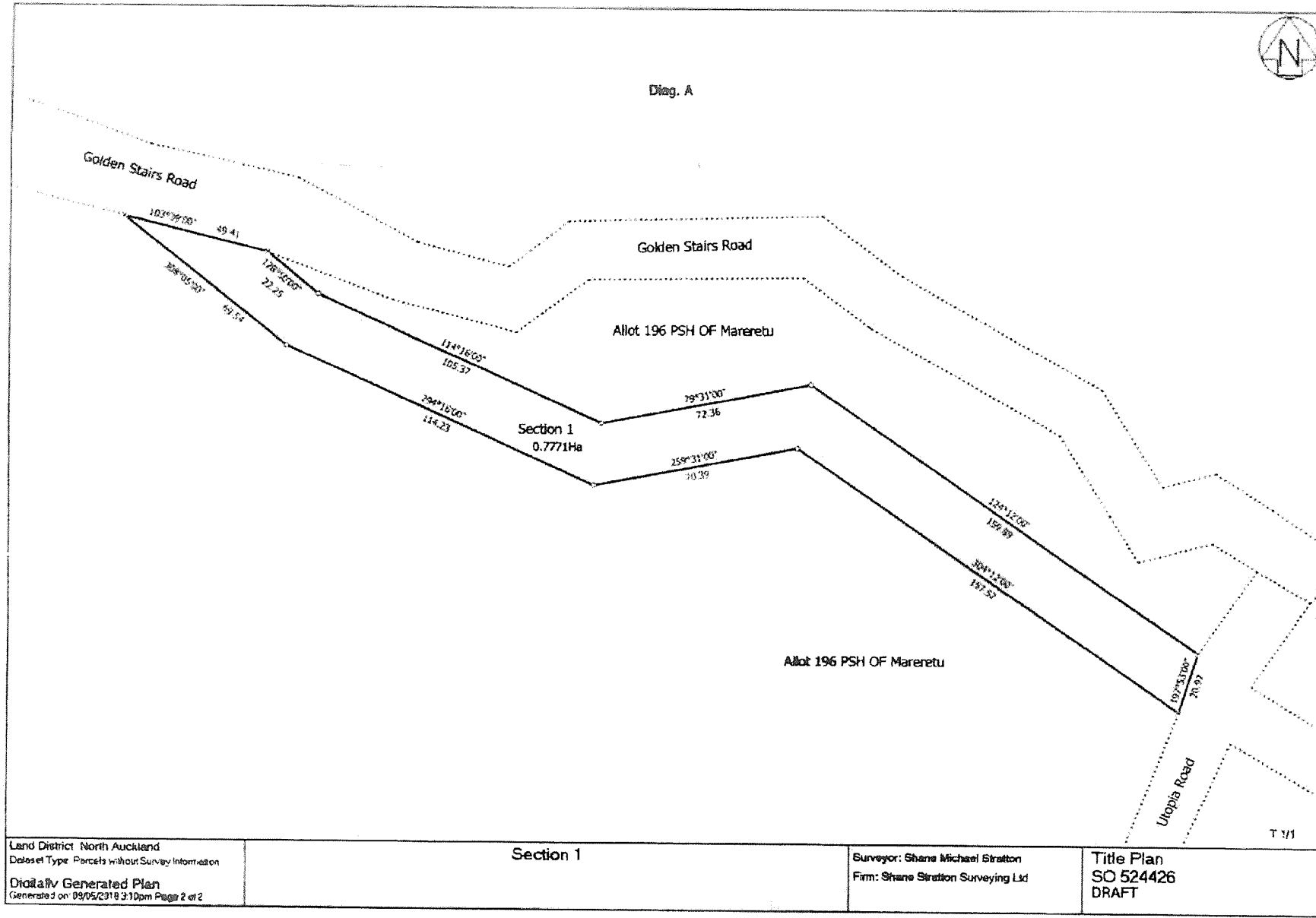
Next step

Advise the applicant of the outcome, and proceed with the process depending on the decision.

Attachments

- Attachment 1 - Scheme Plan showing the boundary of the proposed amendment.
- Attachment 2 - Aerial map showing proposed amended boundary marked red.

0
GR

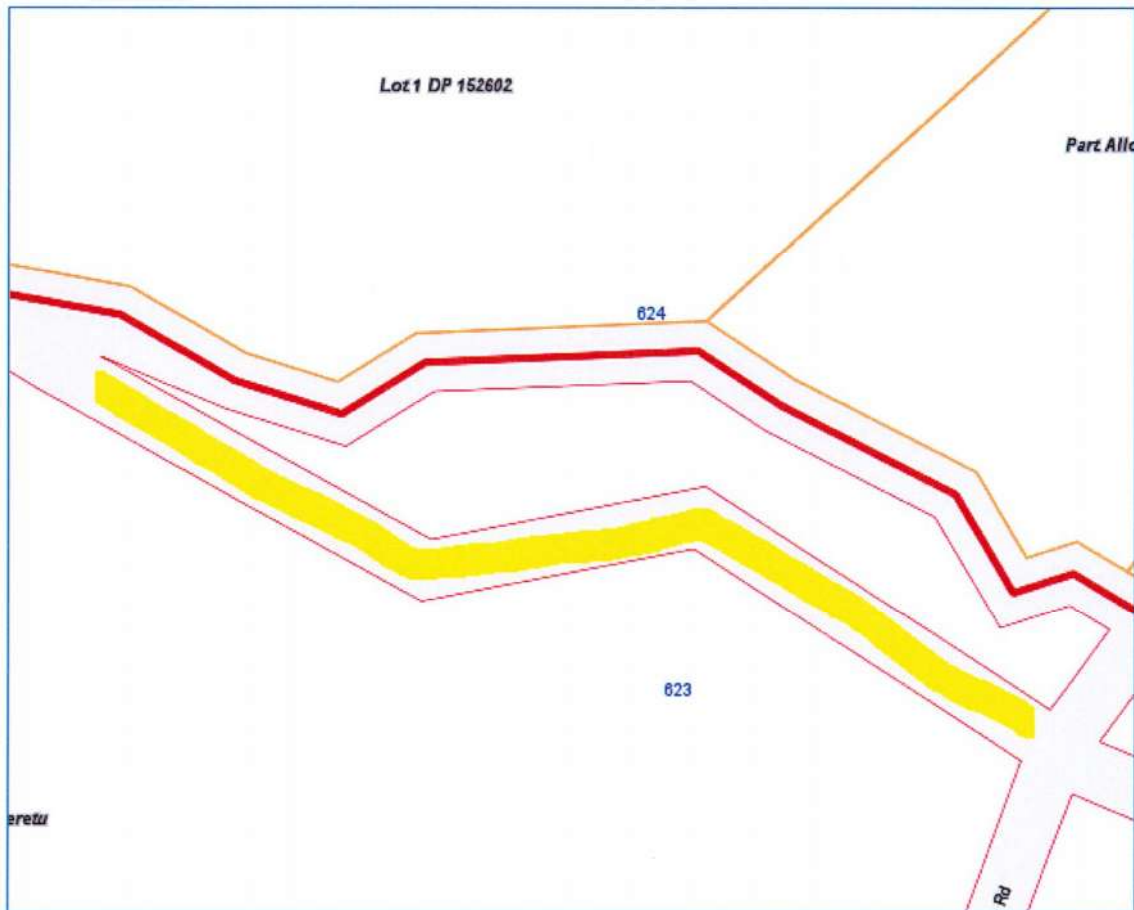


Land District North Auckland
 Deleted Type Parcels without Survey Information
 Digitally Generated Plan
 Generated on 09/05/2018 3:10pm Page 2 of 2

Section 1

Surveyor: Shane Michael Stratton
 Firm: Shane Stratton Surveying Ltd

Title Plan
 SO 524426
 DRAFT



Aerial and diagram showing the stopping and amalgamation of 7771 m² highlighted in yellow

623 Golden Stairs Road, Papanoa

5 Information

File number: 1203.01 **Approved for agenda**
Report to: Council
Meeting date: **23 August 2018**
Subject: **Crown Manager Six Monthly Report June 2018**
Date of report: 03 August 2018
From: Jason Marris, General Manager Governance, Strategy and Democracy
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

In June 2017, a Crown Manager was appointed by the Associate Minister of Local Government. Pursuant to section 258D of the Local Government Act 2002, the Crown Manager was appointed to assist Council on any outstanding and future legal actions relating to the development of the Mangawhai Wastewater Scheme, and the setting or collection of rates during and prior to the Kaipara Commissioner's term on Council's behalf.

The Crown Manager is required to report to Council and inform the Kaipara community at least six monthly of the progress of legal matters within his management responsibilities. This must include any directions he has made, to assure Council and the community that their interests are being looked after.

This is the Crown Manager's second six monthly report.

Recommendation

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report 'Crown Manager Six Monthly Report June 2018' dated 03 August 2018; and*
- 2 *Receives Attachment 1 to the above-mentioned report, being 'Report of the Kaipara District Council Crown Manager' dated June 2018.*

Reason for the recommendation

To present the six monthly report to Council and the community from the Crown Manager.

Reason for the report

To fulfil the Crown Manager's responsibility to report to Council and inform the Kaipara community at least six monthly on the progress of legal matters within his management responsibilities.

Background

In June 2017, the Crown Manager was appointed by the Associate Minister of Local Government. The Terms of Reference of the appointment provide that the Crown Manager's role is to '*...address any outstanding or future legal actions relating to the development of the Mangawhai Community Wastewater Scheme ("Scheme"), and the setting and collection of rates during and prior to the Kaipara*

District Council Commissioner's term ("Kaipara Commissioner's term")'. The term of this appointment is to the day of the 2019 elections.

This is the second six monthly Crown Manager report, with the first presented on the 25 January 2018 Council agenda.

Factors to consider

Community views

The Terms of Reference require the Crown Manager to report to Council and inform the community about the progress of legal matters and directions made, to ensure they are aware of matters being progressed in their interests. Publishing the Crown Manager's full report in the Council agenda is the mechanism that enables this transparency.

Policy implications

There are no policy implications of this report.

Financial implications

There are no financial implications with this report.

Legal/delegation implications

There are no legal/delegation implications with this report.

Options

Option A: Council receives the Crown Manager's report.

Option B: Council does not receive the Crown Manager's report.

Recommended option

The recommended option is **Option A**.

Assessment of significance

This decision does not trigger the Significance and Engagement Policy.

Next step

Future six monthly reports will continue to be placed before Council on a formal agenda.

Attachments

- Attachment 1 - Report of the Kaipara District Council Crown Manager – June 2018

Report of the Kaipara District Council Crown Manager

June 2018

Purpose

The purpose of this report is to provide the Kaipara District Council and the people of the district with an update on the progress with the legal matters for which the Crown Manager is responsible.

Background

The Crown Manager was appointed by the Associate Minister of Local Government Hon Jacqui Dean for a term commencing 20 June 2017 and expiring on the day of 2019 Local Government elections. The Gazette Notice of 15 June 2017 sets out the Terms of Reference under which the Crown Manager was appointed.

As specified by the Terms of Reference, the role of the Crown Manager is to *“address any outstanding or future legal actions relating to the development of the Mangawhai Community Wastewater Scheme (“Scheme”), and the setting and collection of rates during and prior to the Kaipara District Council Commission’s term (“Kaipara Commission’s term”).”*

The Crown Manager has the authority to direct the Council to address legal actions, including directing the Council to initiate new or discontinue legal actions within his management responsibilities.

Amongst other things, the Terms of Reference require the Crown Manager to:

“report, as appropriate, to the Minister of Local Government at least six monthly on the progress in fulfilling his or her Terms of Reference.”

and

“report to the Council and inform, as appropriate, the Kaipara community at least six monthly of the progress of legal matters within his or her management responsibilities. This must include any directions he or she has made, to assure the Council and community that their interests are being looked after.”

At the time of appointment, a number of legal actions that fall within the responsibilities of the Crown Manager were underway. They include:

- A second judicial review of rates decisions of both Kaipara District Council and the Northland Regional Council covering the 2011/12 to 2015/16 rating years initiated by Mr and Mrs Rogan and the MRRA (CIV-2015-488-95)
- An appeal by Mr and Mrs Rogan of a District Court decision requiring them to pay outstanding rates (CIV 2015-488-182)
- Action in the District Court by Kaipara District Council against a number of other ratepayers seeking payment of outstanding rates where the action has been stayed pending the determination of the case against Mr and Mrs Rogan
- District Court Judgments against a number of Kaipara District ratepayers that order the payment of outstanding rates where the amount ordered by the Court has not yet been paid and the order has not yet been enforced
- Actions in relation to costs associated with a number of the prime legal actions.

Progress

Over the last six months some progress has been made on the outstanding legal actions.

Second Judicial Review

On 27 March 2018 the Court of Appeal issued its decision on the appeals relating to the second judicial review of Kaipara District Council and Northland Regional Council rates (CA526/2017).

The case was taken to the Court of Appeal by the Northland Regional Council who appealed the earlier High Court decision of Duffy J. The Court of Appeal also considered a cross-appeal from the Rogans and the MRRA.

The Court of Appeal upheld the NRC appeal in almost all respects (except for an issue about due dates for the payment of rates), overturning the High Court decision of Duffy J. The Court upheld the cross-appeal in one minor respect (the dates for arrears penalties), but most importantly, it made order under section 5 of Judicature Amendment Act 1972 that:

- a) *The Northland Regional Council's rates resolutions for the years 2011/2012, 2012/2013 and 2013/2014 are valid notwithstanding the failure to state the date on which the rate must be paid, contrary to s 24 of the Local Government (Rating) Act.*
- b) *The Northland Regional Council's penalty resolutions for the years 2011/2012, 2012/2013, 2014/2015 and 2015/2016 are valid, notwithstanding the failure to comply with the time requirement of s 58 of the Local Government (Rating) Act.*
- c) *The Kaipara District Council's penalty resolution for the year 2013/14 is valid, notwithstanding the failure to comply with the time requirements of s 58 of the Local Government (Rating) Act.*

In reaching their decision, the judges of the Court of Appeal state:

[88] Contrary to the submission made by Mr Browne [Counsel for the Rogans and the MRRA], we do not consider this outcome will deter ratepayers from bringing proceedings in relation to complaints that have real substance. This proceeding lack complaints of substance. It largely consists of overly technical points involving no disadvantage to individual ratepayers, but the raising of which will have caused unnecessary cost to the general body of ratepayers in the area.

The Court of Appeal ordered the Rogans and the Association to pay costs and directed the costs in the High Court to be determined by that Court in the light of the Court of Appeal's judgement. The result of the Court of Appeal decision is that, unless it is overturned by an appeal to the Supreme Court, all KDC and all NRC rates and penalties relating to the years in question are valid, enforceable and collectable.

On 24 April, the MRRA and the Rogans lodged a notice of application for leave to appeal the Court of Appeal decision to the Supreme Court. The application seeking leave to appeal was opposed by both the NRC and KDC. The application to appeal was heard by the Supreme Court on 3 July. Their decision was reserved.

Appeal of High Court Decision in relation to the recovery of rates

In 2014, KDC initiated action in the District Court seeking the recovery of outstanding rates from a number of ratepayers. In response to the District Court action, a number of ratepayers paid outstanding rates and penalties in full. Some ratepayers responded to the threat of legal

action by entering into agreements to pay the outstanding rates and, as a consequence, the legal action was withdrawn. Some actions proceeded to Court and were not defended. These actions resulted in sealed awards against the ratepayers requiring the payment of outstanding rates and penalties. Interest is payable on the outstanding amount from the date of the award against the ratepayer.

The Rogans chose to defend the rates recovery action against them. Five actions against other ratepayers were stayed awaiting the determination of the action to recover rates from the Rogans. The Rogans argued that the rates were invalid. The Rogans lost their argument in the District Court.

The Rogans then appealed the District Court decision to the High Court. The appeal was heard by Duffy J and again the Rogans lost. Although, in this instance, because of the related decision by Duffy J in relation to NRC rates, the decision does not include NRC rates in the amounts that the Rogans would be required to pay. The Rogans then sought leave to appeal the High Court decision. Leave to appeal this decision was opposed by NRC and KDC, but Duffy J granted leave to appeal on 23 February 2018. This appeal will be heard by the Court of Appeal on 11 September 2018.

Recall of the High Court Decision

The Court of Appeal decision in relation to the Second Judicial Review was at odds with the way that the High Court dealt with NRC rates in its decisions. This is particularly important with respect to the High Court decision on rates recovery action. In its interpretation of arguments relating to s60 of the Local Government (Rating) Act, the High Court concluded that NRC rates were not payable (because of its related decision, in which NRC rates were declared unlawful). Accordingly, the judgement against the Rogans does not include NRC rates and related penalties. The Court of Appeal decision deems the NRC rates and related penalties valid. This means that they should be included in the High Court judgement against the Rogans. The Crown Manager agreed to a joint (NRC and KDC) application to the High Court to recall their decision to address this inconsistency.

Settlement Proposal

In April 2018, the lawyers for the Rogans and MRRA wrote to the lawyers representing KDC and NRC a without prejudice letter inviting the local authorities to open discussion on how a settlement of the ongoing litigation might be achieved. KDC's lawyers responded asking for a more specific settlement proposal.

On 19 April, the lawyers for the Rogans and MRRA made a without prejudice offer to settle all proceedings. The settlement offer provided no assurance that entering into the proposed settlement would provide an end to the litigation and the proposed terms of the settlement were not acceptable. A further response from NRC and KDC exploring the potential for a settlement was not progressed by the Rogans and MRRA.

Consultation with the Council

In May, a substantial report was presented to the KDC setting out the status of all of the matters under the mandate of the Crown Manager. In addition to the litigation that was underway, the report addressed the process for rates recovery relating to the period for which the Crown Manager has responsibility, the cost of rates recovery action, and the nature and amount of outstanding rates. The report explored a range of options for dealing with:

- the rates owed by the Rogans and the five other stayed defendants

- the enforcement of existing sealed judgements
- the recovery of rates from ratepayers whose properties are encumbered with a mortgage
- how to deal with rates relating to freehold Māori land
- the resolution of issues and outstanding relating to abandoned land.

For each of the issues raised, the Crown Manager's report set out the Crown Manager's preferred option for dealing with the matter. A strong theme of the report was the resumption of normal debtor management functions by the Council. The report also included legal advice in relation to the issues covered by the report. The Crown Manager and the Council's lawyer met with the Council on 15 May. The Crown Manager heard and then considered the Council's feedback and views on the matters raised in the May report. The Council expressed a very clear and strong view that all reasonable steps should be taken to ensure the collection of all rates and all outstanding penalties, as well as collections costs (where this is provided for in statute).

Direction to the Council

Having considered the views of the KDC and the other matters that are required to be considered, the Crown Manager issued a direction to the Council on May 15 to lodge statements of claim in the District Court in relation to outstanding rates and penalties from the 2011/12 and subsequent years for three properties. This new legal action was to preserve the Council's ability to collect rates from the 2011/12 year that would otherwise be statute barred. The action related to properties that had previously entered into arrangements to pay, but the required payments had not been made.

On 18 May the Crown Manager provided further direction to the Council on the other matters addressed in his report and 15 May meeting with the Council. The Crown Manager encouraged the KDC to:

- resume the normal debtor management process of seeking recovery of outstanding rates from mortgagees for those properties that are encumbered by a mortgage
- undertake a considered review of rating and rates arrears in relation to Māori freehold land with the objective of determining and applying rates remissions where properties meet the requirements of the Council's policy, encouraging the owners of Māori freehold land that does not fall within the remissions policy to pay outstanding rates, and writing off debt that is not cost effective to collect as it reaches the statutory limit for enforcement action
- restart the process for dealing with abandoned land under normal management processes in accordance with the relevant statutes and ensure that its normal debtor management process identifies properties that would fit the statutory definition of abandoned land at the end of each financial year so that they can be dealt with in a timely fashion
- commence normal debtor management processes in relation to the 344 properties that together owed \$759,353 to 30 June 2017, including progressive council and lawyer's letters seeking payment, but noting that the Crown Manager would need to consider whether or not to initiate legal recovery action for rates from the time period for which he is responsible.

The Crown Manager also provided direction in relation to the without prejudice settlement offer, opposing leave to appeal the second judicial review to the Supreme Court, and in relation to a ratepayer objection relating to rates invoices spanning the period for which the Crown Manager has responsibility.

Approach and Activities Undertaken

During the period from December 2017 to June 2018, the activities undertaken by the Crown Manager have included:

- Conference calls, meetings and the exchange of emails and legal advice with the Chief Executive and relevant staff of the Kaipara District Council, representatives of the Northland Regional Council, and the joint legal team supporting both councils.
- Reviewing and considering Court decisions as they have been received.
- Working with the Council's Chief Executive to progress the legal actions that were underway at the time, including discussion of legal strategy and approach and reviewing and providing feedback on legal submissions in relation to the legal actions.
- Writing a substantive report to the Kaipara District Council and one face to face briefing with the full Kaipara District Council.
- A report to the Minister of Local Government covering the period December 2017 to June 2018.

The Crown Manager has worked closely with the KDC Chief Executive who has been delegated, by the Council, responsibility for the legal actions in which the Crown Manager has a role. Directions have reflected input from the Chief Executive and 'direction' has been provided in both written form and through discussion in meetings and conference calls.

Next Steps

The next steps depend in part on whether or not the Supreme Court grants leave to appeal the Second Judicial Review. That decision is expected soon. The next significant milestone after that decision will be the Court of Appeal hearing on 11 September. Beyond these existing legal actions, the approach of encouraging the KDC to restart normal debtor management processes is intended to ensure that the Crown Manager's role can be brought to an end as quickly as possible.

File number: 41 QR/NTAQR **Approved for agenda**
Report to: Council
Meeting date: **23 August 2018**
Subject: **Northland Transportation Alliance Quarterly Update**
Date of report: 07 August 2018
From: Peter Thomson NTA Manager
 Henri Van Zyl KDC Roding Manager

Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

The Northland Transportation Alliance (NTA) shared business unit wishes to provide Kaipara District Council with a quarterly update into operation and development issues and successes. The following report will focus on current areas of significance including, capital projects, Government Policy Statement and the roll-out of the new Road Maintenance and Renewals Contract.

Recommendation

That Kaipara District Council receives the Northland Transportation Alliance Manager's and KDC Roding Manager's report 'Northland Transportation Alliance Quarterly Update' dated 07 August 2018 and the information contained therein.

Reason for the recommendation

To ensure the Kaipara District Council is kept informed of Northland Transportation Alliance operation and development issues and successes.

Reason for the report

To provide a quarterly report to the Kaipara District Council on Northland Transportation Alliance operational and development issues and successes.

Background

The Alliance is a collaborative initiative involving Far North, Kaipara, Whangarei District Councils, Northland Regional Council and NZ Transport Agency (NZTA). Within the Alliance, a Shared Services Business Unit delivers roading and transportation services to the four Northland councils.

The councils of Northland adopted the Northland Transport Collaboration Opportunities Business Case for the establishment of the *Northland Transportation Alliance and Shared Services Business Unit* in April/May 2016; and jointly entered a Memorandum of Understanding with NZTA to form the Alliance which commenced on 01 July 2016.

NTA governance is provided by the Alliance Leadership Group, being the four Council Chief Executives and senior System Manager Steve Mutton from NZTA. The Leadership Group has two primary objectives: to steer the broad direction of the Alliance to realise opportunities for innovation and

collaboration; and to ensure the successful management of the Business Unit.

The Business Unit is comprised of 55 staff with 18 seconded from WDC, 18 from FNDC, 12 from KDC, 5 from NRC, and two executive management positions employed by WDC. We are currently recruiting to fill several vacant positions within the business including 2 roles of significance to Kaipara.

Overview

July was a particularly busy month for Infrastructure with end of year commitments to Council as well as NZTA and Industry requirements to be delivered. The end of year processes and preparation work for the startup of the new financial year has now been finalised along with the NZTA Annual Achievement Report and Road Efficiency Group (REG) tool data validation. The REG tool on our network data has shown a great improvement made on our data quality.

Asset Valuation and reconciliation processes have also now been completed and provided to the Council Finance Team.

Along with the above our team has also been preparing for an NZTA audit of both KDC and WDC processes. These audits focused mainly on our procurement processes and administration.

Interviews for a new Roding Asset Engineer are currently underway and we are hopeful in finding a suitable candidate for this vital role within our team.

Update on Collaborative Activities

- **New Road Maintenance and Renewal Contract Transition** – Kaipara District Council's Contract 888, Road Maintenance and Renewals was awarded to Broadspectrum (NZ) Ltd with a commencement date of 01 July 2018. As part of rolling out the new contract document, a three month transition period was introduced to give both Council and its awarded Contractor time to build and test procedures, develop capabilities and meet to discuss components of the contract through alignment sessions.

The alignment sessions are an important component of ensuring this contract starts with the correct amount of focus with our Contractor understanding Council's expectations and intentions. The first of these sessions was held on 11 July 2018 and included a discussion around sealed, unsealed and drainage inspection outcomes and requirements. Both the Contractor's staff and our Council Supervisors showed they had a clear understanding of the inspections expectations. There are several additional alignment sessions planned through August and September where we will also look at the results coming through from Contractor Audits which have commenced but are not being used for calculating at risk payments until they are applied to the contract in October.

Financials

The final claim to NZTA has shown the commitment from the teams in delivering the portfolio of projects. Most of the projects have been completed at the end of the 2017/2018 financial year. The outstanding items was that of the LED projects, where this will continue at the higher FAR of 85%. The second part that was not completed was the emergency slips, where 17 of the 19 slips have been completed, and the two remaining ones are under construction to be completed shortly. The third part that was not fully completed was the delivery of the road safety promotion project, and this has been mainly due to third

party funding that did not eventuate leaving us short on the completion of the planned projects. The completion of the maintenance and operations budget to the full amount of \$14,324,238 as well as with the minor improvements projects to the budget of \$3,496,801 is testimony to the effort the dedicated the team has put into this past financial year.

Due to the deadlines set for the Chief Executive report, we are unable to provide a report on the July financials as yet.

Update on Capital Projects

To ensure we got out to the market early in the new financial year, our team undertook early planning for several projects in 2017/2018. Due to this, we have already received tenders and are in the evaluation process for two planned Tangowahine Valley Road bridge replacements. We also have two other projects currently out to tender for slip remediation on Garbolino Road and a box culvert replacement on Tara Road.

One other project we had planned to go out to tender for this financial year was for repairs on Tomarata Bridge, Mangawhai. Unfortunately the Engineer's Estimate for this has come in much higher than the initial budget. A review of all the Engineer's options and costs is being undertaken to decide on the best way forward.

One project that was not completed within the last financial year as planned, was for slip remediation works on Pukehuia Road. Unfortunately, due to continued poor performance from the contractor the contract has now been terminated. The decision was made following discussions with the Engineer to Contract. Our Council Road Maintenance and Renewals contractor Broadspectrum assisted in taking over the traffic management on site and ensuring the site was left safe when vacated by original Contractor. The remaining physical works will be completed after an appropriate new Contractor has been appointed. Remaining works will be completed utilising the outstanding available contract budget with any additional costs incurred to complete being on charged to the terminated Contractor.

GPS 2018/19 - 2027/28

The Government Policy Statement on Land Transport (GPS) sets out the Government's priorities for expenditure from the National Land Transport Fund over the next 10 years. It sets out how funding is allocated between activities such as road safety policing, state highways, local roads and public transport.

The Government's GPS for 2018/2019 – 2027/2028 (GPS2018) was released in June 2018 following a review and feedback period. The Government's vision is spread across four main focus areas; Safety, Access, Environment and Value for Money.

The GPS will present new challenges and opportunities for Northland councils. The current RLTP, LTP's and the NTA work programme should not require significant adjustment due to the changes between GPS's being insignificant.

Attachments

- None

5.3 Chief Executive's Report July 2018

Acting Chief Executive 2002.02.18/July

Recommended

That Kaipara District Council receives the Chief Executive's Report for the month of July 2018.



Chief Executive's Report

For the month of July 2018

Part One

a) Chief Executive's overview

b) Activities report

c) Looking Forward

Part Two

Due to the preparation of the 2017/2018 Annual Report there is no financial report this month.

Part One

a) Chief Executive Overview – July

There are no Key Performance Indicators (KPI's) or Financial Results presented in this month's Chief Executive's report as the data for July was not available due to the earlier agenda deadline.

Annual Report 2017/18

Staff are progressing the Annual Report for audit, and it is planned to present the Report to the Audit, Risk and Finance Committee for consideration at its next meeting in September.

Tegel Limited Resource Consent Application

The applicant has made a request to suspend the processing of the applications under s91A of the Resource Management Act. The hearing scheduled to commence on Wednesday 08 August 2018 has been postponed until further notice. The Northland Regional Council Consents and Hearing Administrator will notify all parties once the processing of the application recommences.

Plan Change 4 (PC4)

Kaipara District Council, Fire and Emergency New Zealand (FENZ) and section 274 parties participated in Court-assisted mediation. Mediation provided a clear direction on the matters to discuss and if possible, find resolution. Subsequent meetings were held with FENZ and representatives of section 274 parties to explore in depth the current fire risk and management issues important to FENZ.

Robust and collaborative discussions were held evaluating Council's planning provisions and how to best address FENZ's issues in light of the Commissioners' decision, and which took into account the Building Act and RMA provisions. Council sought planning and legal expertise at key stages to ensure due recognition was given to the Commissioner's decision, good planning practices were upheld and RMA provisions were being met. Council also engaged Mana Whenua to ascertain their preferred position regarding plan provisions for papakāinga and suggested changes to the rules by FENZ. Mana Whenua supported Council's position and did not support more burdensome rules placed on papakāinga developments.

At each reporting stage Council provided an update to the Environment Court on progress. Council only requested an extension of time, when needed, in order to allow for more robust discussions and consultation with experts and all parties. This enabled proposed changes to the rules to be fully assessed and understood in context of not only the fire risk in the district, but also the Building Act and RMA provisions.

The mediation process has led to an opportunity to build a relationship between FENZ, Council and section 274 parties to design good practices and procedures (i.e. risk assessment guidelines) that will stand outside of the plan and inform fire risk management in the Kaipara district. Ongoing meetings in collaboration with key FENZ, Council and section 274 party representatives are aimed at developing these guidelines and also to support the development of community and marae education programmes in the Kaipara district.

A draft consent order is being circulated to all parties.

Kaihu and Maungaturoto Raw Water Users

Council staff have met with Work and Income NZ (WINZ) to discuss if there is any support available for users of the Kaihu raw water line. WINZ have committed to assisting individuals on a case by case basis up to a fixed amount. This unfortunately falls short of the figure that staff believe will be necessary for each property to completely remedy the issue. Staff are looking at other avenues for the shortfall and additional work around financing and payback schemes will be needed.

b) Activities Report

1 Roads and Footpaths

July was spent finalising the end of the financial year processes and the preparation work for the start-up of the new financial year. This included the NZTA Annual Achievement Report which has been finalised and submitted as well as the NZTA audit which took place in the last week of July. The asset valuation and asset reconciliation processes were also completed.

Operations and maintenance

The new Road Maintenance and Renewals Contract (Con 888) has been underway for its first full month. The new contract has a three-month embedding period to allow for processes to be refined and tested before at-risk payments are introduced against key contract performance measures.

To ensure this significant contract starts in the right direction, a series of alignment sessions with both contractor and Council staff are required. The first of these sessions took place on 11 July and included a discussion around sealed, unsealed and drainage inspection outcomes and requirements. Both the contractor's staff and our Council supervisors showed they had a clear understanding of the inspections expectations. Real world examples (photographs taken from our Northland roads) were used as example exercises to identify the fault, maintenance intervention required and estimate/claim process. Several more of these sessions will be held throughout August and September.

Of exceptional mention is the number of recorded positive comments we have received for grading activities in July. Our contractors report that they have been grading as per the new requirements within the contract, including reclaiming of material from windrows and water tables. We hope that this is a positive sign of improvements going forward.

Capital

The new financial year has started well with the first tender (two Tangowahine Valley Road Bridges) for the 2018/2019 financial year having closed on 5 July with the tender now in the evaluation process. Two other tenders are currently out on the open market for procurement (Garbolino Road slip remediation and Tara Road box culvert replacement).

The cost for the Tomarata Bridge (Insley Street) repair is much higher than the \$650,000 budget. A review of all the engineering options and costs is being undertaken.

Contract 839 (Pukehuia Road slip remediation) – the contract has been terminated due to continual poor performance by the contractor. This decision was made after discussion with the Engineer to Contract. The physical works will be completed after another appropriate contractor is approved. The remainder of the physical works will be completed utilising the outstanding available contract budget. Should any additional costs be incurred to ensure completion of the physical works, the terminated contractor will be held responsible for those costs.

Road Safety

The road toll for the calendar year to date for the Kaipara area stands at two.

The Road Safety Programme coordinated delivery for the month of:

- Twenty students completed and passed the Learner Licence Young Driver Programme;
- The Driver Mentor Programme had three restricted licence passes in Dargaville and one in Maungaturoto;
- Drive Soba has two courses for the year currently being negotiated;
- A new contract is also being negotiated for restraints; and
- No health and safety incidents were reported for the month of July.

2 Parks and Reserves

The public toilets/campervan dump station project at Lake Waikare (Taharoa Domain) tender has been awarded to Plumbing and Heating Centre (Dargaville). Work is progressing with all materials ordered.

The Parks and Reserves contract routine maintenance programme continues. A slight break in the wet weather has meant that the mowers have been able to get on a few of the high profile areas and berms. Spraying also continues to ensure all the parks and reserves are presented well for spring. Routine toilet cleaning continues with no real issues and some minor repairs. The number of burials for the month was high, with six being undertaken.

Work continues at the Mangawhai Community Park on both track formation and landscaping around the Pioneer Village.

Pou Tu Te Rangi Harding Park tree removal is complete with the focus now on replanting.

Taharoa Domain/Kai Iwi Lakes has been steady with a few campers. July saw the Domain Manager and Campground Assistant attend the annual Camping Ground Conference.

Car parking at Memorial Park continues to be causing concerns and we are investigating options as per the Opus Traffic Management Report.

3 Community Activities for July

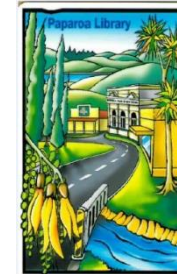
- From the Montgomery Avenue Neighbourhood Connections meeting the Community Advisor has been looking into a long-held common belief that Montgomery Avenue had a Council-owned 'paper road' running through to Awakino Road. This has been investigated and have plans dating back to 1983, which show this was privately owned.
- Kaipara's Citizens Awards nominations are now open.
- The Community Team continue to meet and work with the community across the district to bridge the gap between them and Council and support them with community-led projects. Communities and groups the team has worked with this month are:
 - Kauri Coast Promotional Society;
 - Maungaturoto Residents Association monthly meeting – response provided on LED lighting outages and future survey. Positive feedback from the community on the new pathway behind Centennial Hall and to discuss public liability and material damage insurance;
 - Progressive Paparoa AGM – the Community and Recreation Advisor gave an overview of the traffic calming planting project – awaiting NZTA approval;
 - Mangawhai Business Association – the first planning meeting of the interim steering group following the AGM to re-energise this group through developing a strategic plan that will provide a clear vision, objectives and communication tools to increase membership;
 - Mangawhai Christmas Parade – connected the local volunteer co-ordinator for this new event idea with Maungaturoto co-ordinator who provided event organisation, planning advice and tools. This was an opportunity to encourage peer to peer capacity building across neighbouring communities;
 - Whakapirau Dairy Company Building owner – Planning and Community Advisor met with Whakapirau's Dairy Factory owner to go over issues he is faced with. Timeframes and steps were clearly outlined for him to meet before consents provided;
 - Dargaville Community Development Board on the development of a contract for service to deliver events as part of the Dargaville Placemaking Programme;
 - New Zealand Fairy Tern Charitable Trust;
 - Kauri Coast Recreational Society (Sportsville) to work on the licence to occupy and funding agreement; and
 - Kauri Coast Community Pool Trust to work on the licence to occupy and contract for service.

Library

Dargaville Public library was busy in the school holidays and ran two successful holiday programmes.

In consortia with Whangarei and Far North libraries, we will be adding a third Ebook/Eaudio provider *Wheeler's* in August.

Paparoa Library has chosen the design for their library card. Paparoa Library is still closed awaiting redevelopment of the building.



4 Four Waters

Improvements were carried out during July in both water and wastewater operations, with some teething issues on aspects of operation that we are fine-tuning. The Baylys Coast Road new water main connection was a success as the planned shutdown was minimised with the additional water technicians from Broadspectrum Water Northland Kaikohe, Project Team.

Inflow to the Mangawhai Wastewater Treatment Plant for the month of July 2018 totalled 17,343m³, down approximately 0.89% on the same month the previous year. The plant is continuing to operate within resource consent limits.

The Dargaville wastewater renewals around various sites in Dargaville is now mostly completed.

Three failing floodgates across the district are on the programme for replacement in the 2018/2019 financial year.

5 Solid Waste

Work has continued in planning the removal of illegally dumped refuse from the tomo at Tatarariki Spur Road with completion expected over the next month.

Roadside loose litter continues to be a problem as the removal of this is not covered by Council contracts. Previously negotiation between departments internally was how this was dealt with. Going forward, when roadside litter is reported solid waste budgets will be utilised to finance clean-ups. It is likely that due to the combination of this additional work and the Tatarariki Spur Road job, additional budget will be required.

6 Planning and Regulatory – July 2018

| Planning | Received | | % On Time | Average Working Days | YTD % On Time |
|---|----------|------|-----------|----------------------|---------------|
| | 2017 | 2018 | | | |
| Resource Consent Applications | 44 | 31 | 67% | 20.60 | 67% |
| 224 Applications | 8 | 10 | 100% | 1 | |
| Service Requests | 159 | 113 | 96% | | 96 |
| Consent application figures remain steady and complexity of consents as evidenced by two notified consent hearings in July. | | | | | |
| Building | Received | | % On Time | Average Working Days | YTD % On Time |
| | 2017 | 2018 | | | |
| Building Consent Applications | 75 | 52 | 89% | 11.5 | 89% |
| CCC Applications | | 71 | 92% | 3.06 | 92% |
| Service Requests | 111 | 98 | 98% | | 98% |
| The total number of building consents received for July 2018 was 52 with a combined value of \$9,977.484. There were 17 new dwellings and relocates, 11 of which were in Mangawhai and 5 commercial consents. | | | | | |
| Regulatory | Received | | % On Time | Average Working Days | YTD % On Time |
| | 2017 | 2018 | | | |
| Alcohol Applications | 10 | 18 | | 24.40 | |
| Food Control Audits and Inspections | 5 | 24 | 79% | | 79% |
| Service Requests | 173 | 283 | 97% | | 98% |
| Alcohol applications and processing remain routinely consistent. | | | | | |
| There were six dog attacks last month. No further action was taken and one dog was impounded. | | | | | |

| BCA Accreditation | Due | Completed | | YTD % Completed |
|---|-----|-----------|-----------|-----------------|
| | | YTD | July 2018 | |
| BCA Audits | 5 | 5 | 5 | 100% |
| Competency Assessments | 1 | 1 | 1 | 100% |
| Audits and competency assessments on track. Quality Assurance Manager and Building Control Manager are preparing for the IANZ Audit scheduled for late September. | | | | |

7 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 July, all 25 LIM applications were processed on time, taking an average of seven working days.

8 Councillor queries

For the period 01 to 31 July there were eight Councillor queries received. Of these, two have been answered with further follow-up required on the remainder.

9 LGOIMA Overview – 01 July to 31 July

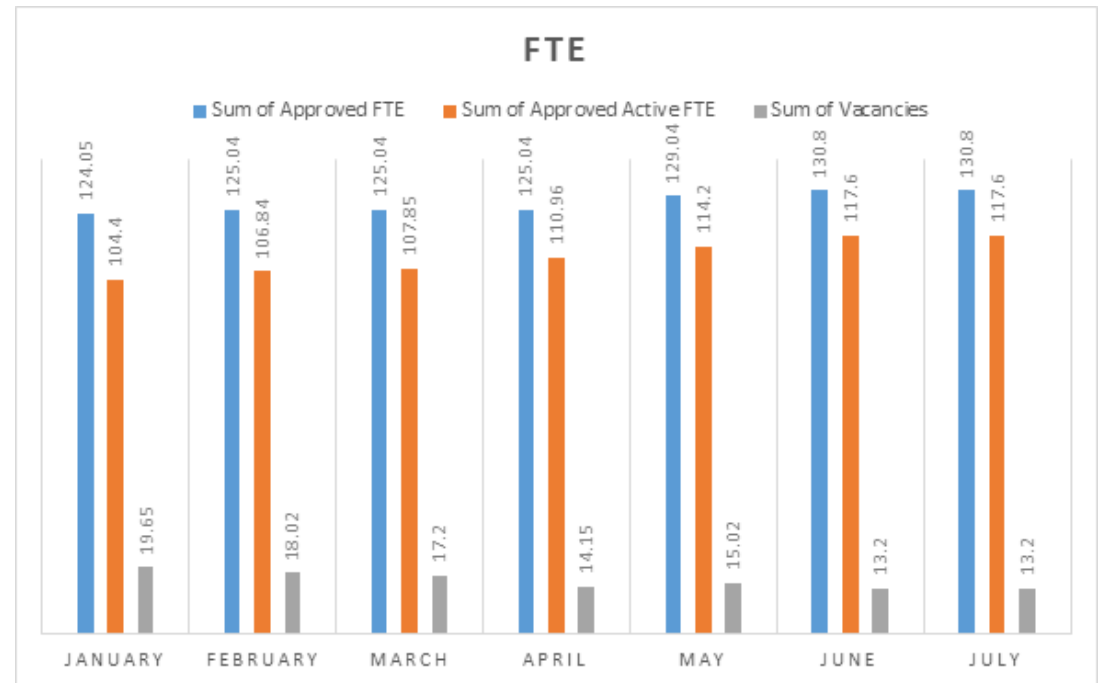
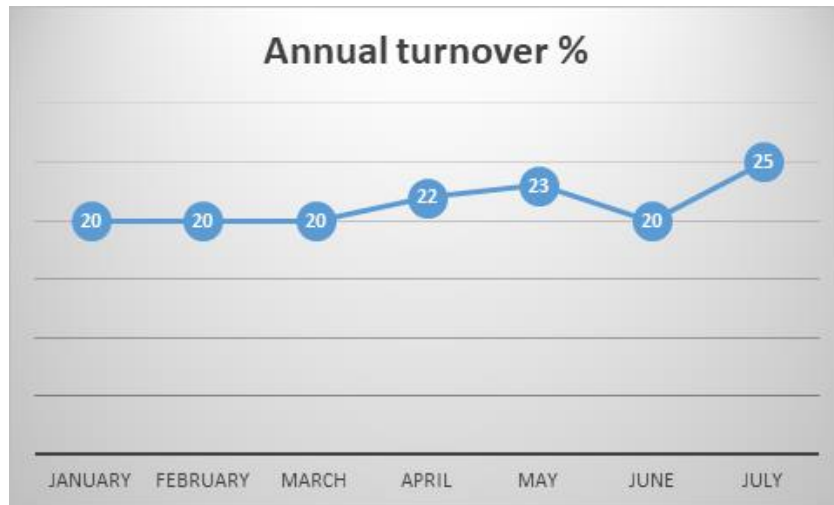
Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987 (LGOIMA). Information requested as a LGOIMA must be answered in 20 working days from the day of receipt. All requests were processed within statutory timeframes.

| Name | Subject |
|----------------|---|
| R Leveson | Number of employees in public library service |
| Angus Raiman | Average Council rates |
| Glenys McBain | Communications re: Lot 2 DP 330158 and Lot 47 DP 378455 |
| Ian McDonald | Tangowahine Valley Drainage District – withdrawn |
| Peter Rothwell | Consent information for 49 Devich Road |

| Name | Subject |
|--------------------|--|
| Gary Serjeant | Property information for Lot 1 DP 481468 |
| Charolette Bedford | Child care providers |
| Mina Henare | Buildings on Lot 1 DP 434546 |

10 People and Capability

People and Capability update:



11 Health and Safety

Workplace Health and Safety Management Report (July 2018)

Lag Indicators (Reactive)

KDC Staff OH&S Events Table

| Incident type | Events for month |
|--------------------------|------------------|
| Near Miss | 0 |
| Property Damage | 0 |
| Pain or Discomfort | 0 |
| Occupational Illness | 0 |
| First Aid Case | 1 |
| Medical Treatment Injury | 0 |
| Lost time Injury | 1 |
| Notifiable Event | 0 |
| Environmental Incident | 0 |

LTI - librarian tripped on mat and fell heavily to the floor – 2 days lost time.

FAC – caught finger in swinging door.

KDC Contractors OH&S Events Table

| Incident type | Events for month |
|--------------------------|------------------|
| Near Miss | 1 |
| Property Damage | 1 |
| Occupational Illness | 0 |
| First Aid Case | 1 |
| Medical Treatment Injury | 0 |

| Incident type | Events for month |
|------------------------|------------------|
| Lost time Injury | 0 |
| Notifiable Event | 0 |
| Environmental Incident | 0 |

PD – pin broke on compactor truck hydraulic arm

FAC – runner slipped and fell on loose gravel

NM – waters worker slipped on green slime on pond sidewall

Note: *Broad Spectrum road maintenance contract OH&S return not supplied due to their information management system being down.*

KDC Public OH&S Events Table

| Incident type | Events for month |
|--------------------------|------------------|
| Near Miss | 0 |
| Property Damage | 0 |
| Occupational Illness | 0 |
| First Aid Case | 1 |
| Medical Treatment Injury | 0 |
| Lost time Injury | 0 |
| Notifiable Event | 0 |
| Environmental Incidents | 0 |

FAC - Transfer station customer tripped when carrying boxes to the recycling bin

Lead Indicators (Proactive)

There were no KDC hazards raised during July.

KDC hazards closed out

| Description | Status |
|---|-----------|
| Finance area HVAC system blowing cold air onto staff | Completed |
| Swing door closing mechanism to reduce swing impact from door and hinge noise | Completed |
| No finger guard on paper guillotine | Completed |

KDC hazards outstanding

| Description | Date Raised | Status |
|----------------------------------|-------------|---|
| Finance area lighting too bright | 16/05/18 | Diffusers not obtainable for the bulb shrouds |

KDC Staff OH&S training table

| Training Type | Number Trained |
|--|----------------|
| Staff OH&S Induction | 3 |
| Certified Handler (Hazardous Substances) | 2 |

Contractor inductions

| Training Type | Number Trained |
|----------------------|----------------|
| Contractor Induction | 1 |

KDC contractor audit table

| Audit Type | Number conducted |
|------------------------------|------------------|
| Roading - Mobile works | 8 |
| Roading – Traffic Management | 4 |

| Audit Type | Number conducted |
|------------------------------|------------------|
| Waters fixed facilities | 1 |
| Parks and reserves | 0 |
| Solid waste fixed facilities | 0 |
| Regulatory | 0 |
| Planning | 0 |

KDC fleet audit table

| Fleet Type | Number conducted |
|------------|------------------|
| KDC fleet | 19/26 |
| Grey fleet | 0 |

KDC facilities inspection table

| Inspection Type | Number Conducted |
|--------------------|------------------|
| Office Inspections | 2 |

Corrective actions noted

- 1 Trip hazards from loose cabling running across floors.
- 2 Overloaded power points.
- 3 Ergonomics risk identified with some workstation equipment and user postures.
- 4 General housekeeping and clutter issues.
- 5 Lack of storage.
- 6 Aggression threat avoidance/lock down drill not conducted by CSC.
- 7 External lighting at Dargaville Office not suitable for after-hours entry/security.

c) Looking Ahead

September

| | | | | |
|----|-----------|--|---------|--|
| 05 | Wednesday | Harding Park Pou Tu Te Rangi Committee | 2.00pm | Lighthouse Function Centre, Dargaville |
| 12 | Wednesday | Audit, Risk and Finance | 10.00am | Mangawhai Club, Mangawhai |
| 27 | Thursday | Ordinary Council meeting | 9.30am | Lighthouse Function Centre, Dargaville |
| 27 | Thursday | Funding Committee (CCS) | 3.00pm | TBC |

October

| | | | | |
|----|----------|-------------------------------|--------|-----|
| 08 | Monday | Citizens Award Committee | TBA | TBA |
| 09 | Tuesday | Council Representation Review | 9.00am | TBA |
| 25 | Thursday | Ordinary Council Meeting | 9.30am | TBC |

File number: 1203.01 **Approved for agenda**

Report to: Council

Meeting date: **Thursday 23 August 2018**

Subject: **Reserve Contributions Committee - Appointment of Deputy Mayor Wethey**

Date of report: 13 August 2018

From: Lisa Hong, Governance Advisor

Report purpose **Decision** **Information**

Assessment of significance **Significant** **Non-significant**

Summary

To publicly report the appointment of Deputy Mayor Wethey to the Reserve Contributions Committee by Mayor Smith.

Recommendation

That Kaipara District Council:

- 1 Receives the Governance Advisor's report 'Reserve Contributions Committee - Appointment of Deputy Mayor Wethey' dated 13 August 2018 and its Attachment 1; and*
- 2 Notes the Mayoral appointment of Deputy Mayor Peter Wethey to the Reserve Contributions Committee.*

Reason for the recommendation

To inform readers regarding a change of Committee membership.

Reason for the report

Mayor Smith has appointed Deputy Mayor Wethey to the Reserve Contributions Committee and this report publicly advises the appointment (see Attachment 1).

Background

The Mayor has exercised his powers under section 41A of the Local Government Act 2002 and has appointed Deputy Mayor Peter Wethey to the Reserve Contributions Committee. The Terms of Reference will be further amended to reflect this addition to the membership and published on Council's website.

Factors to consider**Community views**

The community expects Council and its Committees to operate with a clear governance structure.

Policy implications

The recommended decision in this report is not considered significant in terms of Council's Significance and Engagement Policy.

Financial implications

There are no financial implications.

Legal/delegation implications

The Reserve Contributions Committee has the delegation to make recommendation to full Council. This remains unchanged.

Next step

The Committee Terms of Reference document will be updated and published on Council's website.

Attachments

- 1 Memorandum from Mayor Smith dated 31 July 2018

Memorandum

To: Kaipara District Council
From: Dr Jason Smith, Mayor
Date: 31 July 2018
Subject: Appointment of Councillor Peter Wethey to the Reserve Contributions Committee

Pursuant to clause Section 41A(3) of the Local Government Act 2002 and Clause 5.1 of the operative Kaipara District Standing Orders as adopted on 09 November 2016, I appoint Councillor Peter Wethey to the Reserve Contributions Committee effective immediately.



Dr Jason Smith
Kaipara District Council

5.5 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Recommended

That Kaipara District Council receives the Governance Advisor's Resolutions Register and Action Tracker dated 14 August 2018.

Kaipara District Council
Resolutions Register at 14 August 2018

| Meeting Date | Agenda Item Number | Item Name | Details | Assigned | Status | Comments | Due |
|--------------|--------------------|--|---|-------------|-------------|--|-----------|
| 13/02/2017 | 6.4 | Establishment of Older Persons Committee | Will look at other ways of engaging with older members of the community. | GM GSD | In Progress | To be considered in third quarter of 2018 | Sept 2018 |
| 26/06/2017 | 7.6 | Kauri Coast Community Pool – Licence to Occupy and maintenance grant | Agrees to develop Terms of Reference for a joint Council/Trust Kauri Coast Community Pool Management Committee to investigate reducing operating costs, reviewing fee structure, seeking external funding for programmes, improving the range of programmes, improving dedicated times for the elderly and promoting the pool to achieve increased attendance | GM GSD (DL) | Completed | Terms of Reference have been agreed on and finalised with the Management Committee. | June 2018 |
| | | | Delegates the Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust on the standard terms and conditions | GM GSD (DL) | In Progress | On hold pending discussion between Council and the Pool Trust | Sept 2018 |
| | | | Re-assesses its involvement in the Kauri Coast Community Pool after the 2017/2018 swimming season. | GM GSD (DL) | In Progress | On hold pending discussion between Council and the Pool Trust | Sept 2018 |
| 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. | Sept 2018 |
| | | | 3) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure | GM RPP | In Progress | As above | Sept 2018 |
| | | | 4) That any related current delegations be amended to reflect policy | GM RPP | In Progress | As above | Sept 2018 |
| | | | 5) That the policy be presented to Council for approval at 09 October 2017 meeting. | GM RPP | In Progress | As above | Sept 2018 |

| | | | | | | | |
|------------|------|---|---|----------------|-------------|---|---------------|
| 14/08/2017 | 6.7 | Community Grants Policy Review and Recommendations | Creates a clear set of community activities they would like to support in the Long Term Plan 2018/2028 | GM GSD | Completed | To be considered as part of the finalising of LTP | June 2018 |
| | | | Change the Committee's Terms of Reference to allow for delegation of decision-making on future Grants | GM GSD | Completed | | |
| | | | Instructs the Chief Executive to create a separate budget for resource and building consent grants and adjust Forecast One accordingly. | GM GSD | Completed | | |
| 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 | COO (SP) | In Progress | Cost estimates have triggered the Significance and Engagement Policy, and a report has been prepared for the Raupo Drainage Committee to seek feedback from the community | November 2018 |
| | | | Notes that the works are to be funded by Raupo Drainage Targeted Rate. | COO (SP) | In Progress | | November 2018 |
| 14/11/2017 | 6.13 | Northpower – Assignment of Lease | Approves the assignment of the grazing licence from Northpower to Highview Investments Limited | GM R,F&IT (JB) | Completed | | |
| | | | Delegates to the Chief Executive responsibility for execution of the Deed or Assignment on Council's behalf. | GM R,F&IT (JB) | In Progress | As it's a Deed this needs to be executed by two elected Members. Still Waiting for Northpower and Highview to execute the Deed and return same to Council for Execution. | August 2018 |
| 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 | | |
| | | | 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. | Sept 2018 |
| | | | 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. | Sept 2018 |
| 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 | | |
| | | | 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 |
| | | | Prioritises the review of Reserves and Open Space Strategy (ROSS) | GM RPP | In Progress | To commence once LTP finalised | Dec 2018 |
| | 7.6 | Recycling issues and costs | Approves the temporary stockpiling of the plastics that currently have no market for recycling at an estimated cost of \$2,500 + GST per year pending establishment of new markets | COO | Completed | | |
| | | | Approves the additional costs to subsidise the transportation of the remaining plastic products that are currently able to be sent to market in Auckland for recycling without any resale value at an estimated cost of \$12,000 + GST per year | COO | Completed | | |

| | | | | | | | |
|------------|-----|--|--|-------------------|-------------|--|--------------|
| | | | Instructs the Chief Executive to monitor the situation and, if no new markets have been established within a two year period, to report back to Council with options | COO | Completed | This was reported on the July 2018 Council agenda | July 2018 |
| 28/02/2018 | 7.1 | Licence to Occupy Review | Delegates to the Community Grants Committee the authority to review and recommend amendments to the Community Assistance Policy to provide clear policy guidance for Licences to Occupy, including amendments to the standard Licence to Occupy template | GM R,IT&F (FD&DL) | In Progress | LTO review is in progress | Aug 2018 |
| | | | Directs the Chief Executive to review the Rates Remission Policy to ensure there is consistency with the Community Assistance Policy | GM R,IT&F (CT) | Completed | Approved as part of the LTP | June 2018 |
| 28/03/2018 | 6.1 | Private Seal Extension Policy 2018: Adoption for Community Engagement | Adopts the draft 'Kaipara District Private Seal Extension Policy 2018', circulated as Attachment 1 to the above mentioned report, and seeks community feedback on the draft Policy with the following amendments: <input type="checkbox"/> to link to Rating Policy and re-worded for clarity to laypeople, in plain English; <input type="checkbox"/> add interest and maximum term of less than 10 years, and obligations of those that do not agree | COO (HvZ) | In Progress | Finalising additions to the draft policy. Seeking to start community consultation programme to start the end of August. It will be a 7-week programme. | October 2018 |
| | | | Delegates the Chief Executive and Councillors Wethey and Geange to approve the final wording | COO (HvZ) | In Progress | As above | October 2018 |
| | 6.2 | Baylys Beach Access, Beach Erosion Assessment Report update | Requests that this issue be reported back to the Council meeting on 26 April 2018 with further information including legal opinion regarding liability and information on the status of the land | COO (BP) | Completed | In July 2018 Council agenda | July 2018 |
| 26/04/2018 | 4.1 | Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18 | That Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18 from Councillor Geange lie on the table pending the receipt from Council staff of a report assessing all impacts on Council of implementing the Motion as put, including any retrospective liabilities that might be incurred. | GM GSD | Completed | In July 2018 Council agenda | July 2018 |
| | 5.2 | Forecast Two 2017/2018 | Approves the forecast as set out in the forecast sections in the above mentioned report and its attachments, and determines that no further action is required at this point in time | GM R,IT&F | Completed | | |
| | | | Notes that the revised forecast shows increased operating revenues of \$1.6 million, reduced operating costs of \$0.4 million, increased capital funding of \$0.3 million and reduced capital expenditure of \$1.7 million from the estimates in Forecast One | GM R,IT&F | Completed | | |
| | | | Approves the revised capital expenditure schedules, listed in Attachment 4 of the above mentioned report, and the carry forwards to the Long Term Plan 2018/2028 | GM R,IT&F | Completed | | |

| | | | | | | | |
|------------|-------|---|--|-------------|-------------|--|-----------|
| | | | Notes that forecast debt is currently projected in the order \$48.2 million which is a reduction of \$13.9 million compared with the planned \$3.8 million reduction in the Annual Plan. The increased reduction is due to release of available general reserves, property sales and development contribution payments for the Mangawhai Community Wastewater Scheme (MCWWS) | GM R,IT&F | Completed | | |
| | | | Approves the out of limit position in terms of clause 6.3 of the Treasury Management Policy (this to be reviewed in six months) | GM R,IT&F | Completed | | |
| | | | Notes that the Chief Executive is to provide Council with a full briefing on all options on the proceeds from the forestry asset sale | GM R,IT&F | In Progress | Agreed to prepare a Council paper in second quarter of 2018 regarding use of Forestry sale proceeds | Sept 2018 |
| 23/05/2018 | 5.1 | Draft Long Term Plan 2018/2028: Deliberations and decision making | Receives all Submissions, including Late Submissions, provided to inform the Draft Long Term Plan 2018/2028 and thanks all submitters for their time and effort | GM GSD | Completed | | |
| | | | Requests the Chief Executive to respond to all those persons/organisations that provided feedback including the responses to feedback points as noted in Attachments 1 through 15 to the above mentioned report | GM GSD | In Progress | Letters are being sent to all those who offered feedback to the Consultation Document. | Aug 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 | |
| | | | 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 GSD (IL) | In Progress | Approved as part of the LTP, but process is being worked through to start contestable funding process from July 2018 | |
| | | | Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy | GM GSD (DL) | In Progress | Contestable fund, with supporting information will be advertised in September 2018. | Sept 2018 |
| | | | 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 RPP | In Progress | | |

| | | | | | | | |
|--|------------|---|---|---|-------------|--|----------|
| | 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 | |
| | | | Agrees that the \$20.05 million shall be funded through debt | GM GSD | Completed | Approved as part of the LTP | |
| | | | 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 | |
| | | | 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 RPP | In Progress | | |
| | 5.1.8 | Issues and Options: Transportation | Pursues funding through the Provincial Growth Fund for the Pouto Road and Kaiwaka Mangawhai Road bridge projects | GM GSD (GL) | In Progress | Applications submitted to the Provincial Growth Fund. No outcome yet | |
| | | | Includes Transport budgets totalling \$140 million in operating expenditure, and \$129 million in capital expenditure, as per the Consultation Document in the Long Term Plan 2018/2028 | GM GSD | Completed | Approved as part of the LTP | |
| | | | Transfers \$200,000 per annum for Years 1 to 3 of the Long Term Plan from the Low Cost Low Risk work category to the Walking and Cycling, and New Footpaths work categories to allow the implementation of Council's Walking and Cycling Strategy, and New Footpaths programmes from Year 1 of the Plan | | Completed | Approved as part of the LTP | |
| | 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 RIF (JB) | Completed | Approved as part of the LTP | Dec 2018 |
| | | | Requests the Chief Executive reports the results of the investigation to Council | GM RIF (JB) | In Progress | ET to develop project scope & identify project sponsor & Team | Dec 2018 |
| | 26/07/2018 | 4.1 | Representation Review: Initial Proposal | Resolves, pursuant to sections 19H and 19J of the Local Electoral Act 2001, to adopt, as its initial proposal for the review of representation arrangements for the 2019 and 2022 triennial elections, the following [Please see 26/07/18 minutes] | GM GSD | Completed | |
| Issues a public notification on 01 August 2018 that informs the public of the initial proposal and the opportunity to make a submission in the period 01 to 31 August 2018 should they wish to | | | | GM GSD | Completed | | |
| Approves the Statement of Proposal and Draft Engagement Plan (Attachment 7 and Attachment 8 of the aforementioned report) to inform the community of the review and their opportunity to provide feedback during the formal consultative process | | | | GM GSD | Completed | Consultation continuing through the month of August, 24 submissions received at 13 August 2018 | |

| | | | | | | |
|-----|--|---|-----------|-------------|---|-----------|
| 4.2 | Road Vesting: Settlement Road, Hakaru, Kaiwaka | Agrees in principle to the vesting and purchase of a portion of private property, the area being 0.0300ha (300m ²) of land for road being Lot 5 Revised subdivision plan RM170473 highlighted in yellow on aerial map (see Attachment 1 to the above mentioned report) for road reserve (Settlement Road) in Hakaru, Kaiwaka, subject to the costs associated being no more than \$1,500 + GST for the land itself and \$1,500 + GST for additional costs | GM I | In Progress | Staff will inform the applicant. | Sept 2018 |
| | | Delegates the Acting Chief Executive to finalise the acquisition of the aforementioned land | GM I | In Progress | | |
| 4.3 | Dargaville Arts Association Office Hub, Dargaville | Delegates to the Dargaville Arts Association Incorporated the power to approve short term rental licences for office space in the Municipal Building, Dargaville for the purpose of fundraising which can be reinvested into the Arts Centre enabling growth | GM GSD | Completed | | |
| 4.4 | Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy | That this item lie on the table until a meeting with the Kauri Coast Community Pool Trust is held with Elected Members and Council officers. | GM GSD | In Progress | A meeting with the Trust and Elected Members has been scheduled for 22 August 2018 | Sept 2018 |
| 4.5 | Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy | Agrees that the Elected Member Allowances and Recovery of Expenses Policy is reviewed against the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year | GM GSD | In Progress | The 2018/2019 Determination was received in August. Council Briefing will be scheduled in September 2018. | Sept 2018 |
| 4.6 | ICT Data and Information Compliance Policy Adoption | Adopts the ICT Data and Information Compliance Policy June 2018 | GM R,IT&F | Completed | | |
| 4.7 | Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract | Brings forward \$500,000 from Year 2, and \$204,000 from Year 3 of the Mangawhai Stormwater Capital Works Budgets approved in the Long Term Plan 2018/2028 to fund the \$704,000 shortfall for Contract 879 Quail Way Stormwater Improvement | GM R,IT&F | In Progress | | |
| | | Approves the award of Contract 879 Quail Way Stormwater Improvement to Abergeldie Harker Limited for the contract price of \$1,196,790.72 + GST | GM I | Completed | Contract awarded 03 August 2018. | |
| 4.8 | Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy | Directs the Chief Executive to investigate and draft amendments to the Class 4 Gambling Venues Policy to be reported back to Council at the September 2018 Council meeting | GM RPP | In Progress | | |
| | | Retains the existing TAB Venue Policy with no changes | GM RPP | Completed | | |

| | | | | | | |
|------|---|---|-----------|-------------|---|--|
| | | Delegates to a Hearing Panel of Councillors Curnow and Wethey and Mayor Smith the authority and responsibility to: <ul style="list-style-type: none"> • oversee the drafting of the Class 4 Gambling Venues Policy amendments and the Statement of Proposal; • hear submissions on the draft Class 4 Gambling Venues Policy; and • make recommendations to Council on the draft Class 4 Gambling Venues Policy | GM RPP | In Progress | | |
| 4.9 | Fraud Policy, adoption of amended Policy | Adopts the updated Fraud Policy (Attachment 1 to the aforementioned report) with the two year Policy review date | GM P&R | Completed | | |
| 4.10 | Delegations Register Update | Approves the revision and addition to the Delegation Register, as specified in the worksheets circulated as Attachment 1 and Attachment 2 of the aforementioned report | CE | Completed | | |
| 4.11 | Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence | Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy | GM R,IT&F | In Progress | | |
| | | 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 | | |
| 5.3 | Recycling Stockpiling and Subsidy - Review of Options | Continues with the current agreed subsidy for processing, stockpiling and transportation to market of recyclable plastics, but changes the method of the funding of subsidy payments from Ratepayer funded to Waste Minimisation Levy funded | GMI | Completed | The source of funding of the subsidy has been changed to the Waste Minimisation Levy. | |

6 Public Excluded Council agenda items 23 August 2018

Recommended

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

- Confirmation of Public Excluded Council minutes 26 July 2018;
- Senior Citizens Hall Society, Fagan Place, Mangawhai – Lease; and
- Sale of Section, Aranga Coast Road.

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:

| General subject of each matter to be considered: | Reason for passing this Resolution | Ground(s) under Section 48(1) for the passing this resolution: |
|--|---|--|
| Confirmation of Public Excluded Council minutes 26 July 2018 | Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 48(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. |
| Senior Citizens Hall Society, Fagan Place, Mangawhai - Lease | Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 48(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 |
| Sale of Section, Aranga Coast Road | Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 48(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. |

7 Open Council agenda 23 August 2018

Closure

**Kaipara District Council
Dargaville**