

I hereby give notice of the following Ordinary meeting:

<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Thursday 29 November 2018
<b>Time</b>	9.30am
<b>Venue</b>	Tinopai Community Hall – 21 Komiti Road, Tinopai

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## **Open Agenda**

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### **Membership**

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

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

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**Ordinary meeting of Kaipara District Council  
29 November in Tinopai**

**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 Mikaera Miru and Mina Henare**



### **3 Minutes**

#### **3.1 Confirmation of Open Council minutes 25 October 2018**

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

##### **Recommended**

*That the unconfirmed Open minutes of the Kaipara District Council meeting held 25 October 2018 be confirmed as a true and correct record.*



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## Kaipara District Council

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# Minutes

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<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Thursday 25 October 2018
<b>Time</b>	Meeting commenced at 9.30am Meeting concluded at 12.29pm
<b>Venue</b>	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville
<b>Status</b>	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

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Minutes of the Ordinary meeting of Kaipara District Council  
25 October 2018 in Dargaville

1 Opening

**1.1 Karakia**

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

**1.2 Present**

Mayor Jason Smith, Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis Woodcock, Julie Geange (via audio link items 1—4.5), Libby Jones, Karen Joyce-Paki, Jonathan Larsen and Andrew Wade (items 1—4.5).

**In Attendance**

Name	Designation	Item(s)
Louise Miller	Chief Executive	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All
Sue Davidson	General Manager Risk, IT and Finance	All
Fran Mikulicic	General Manager Regulatory, Planning and Policy	All
Paula Hansen	Acting Policy Manager	1—4.3
Paul Waanders	District Planner	1—4.3
Jason Marris	General Manager Governance, Strategy and Democracy	All
Lisa Hong	Governance Advisor	All (Minute-taker)

**Adjournments**

Reason	Start	Finish
Morning tea	11.04am	11.018am

**1.3 Apologies**

Nil.

**1.4 Confirmation of Agenda**

**Moved Smith/Curnow**

*That Kaipara District Council confirms the agenda.*

**Carried**

## **1.5 Conflict of Interest Declaration**

Nil.

## **1.6 Register of Members' Interests – October 2018 update**

### **2 Deputations, Presentations and Petitions**

#### **2.1 Volunteering Northland (Bart van der Meer)**

Bart van der Meer spoke in the public forum regarding Volunteering Northland and tabled a PowerPoint presentation<sup>i</sup> and newsletter<sup>ii</sup>.

#### **2.2 Burnley and Brenda Jones**

Burnley and Brenda Jones spoke in the public forum regarding their pending Resource Consent and tabled a written presentation and timeline of their contact with Council and Fonterra regarding this matter<sup>iii</sup>.

### **3 Minutes**

#### **3.1 Confirmation of Open Council minutes 27 September 2018**

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

**Moved Wethey/Curnow**

*That the unconfirmed Open minutes of the Kaipara District Council meeting held 27 September 2018 be confirmed as a true and correct record.*

**Carried**

#### **3.2 Confirmation of Open Council minutes 09 October 2018**

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

**Moved Smith/Wethey**

*That the unconfirmed Open minutes of the Extraordinary Kaipara District Council meeting held 09 October 2018 be confirmed as a true and correct record, with amendments clarifying the use of the Mayoral casting vote used during item 3.1.*

**Carried**

### 3.3 Open Committee minutes confirmed in September 2018

General Manager Governance, Strategy and Democracy

16/Various

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

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

- *Funding Committee (Creative Communities Scheme) meeting held 24 April 2018;*
- *Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee meeting held 06 June 2018;*
- *Audit, Risk and Finance Committee meeting held 13 June 2018.*

**Carried**

## 4 Decision

### 4.1 Temporary Road Closure 08 December 2018, Dargaville Christmas Parade - Approval

Corridor Access Co-ordinator

3208.00

**Moved Joyce-Paki/Wade**

*That Kaipara District Council:*

- 1 *Receives the Corridor Access Co-ordinator's report 'Temporary Road Closure 08 December 2018, Dargaville Christmas Parade - Approval' dated 21 September 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 Dargaville Lions Club's application for the temporary road closure of Victoria Street from Totara Street and including Totara Street to the west side of the Central Hotel Carpark; All of Parenga Street, Totara Street, Kapia Street; All of Hokianga Road south of Victoria Street; and Edward Street from Victoria Street to the north of the Central Hotel Carpark on Saturday 08 December 2018 between the hours of 09:00am to 2:00pm and, as a condition of approval, the event organiser is to do a letter drop to all residents/businesses located within the extent of the road closures at least two weeks prior to the event.*

**Carried**

#### **4.2 National Environmental Standards on Plantation Forestry Regulation 2017, District Plan Update**

**District Planner**                      **3821.05**

**Moved**            **Joyce-Paki/Curnow**

*That the Kaipara District Council:*

- 1     *Receives the District Planner's report on amendments to the Kaipara District Plan in accordance with the National Environmental Standards for Production Forestry Regulations dated 05 October 2018 and its Attachments 1 to 5; 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 amendments to the Operative District Plan in accordance with the requirements of the National Environmental Standards for Production Forestry Regulations 2017 as detailed in Attachments 1-5 of the afore-mentioned report, in accordance with sec 44A(4), (5) and (6) of the Resource Management Act (RMA) without going through the Schedule 1 public notification process of the RMA.*

**Carried**

**Meeting adjourned at 11.04 am for morning tea.**

**Meeting reconvened at 11.18 am.**

#### **4.3 Climate Change Working Group, Formation and Terms of Reference**

**Policy Analyst**                      **3835.03**

**Moved**            **Smith/Wade**

*That Kaipara District Council:*

- 1     *Receives the Policy Analyst's report 'Climate Change Working Group, Formation and Terms of Reference' dated 03 October 2018 and its Attachment 1 (Terms of Reference); 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 *Appoints Mayor Smith and Councillors Curnow, del la Varis-Woodcock, Joyce-Paki and Wethey to the Climate Change Working Group; and*
- 4 *Directs the Chief Executive to update the Local Governance Statement to include the Climate Change Working Group Terms of Reference, circulated as Attachment 1 to the aforementioned report with the following amendments:*
  - *delegations section deleted; and*
  - *fourth bullet point under the responsibilities section deleted.*

**Carried**

#### **4.4 Northland Regional Council Kaihu River Working Group, Kaipara District Councillor Appointment**

**Governance Advisor                      1203.01**

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

*That Kaipara District Council:*

- 1 *Receives the Governance Advisor's report 'Northland Regional Council Kaihu River Working Group, Kaipara District Councillor Appointment' dated 17 October 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Appoints Councillor Joyce-Paki as the Kaipara District Council and Dargaville resident representative to the Kaihu River Working Group.*

**Carried**

#### **4.5 2019 Meeting Schedule - Adoption**

**Governance Advisor                      1203.01**

**Moved            Smith/Joyce-Paki**

*That Kaipara District Council:*

- 1 *Receives the Governance Advisor's report '2019 Meeting Schedule – Adoption' dated 15 October 2018 and its Attachment 1; 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 *Adopts the 2019 Meeting Schedule, attached to the afore-mentioned report as Attachment 1;*
- 4 *Delegates the General Manager Governance, Strategy and Democracy to re-schedule meeting dates and to determine times and venues in consultation with the Chair, and that these dates, times and venues be publicly notified in accordance with the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 and Kaipara District Council Standing Orders.*

**Carried**

**Councillor Geange left the meeting (via audio link) at 12.12pm.**

**Councillor Wade left the meeting at 12.18pm.**

5 Information

**5.1 Chief Executive's Report for the month of September 2018**

**Chief Executive 2002.02.18/September**

**Moved Smith/Wethey**

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

**Carried**

**5.2 Resolutions Register and Action Tracker**

**Governance Advisor 1202.05**

**Moved Smith/Joyce-Paki**

*That Kaipara District Council receives the Resolutions Register and Action Tracker dated 16 October and the information contained therein.*

**Carried**

**Meeting went into Public Excluded session at 12.27pm.**

**Moved Smith/Curnow**

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

- *Public Excluded Committee minutes confirmed in September 2018; and*

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

<b><i>General subject of each matter to be considered:</i></b>	<b><i>Reason for passing this Resolution</i></b>	<b><i>Ground(s) under Section 48(1) for the passing this resolution:</i></b>
<i>Public Excluded Committee minutes confirmed in September 2018</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>

**Carried**

7 Open Council minutes 25 October 2018

**Meeting returned to Open session at 12.28pm.**

Closure

**Meeting closed at 12.29pm.**

**Confirmed** .....

**Chair** .....

**Kaipara District Council**

**Dargaville**

<sup>i</sup> Volunteering Northland presentation

<sup>ii</sup> Volunteering Northland newsletter

<sup>iii</sup> Written presentation and timeline of contact



### **3.2 Open Committee minutes confirmed in October 2018**

**General Manager Governance, Strategy and Democracy**

**1607.13**

#### **Recommended**

*That Kaipara District Council receives the confirmed minutes of the combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee meeting held 05 September 2018.*



<b>Meeting</b>	Combined Pou Tu Te Rangi Joint Management and Harding Park Committees
<b>Date</b>	Wednesday 05 September 2018
<b>Time</b>	Meeting commenced at 2.09pm Meeting concluded at 3.22pm
<b>Venue</b>	Lighthouse Function Centre, Dargaville
<b>Status</b>	Unconfirmed

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## Minutes

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**Membership**

Chair: Rex Nathan

Members: Trish Harding, Matiu Wati and Willie Wright  
Councillors Victoria del La Varis-Woodcock and Karen Joyce-Paki

**Staff and Associates:**

Chief Operating Officer and General Manager Infrastructure, Parks and Recreation Manager,  
Parks Officer, Governance Advisor (Minute-taker)

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

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**Minutes of the combined meeting of  
Pou Tu Te Rangi Joint Management Committee and Harding Park Committee  
Wednesday 05 September 2018, Dargaville**

1 Opening

**1.1 Karakia**

Iwi Relations Manager opened the meeting with a karakia.

[Secretarial Note: The Committee noted that the Chair Rex Nathan would not be present for the meeting and proceeded to elect a Chair for this meeting only.]

**Moved Joyce-Paki/del la Varis-Woodcock**

*That Willie Wright assumes the role of Chair for this meeting, held 05 September 2018, of the Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee.*

**Carried**

**1.2 Present**

Willie Wright (Chair), Councillors Victoria del la Varis-Woodcock and Karen Joyce-Paki

**Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Donnick Mugutso	Acting General Manager Infrastructure	All
Hamish Watson	Parks and Recreation Manager	All
Mike Collins	Parks Officer	All
Francis Toko	Iwi Relations Manager	All
Lisa Hong	Governance Advisor	All (Minute-taker)

**1.3 Apologies**

**Moved Joyce-Paki/del la Varis-Woodcock**

*That the apologies of Trish Harding, Rex Nathan and Matiu Wati be received.*

**Carried**

**1.4 Confirmation of Agenda**

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

*The Committee confirmed the Agenda for 05 September 2018, with the addition of Joe Yakas as a public forum presentation.*

**Carried**

## 1.5 Conflict of Interest Declaration

Nil.

## 2 Deputations and Presentations

### 2.1 Joe Yakas

Joe Yakas spoke in the public forum regarding the name 'Pou Tu o Te Rangī' and the vandalised flagpole.

## 3 Confirmation of Minutes

### 3.1 Pou Tu Te Rangī Joint Management Committee and Harding Park Committee minutes 06 June 2018

**General Manager Governance, Strategy and Deomocracy 1607.11**

**Moved del la Varis-Woodcock/Joyce-Paki**

*That the minutes of the combined meeting of the Pou Tu Te Rangī Joint Management Committee and Harding Park Committee held 06 June 2018 be confirmed as a true and correct record, with the following correction:*

<b>Item</b>	<b>Amendment</b>
2.5 'Iris Toko Riki'	<i>Iris Toko Riki's name was erroneously written as Iris Toko Wati in the Secretarial Note. The Secretarial Note will be corrected with the correct name Iris Toko Riki.</i>

**Carried**

## 4 Decision

### 4.1 Dog Control in Pou Tu Te Rangī Harding Park

**Parks and Recreation Manager 4702.06**

**Moved Wright/Joyce-Paki**

*That this item 4.1 'Dog Control in Pou Tu Te Rangī Harding Park' lie on the table until an Extraordinary meeting of the combined Pou Tu Te Rangī Joint Management Committee and Harding Park Committee is held in October 2018, with additional information on monitoring, public consultation process (including key dates on bylaw change) and invitation to the Te Uri o Hau Taumata Council for their input for the Pā site.*

**Carried**

## **4.2 Historic River Walk Signage in Pou Tu Te Rangi Harding Park**

**Parks and Recreation Manager            4702.06**

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

*That the Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee:*

- 1        Receives the Parks and Recreation Manager's report 'Historic River Walk Signage in Pou Tu Te Rangi Harding Park' dated 22 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        Declines the installation of the three Historic River Walk signs, as it is inconsistent with the operative Pou Tu o Te Rangi and Harding Park Reserve Management Plan (July 2012).*

**Carried**

5        Information

### **5.1 Operations Update: June 2018 – August 2018**

**Parks and Recreation Manager            4702.06**

[Secretarial Note: The Committee requested staff to give an update on the Provincial Growth Fund at the Extraordinary meeting to be held in October 2018.]

**Moved        Joyce-Paki/del la Varis-Woodcock**

*That the Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee receives the Parks and Recreation Manager's report 'Operations Update: June 2018 – August 2018' dated 27 August 2018 and the information contained therein.*

**Carried**

Closure

The meeting closed at 3.22pm.

**Confirmed 23 October 2018**

**Chair        Rex Nathan**

**Kaipara District Council**

**Dargaville**





### **3.3 Confirmation of Citizens Awards Committee minutes 18 August 2017**

**General Manager Governance, Strategy and Democracy**

**1614.02**

#### **Recommended**

*That Kaipara District Council receives and confirms as a true and accurate record the unconfirmed minutes of the Citizens Awards Committee meeting held 18 August 2017.*



## Citizens Awards Committee

<b>Meeting</b>	Citizens Awards Committee
<b>Date</b>	Friday 18 August 2017
<b>Time</b>	Meeting commenced at 8.30 am Meeting concluded at 9.05 am
<b>Venue</b>	Interview Room, Kaipara District Council Offices – 42 Hokianga Road, Dargaville
<b>Status</b>	Unconfirmed

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## Minutes

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**Membership****Chair:** Mayor Gent**Members:** Councillor Curnow, Councillor Wade, Councillor Wethey

Staff and Associates:

Democratic Services Manager (Seán Mahoney) (minute-taker).

**Seán Mahoney**  
Democratic Services Manager

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**Ordinary Meeting of the Citizens Awards Committee**

**Friday 18 August 2017 in Dargaville**

1 Present

Mayor Gent (Chair), Councillor Curnow, Councillor Wethey

**In Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Sean Mahoney	Democratic Services Manager	All (Minute-taker)

**Adjournments**

Nil.

**Absences**

Nil.

2 Apologies

**Moved Gent/Wethey**

*That the apology of Councillor Wade be received.*

**Carried**

3 Confirmation of Agenda

The Committee confirmed the Agenda.

4 Conflict of Interest Declaration

Nil.

5 Public Excluded minute items: Friday 18 August 2017

**The meeting went into Public Excluded session at 8.35 am.**

**Moved Gent/Wethey**

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

- *Citizens Awards Nominations 2017*

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

<b><i>General subject of each matter to be considered</i></b>	<b><i>Reason for passing this resolution</i></b>	<b><i>Ground(s) under Section 48(1) for the passing of the resolution</i></b>
<i>Citizens Awards Nominations 2017</i>	<i>Good reason to withhold exists under Section 7</i>	<i>Protect the privacy of Natural persons.</i>

**Carried**

6 Open minute items: Friday 18 August 2017

**The meeting moved back into Open session at 9.04 am.**

**Moved Gent/Wethey**

*That the public be re-admitted to the meeting and Public Excluded session resolution for Item 5.1 be confirmed in Open meeting.*

**Carried**

**6.1 Citizens Awards Nominations 2017**

**Democratic Services Manager**

**Moved Gent/Wethey**

*That the Kaipara District Council:*

- 1 *Receives the Democratic Services Manager's report 'Citizens Awards Nominations 2017' dated 10 August 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*  
*Notes the work must be done in the Kaipara for the benefit of the Kaipara*
- 3 *Awards Citizens Awards for 2017 to the following people Bev Ross, Stella Woolnough, Lillian Radich, Valerie Mann and Colleen Preston.*

**Carried**

7 Closure

The meeting closed at 9.05 am.

**Confirmed .....**

**Chair .....**

**Kaipara District Council**

**Dargaville**





## **4 Decision**



**File number:** 3211.02 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **29 November 2018**  
**Subject:** **Alcohol Control Bylaw 2018 and alcohol control areas - Adoption**  
**Date of report:** 14 November 2018  
**From:** Paula Hansen, Policy Planner  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

This report contains the recommendations from the Alcohol Control Bylaw Hearing Panel deliberations on submissions for Council's consideration and adoption.

A Statement of Proposal was adopted at the August 2018 Council Meeting and submissions were open between 28 August and 28 September 2018. During this time 22 submissions were received, there were also two late submissions received. 12 submitters indicated that they wanted to be heard with five being heard at a hearing.

At that 23 August 2018 meeting Council also resolved that Councillors Curnow, Joyce-Paki and del la Varis-Woodcock would form a Hearing Panel to hear the submissions on the Alcohol Control Bylaw and proposed alcohol control areas. Mayor Smith chaired the Hearing Panel. Their role is to make recommendations to Council on the draft Bylaw and proposed alcohol control areas as a result of the submissions received. Deliberations on the draft Bylaw and alcohol control areas were held on 26 October 2018 at the Northern Wairoa War Memorial Hall, Hokianga Road, Dargaville (Dargaville Town Hall). The minutes of those deliberations are **Attachment 1**.

**Attachment 2** to this report contains the recommended bylaw to be adopted and **Attachment 3** to this report contains the alcohol control areas proposed to be adopted as a result of the Deliberations. **Attachment 4** to this report also provides a communication plan on how we will let people know about the changes. The communications will also include how the exceptions process will be undertaken, including timeframes.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Policy Planner's report 'Alcohol Control Bylaw and alcohol control areas - Adoption' dated 14 November 2018 and its Attachments 1 to 4; 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 recommendations of the Alcohol Bylaw Hearings Panel as contained in Attachment 1 to the afore-mentioned report; and*
- 4 *Agrees that the Alcohol Control Bylaw is appropriate and proportionate in light of the evidence; and*
- 5 *Agrees that the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and*
- 6 *Adopts the final Alcohol Control Bylaw (**Attachment 2** to the afore-mentioned); and*
- 7 *Determines that it is satisfied that a high level of crime and disorder will occur if the alcohol controls in the following areas are removed: Mangawhai, Ruawai, Dargaville, Pouto, Glinks Gully, Baylys Beach, Omamari, Aranga and Kaihu areas; and*
- 8 *Agrees that in light of information and evidence provided, that the following alcohol control areas and associated controls are adopted (**Attachment 3** to the afore-mentioned report contains final maps showing the Alcohol Control Areas):*
- a) *"Mangawhai controls to: apply continuously (24hours a day) starting at 8.30pm on 22 December through to 7.00am on 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year. To apply to the area shown on Map 1 of Attachment 3; and*
  - b) *Ruawai control areas apply 24hours a day all year round. To apply to the area shown on Map 2 of Attachment 3; and*
  - c) *Dargaville control areas apply 24hours a day all year round to be applied to the same area consulted and being extended to include the addition of public places within the rest of Victoria Street and Finlayson Park Avenue Dargaville as shown on Map 3 of Attachment 3; and*
  - d) *That the alcohol controls apply from 8.30pm to 7.00am the following day on each day throughout the year for the following areas:*
    - i *Te Kopuru – within the area shown on Map 4 of Attachment 3;*
    - ii *Pouto - within the area shown on Map 5 of Attachment 3;*
    - iii *Glinks Gully - within the area shown on Map 6 of Attachment 3;*
    - iv *Baylys Beach - within the area shown on Map 7 of Attachment 3;*
    - v *Omamari - within the area shown on Map 8 of Attachment 3;*
    - vi *Aranga - within the area shown on Map 9 of Attachment 3;*
    - vii *Kaihu - within the area shown on Map 10 of Attachment 3; and*
- 8 *Determines that it is satisfied that there is evidence of a high level of crime and disorder occurring at times within Tinopai due to alcohol being consumed; and*
- 9 *Agrees that an Alcohol Control Bylaw be put in place from 8.30pm to 7.00am the following day all year round for the Tinopai area as shown in Map 11 of Attachment 3; and*

10 *Delegates the authority to the Regulatory Manager, Licensing Team Leader and the Monitoring and Compliance Team Leader the authority to grant exemptions to an alcohol control area under clause 12 of the Alcohol Control Bylaw 2018.*

**Reason for the recommendation**

The Alcohol Control Bylaw Hearing Panel was given the responsibility to make recommendations to the Council after having considered all submissions and held relevant hearings. It is now required that Council adopts those recommendations.

**Reason for the report**

This report is to provide feedback on submissions received to the draft Alcohol Control Bylaw and alcohol control areas and to seek Council's endorsement of the Hearing Panel's recommendations.

**Background**

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 either retain these as they are or amend them, or to let these control areas expire.

The bylaw sets the framework for which alcohol control may be put in place. Should a person or organisation, for example, wish to sell alcohol they must apply for a special licence and have the ability to do so under the Sale and Supply of Alcohol Act 2012. This is regardless of whether an alcohol control area is in place or not. In the event a special licence is not required, an exemption to Council's bylaw can be applied for. This captures events that do not require a licence but where alcohol is intended to be consumed within an alcohol control area.

The following activities can be prohibited or controlled in any specified public place identified through the bylaw:

- a) The consumption of alcohol.
- b) The bringing of alcohol into that place.
- c) The possession of alcohol.
- d) The presence or use of a vehicle in conjunction with any prohibition relating to alcohol in a) to c).

With regards to the alcohol control areas consulted on, these activities are prohibited, with controls specified being the days and times the controls will take effect. These controls only apply to public places and do not apply to private residences.

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.

**Issues**

There were 24 submission received. Two of these were received late. The following is a summary of the key features as a result of receiving submissions and deliberations on those submissions.

### ***The Alcohol Control Bylaw***

Most submitters provided comments back on the alcohol control areas as opposed to the bylaw itself. Those that did provide comments on the bylaw thought that the controls or the bylaw were too lenient and that they are not working as no follow up actions occur. Enforcement of the bylaw is undertaken by the Police and Council Officers will be making them aware of these comments. Additional comments included the need for more signage and for the signage to be consistent with our neighbouring authorities. Council Officers have already started this conversation with the Whangarei District Council and the Far North District Council.

### ***Alcohol Control Areas***

**Tinopai** - With regards to submissions to the alcohol control areas the new proposed area for Tinopai received the most attention. Feedback suggested that incidences that occur as a result of alcohol consumption tend to occur between 10pm and 7am. As a result it was concluded that an alcohol control area to apply 24hours a day every day of the year would not be appropriate. Accordingly, it was recommended that a control be applied from 8.30pm to 7.00am every day of the year. This time was accepted to provide some consistency with other areas of the district as well as to discourage drinking during the lead-up time to when crime or disorder is experienced or witnessed by submitters who provided this evidence.

**Dargaville** - The submissions on the Dargaville alcohol control area outlined that residents were witnessing or experiencing crime and disorder happening along Finlayson Park Avenue and Victoria Street (Finlayson Park Avenue end). This area has not previously been included in the alcohol control areas. It was considered appropriate to include this area as a result of submissions supporting evidence of crime and disorder being experienced or witnessed.

**Mangawhai** - While there was some Police support for this, it was thought in the absence of more specific details and with little feedback from the community the evidence was not compelling or considered appropriate to have a 24hour ban to be in place for three months. It was considered that it was more appropriate for the control to be applied to the known trouble time being the Christmas – New Year period. Therefore, is recommended to apply the control continuously (24hours a day) starting at 8.30pm on 22 December through to 7.00am on 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year.

**Other communities** - Alcohol control areas as proposed for Te Kopuru, Pouto, Glinks Gully, Baylys Beach, Omamari, Aranga and Kaihu, are recommended to be adopted as proposed. Submissions received supported the need to retain these alcohol control areas.

*All alcohol control areas can be reviewed and amended at any time after following the appropriate process, outside of a bylaw review process. This means that should it be proven that any control requires extending or modification, Council can still work with the community and the Police to make changes.*

### ***Communication and other matters***

A communications plan has been put in place to ensure messages are provided to the community leading up to the operational date of the bylaw and alcohol control areas. A communication plan has

been included in **Attachment 4** to this report. Some of the submissions received indicated that some clarity needs to be provided around the following:

- the application of the alcohol control in relation to dwellings and other buildings situated in a public place.
- What people can and cannot do under the Sale and Supply of Alcohol Act 2012 – even if no bylaw is in place and the relationship between the bylaw and the Sale and Supply of Alcohol Act.
- Exemptions to an Alcohol Control Bylaw, and the process that needs to be followed to gain an exemption.

## **Factors to consider**

### ***Community views***

The bylaw has gone through a public consultation process and community views have been provided to Council.

### ***Policy implications***

The bylaw is considered significant in terms of Council's Significance and Engagement Policy, and in terms of the Local Government Act 2002 it is also considered significant enough to require Council to undertake the special consultation process under the Local Government Act 2002

### ***Financial implications***

There are financial implications for Council once the bylaw is in place, which include erecting appropriate signage to communicate the controls to enable the Police to enforce the controls. Staff time will also be required to implement the communications plan and also liaise with the Police and community to monitor and evaluate how effective the control areas are.

### ***Legal/delegation implications***

Council has two options; it may either accept the Hearing Panel's recommendations or reconsider the whole bylaw.

## **Options**

**Option A:** Accept the Hearing Panel's recommendations.

**Option B:** Decline the Hearing Panel's recommendations and reconsider the whole Bylaw.

## **Assessment of options**

Option A: Is the preferred Option as it gives effect to the recommendations from the Alcohol Control Bylaw Hearing Panel which they were delegated the responsibility to do. This allows the bylaw to be adopted by Council and become operative. If these are not adopted the full Council will either have to hold another hearing which will then affect the ability of alcohol control areas to be enforced over the busy summer period when they are needed the most.

Option B: Would require the complete hearing process to be undertaken again. This would not be able to be undertaken before the December 2018 deadline for review completion. This would mean the existing bylaw will lapse, with no controls being in place.

### **Assessment of significance**

The bylaw was considered significant in terms of Council's Significance and Engagement Policy, and in terms of the Local Government Act 2002 (LGA), giving rise to the full special consultative procedure being followed under sections 83 and 86 LGA. In terms of adopting the bylaw, consultation has been successfully undertaken with the community.

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Roll out the Communications Plan including placing a public notice stipulating when the Alcohol Control Bylaw and alcohol control areas will come into force.

### **Attachments**

- Attachment 1 – Deliberations Minutes
- Attachment 2 – Bylaw to be adopted
- Attachment 3 – Maps of final Alcohol Control Areas
- Attachment 4 – Communications Plan



<b>Meeting</b>	Proposed Alcohol Control Bylaw 2018 Hearing Panel
<b>Date</b>	Friday 26 October 2018
<b>Time</b>	Meeting started at 10.00am. Meeting concluded at 11.28am.
<b>Venue</b>	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville

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## Minutes

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**Hearing Panel:**

Chair: Mayor Jason Smith  
Members: Councillor Anna Curnow  
Councillor Victoria del la Varis-Woodcock  
Councillor Karen Joyce-Paki

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Minutes of the Proposed Alcohol Control Bylaw 2018 Hearing Panel meeting  
Friday 26 October 2018 in Dargaville

1 Opening

**1.1 Karakia**

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

**1.2 Present**

Mayor Jason Smith (Chair), Councillor Anna Curnow, Councillor Victoria del la Varis-Woodcock and Councillor Karen Joyce-Paki

**In Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Paula Hansen	Policy Planner	All
Rachel Sheppard	Licensing Team Leader	All
Lisa Hong	Governance Advisor	All (Minute-taker)

**1.3 Apologies**

Nil.

2 Decision

**2.1 Statement of Proposal on draft Alcohol Control Bylaw and Alcohol Control Areas –  
Deliberations Report**

**Policy Planner**                      **3211.02**

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

*That the Alcohol Control Bylaw Hearing Panel (delegated to Councillor's Curnow, Joyce-Paki and del la Varis-Woodcock on August 2018):*

- 1     *Receives the Policy Planner's report 'Statement of Proposal on draft Alcohol Control Bylaw and Alcohol Control Areas – Deliberations report' dated 19 October 2018, and its Attachments 1 to 6; 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 Council that the bylaw is appropriate and proportionate in light of the evidence; and*
- 4 *Recommends to Council that the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and*
- 5 *Recommends to Council to adopt the proposed Alcohol Control Bylaw (Attachment 5 to the afore-mentioned) as Final; and*
- 6 *Determines that they are satisfied that a high level of crime and disorder will occur if the alcohol controls in the following areas are removed: Mangawhai, Ruawai, Dargaville, Pouto, Glinks Gully, Baylys Beach, Omamari, Aranga and Kaihu areas; and*
- 7 *Recommends to Council in light of information and evidence provided, that the following alcohol control areas and associated controls as proposed and consulted on (shown in Attachment 6 to the afore-mentioned report) and with the following changes to these areas and controls be adopted and put in place. The recommendations on the areas and controls proposed to be put in place are:*
  - a) *“Mangawhai controls to: apply continuously (24hours a day) starting at 8.30pm on 22 December through to 7.00am on 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year. The control area is to remain the same as consulted on; and*
  - b) *Ruawai control areas being the same as consulted on and in place 24hours a day all year round. The control area is to remain the same as consulted on; and*
  - c) *Dargaville control areas to be applied to the same area consulted on including the addition of schools and public places within Victoria Street and Finlayson Park Avenue for Dargaville and to apply 24hours a day all year round; and*
  - d) *That the alcohol control areas and controls as consulted on in the following areas and with any of the amendments mentioned below apply from 8.30pm to 7.00am the following day on each day throughout the year for the following areas:*
    - i *Te Kopuru – The control area is to remain the same as consulted on;*
    - ii *Pouto - The control area is to remain the same as consulted on;*
    - iii *Glinks Gully - The control area is to remain the same as consulted on;*
    - iv *Baylys Beach - The control area is to remain the same as consulted on;*
    - v *Omamari - The control area is to remain the same as consulted on;*
    - vi *Aranga - The control area is to remain the same as consulted on;*
    - vii *Kaihu - The control area is to remain the same as consulted on; and*

- 8 *Determines that they are satisfied that there is evidence of a high level of crime and disorder occurring at times within Tinopai due to alcohol being consumed; and*
- 9 *Recommends to Council that an alcohol control bylaw be put in place for the Tinopai area as proposed with the controls being in place from 8.30pm to 7.00am the following day all year round; and*
- 10 *Recommends to Council to delegate the authority to the Regulatory Manager, Licensing Team Leader and the Monitoring and Compliance Team Leader the authority to grant exemption to an alcohol control area under clause 12 of the Alcohol Control Bylaw 2018.*

**Carried**

Closure

Meeting closed at 11.28am.

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



**Kaipara District Council**

**Alcohol Control Bylaw**

**2018**

## Comment

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## 1 Title

This bylaw is the Alcohol Control Bylaw 2018.

## 2 Commencement

19 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 permanent 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."*

*A private residence is not considered a public place and other buildings may or may not be considered a public place depending on the reason for their use. Please contact Council for more information.*

### 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, bringing 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 licences 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	Continuously 24hours a day from 8.30pm 22 December through to 7.00am 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year.	29/11/2018	19/12/2018
Ruawai	2	24hours a day every day of the year	29/11/2018	19/12/2018
Dargaville	3	24hours a day every day of the year	29/11/2018	19/12/2018
Te Kopuru	4	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018
Pouto	5	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018
Glinks Gully	6	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018
Baylys Beach	7	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018
Omamari	8	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018

General location description	Map number	Operative time	Decision date	Commencement date
Aranga	9	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018
Kaihu	10	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018
Tinopai	11	8.30pm to 7.00am the following day all year round	29/11/2018	19/12/2018

### Register of resolutions for temporary alcohol bans

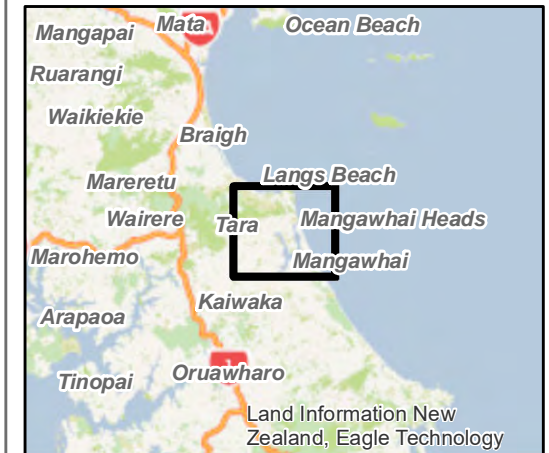
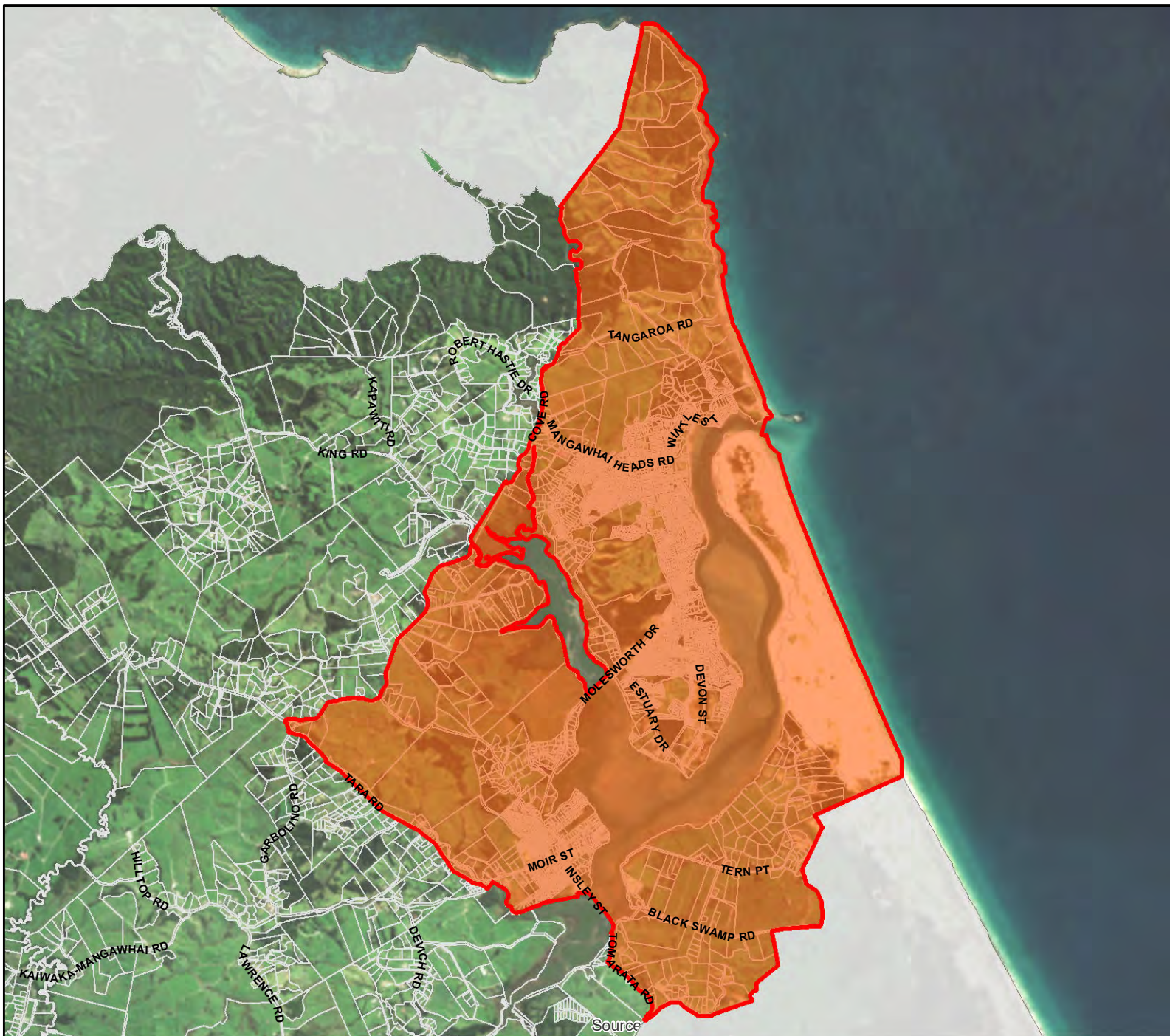
General location description	Map number	Operative days / time	Decision date

# MAP ONE - MANGAWHAI ALCOHOL CONTROL AREA

 Alcohol Control Area

Operative Times:  
 continuously (24hours a day) starting at 8.30pm on 22 December through to 7.00am on 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year.


This applies to public places as defined under section 147 of the Local



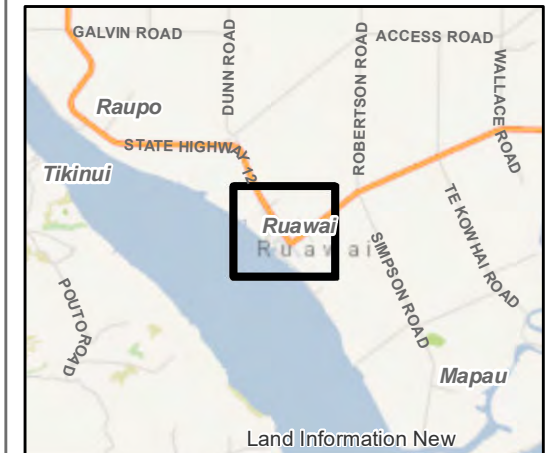
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## MAP TWO - RUAWAI ALCOHOL CONTROL AREA

 Alcohol Control Area

Operative Times:  
24 hours a day all year round




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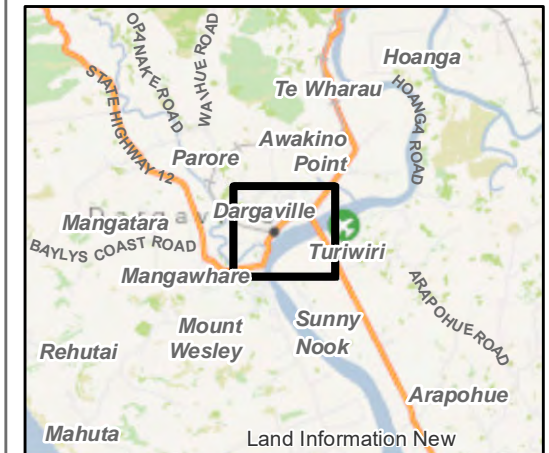


# MAP THREE - DARGAVILLE ALCOHOL CONTROL AREA

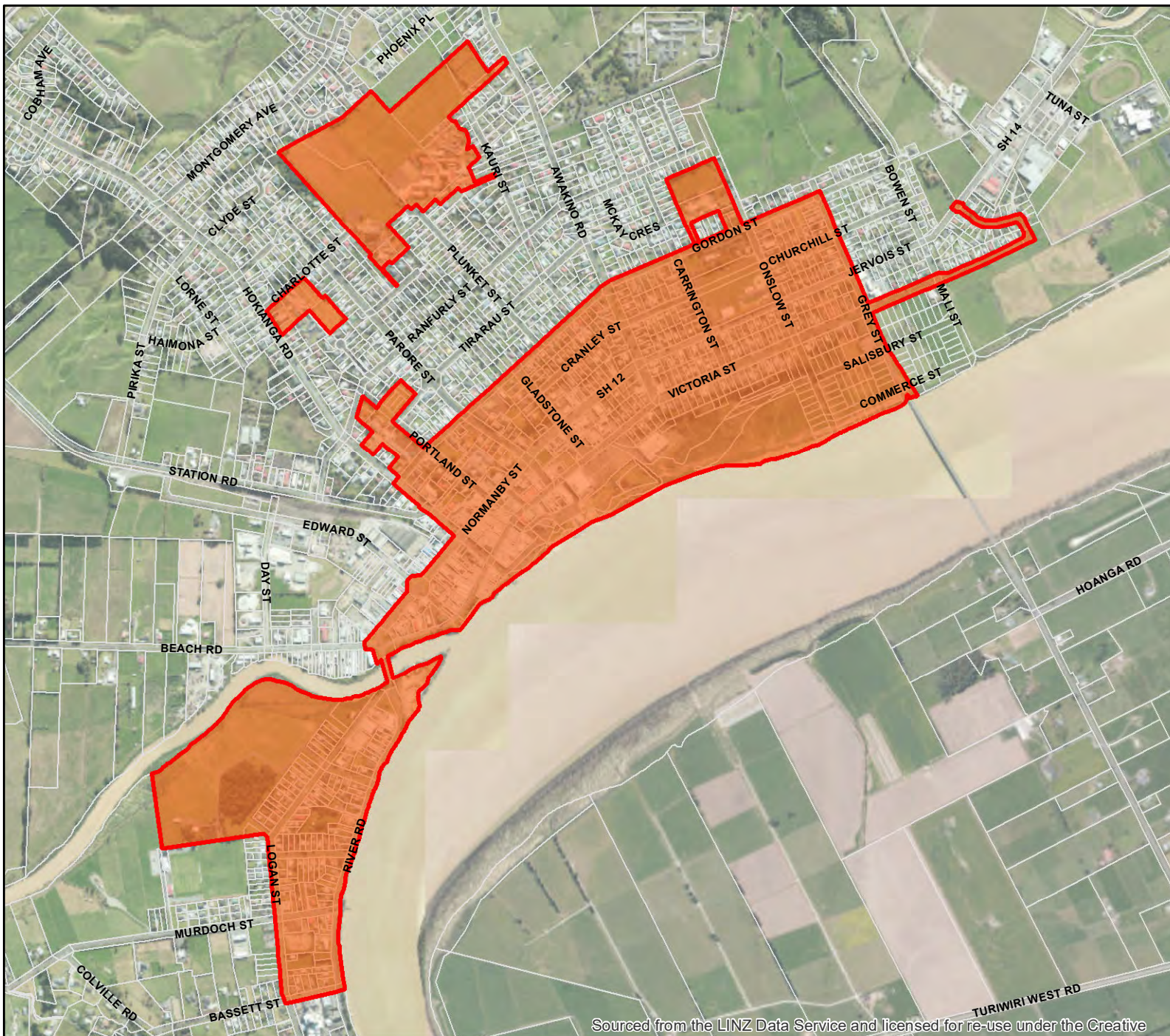
 Alcohol Control Area

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.




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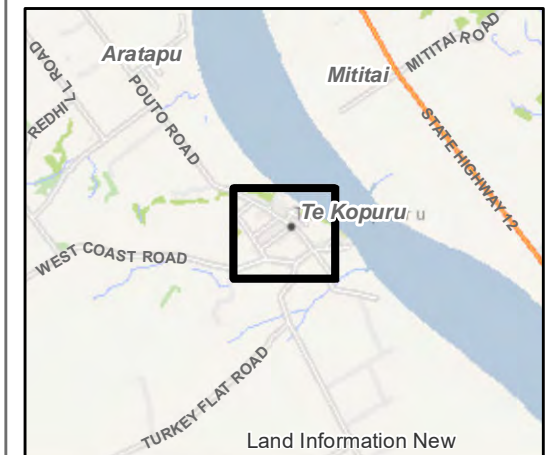


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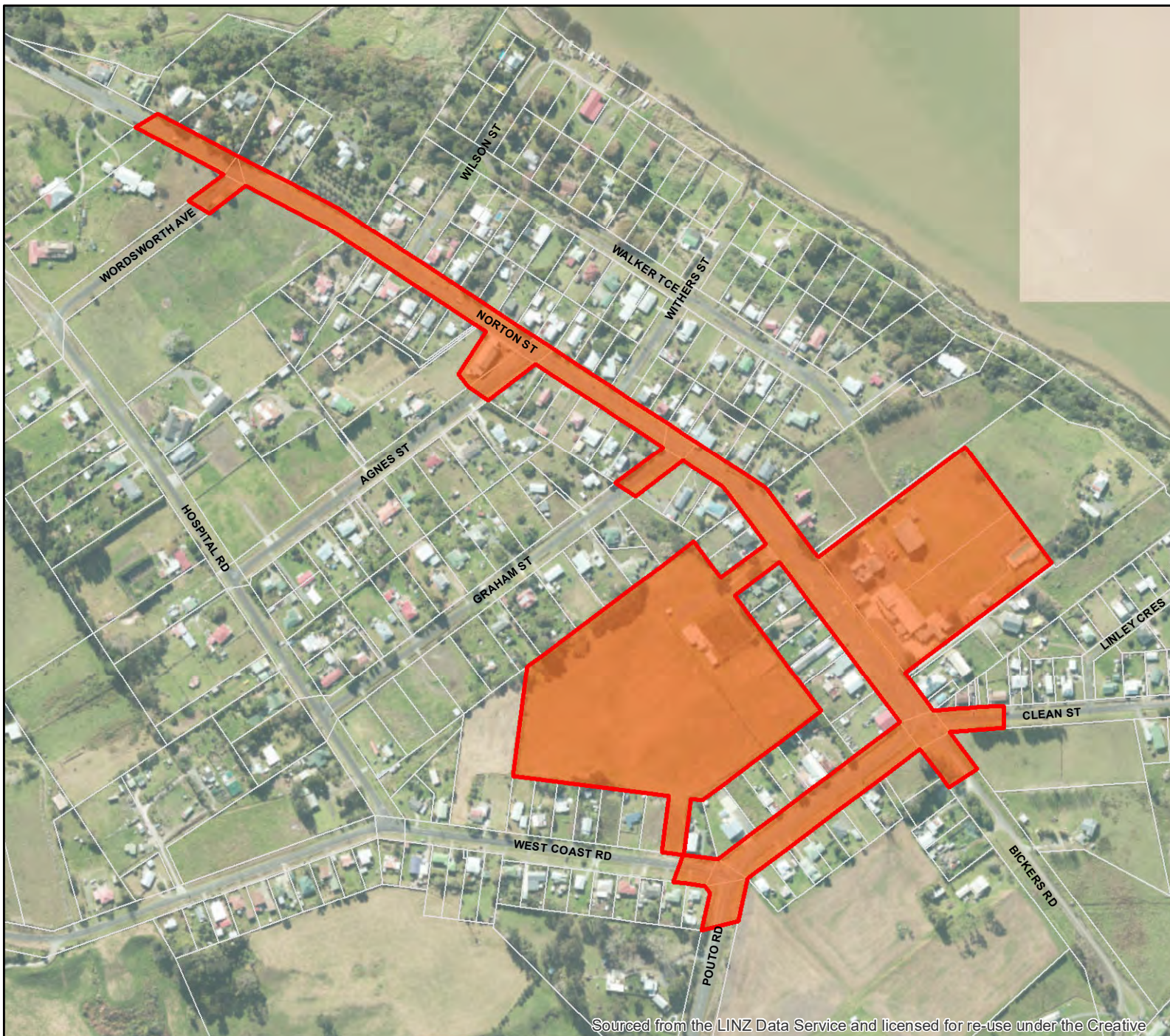
# MAP FOUR - TE KOPURU ALCOHOL CONTROL AREA

 Alcohol Control Area

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




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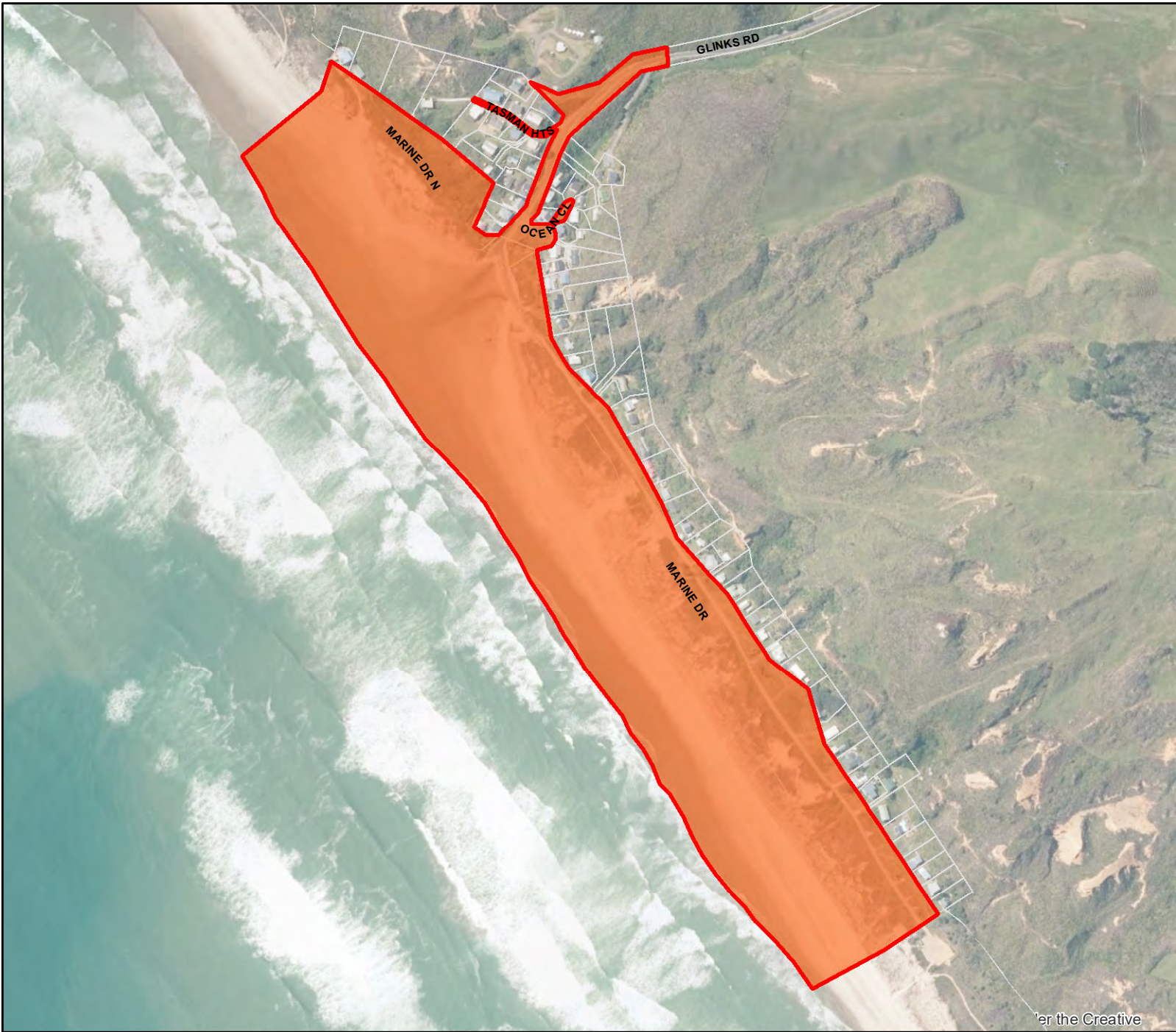
# MAP FIVE - POUTO ALCOHOL CONTROL AREA

 Alcohol Control Area


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



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# MAP SIX - GLINKS GULLY ALCOHOL CONTROL AREA


 Alcohol Control Area

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



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# MAP SEVEN - BAYLYS BEACH ALCOHOL CONTROL AREA

 Alcohol Control Area

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




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# MAP EIGHT - OMAMARI ALCOHOL CONTROL AREA

 Alcohol Control Area


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



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# MAP NINE - ARANGA ALCOHOL CONTROL AREA

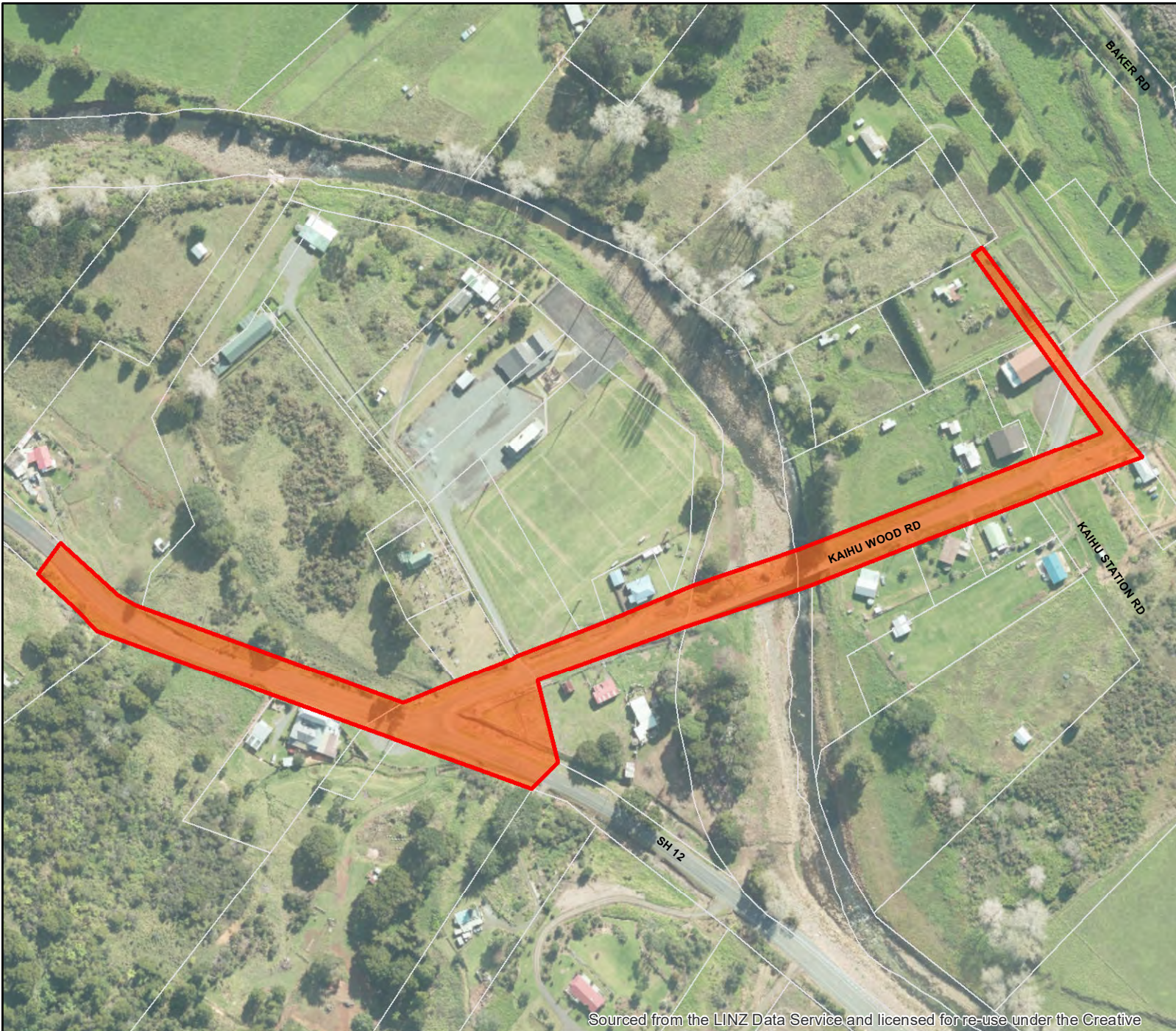
 Alcohol Control Area

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



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## MAP TEN - KAIHU ALCOHOL CONTROL AREA



Alcohol Control Area

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




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# MAP ELEVEN - TINOPAI ALCOHOL CONTROL AREA

 Alcohol Control Area

Operative Times:  
8:30pm to 7:00am the following day all year round.



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# Communications and Engagement Plan Alcohol Control Bylaw and Alcohol control Area rollout.

## 1 Executive Summary

The Council has heard the views of the community about proposed alcohol control areas. It is important people are aware of the key elements of the Alcohol Control Bylaw, and any changes to the times, areas and locations now controlled by the bylaw.

Two press releases covering specific changes (Mangawhai and Tinopai) will be sent to the respective local papers, along with information on the wider idea behind a control area and where to get more information (Council website). Schools will be informed of their changes

## 2 Key Messages

Key Area	What	How
Alcohol Control Areas	Definition - People cannot drink or possess alcohol in a public place within an alcohol control area, whether in the open or in a car. This does not apply to the lawful transportation of alcohol.	Add to website, social media, and all press releases
Mangawhai	Change in time applies 24hours a day starting at 8.30pm on 22 December through to 7.00am on 13 January the following year. 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year.	Story in the Mangawhai Focus Updated signage Poster for community notice boards/shops/areas/police station
Dargaville / Te Kopuru	Inclusion of schools and extension to include the rest of Victoria Street and Finlayson Park Avenue. Times remain the same at 24hours a day all year round. Te Kopuru addition of school and Council reserve behind residential housing. Time remains the same with 8.30pm to 7.00am every day of the year.	Letters to Board of Trustees and Ministry of Education
Tinopai	New alcohol control area situated in Tinopai being from 8.30pm to 7.00am all year round.	Story in the Kaipara Lifestyler
Exception process	Council can provide exemptions under certain circumstances. Applications for consents for this must be made to Council and may or may not be granted.	Add to the aforementioned stories, information to website and social media



**File number:** 3216.0 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **October 2018**  
**Subject:** **Recommendation from Taharoa Domain Governance Committee for a Proposed Taharoa Domain Bylaw**  
**Date of report:** 16 November 2018  
**From:**  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

Under the Taharoa Domain Governance Committee Terms of Reference (the Terms of Reference, **Attachment 1**), the Taharoa Domain Governance Committee (the Committee) is delegated to make recommendations to Council on the development of bylaws for the effective management of the Domain. The Committee is recommending to Council to consider and adopt for public consultation - the proposed Bylaw and Statement of Proposal, **Attachment 2**, as per the resolution at their meeting on the 15 November 2018. A Communications Plan has also been provided with this agenda, **Attachment 3**.

The proposed Bylaw is to help with the day to day Management of the Taharoa Domain and give effect to the Kai Iwi Lakes (Taharoa Domain) Reserves Management Plan 2016 (RMP). Council has already had the opportunity to provide feedback on the Bylaw and Statement of Proposal and a legal review has been undertaken.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Policy Planner's report 'Recommendation from the Taharoa Domain Governance Committee for Proposed Taharoa Domain Bylaw' dated 16 November 2018 and its Attachments 1 to 6; 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 *Adopts for public consultation - the Statement of Proposal for the Taharoa Domain Bylaw and associated draft Bylaw as presented in the circulated Attachment 2 of the aforementioned report; and*
- 4 *Delegates to the Taharoa Domain Governance Committee including representatives from Te Roroa and Te Kuihi, the responsibility to hear submissions and make recommendations on the final Taharoa Domain Bylaw to Council with the Mayor acting as Chair.*

### **Reason for the recommendation**

The Taharoa Domain Governance Committee has the authority to recommend to Council on the development of bylaws affecting the Taharoa Domain. The Committee is recommending to Council the proposed Bylaw and associated Statement of Proposal to be adopted as a draft to go through the Local Government Act 2002 consultation process.

### **Reason for the report**

This report is to give effect to a resolution from the Committee passed at its 15 November 2018 meeting. It was resolved to recommend to Council a draft Bylaw and Statement of Proposal for public consultation, **Attachment 2**. **Attachment 4** to this report contains a copy of the Committee's agenda item and **Attachment 5** has the unconfirmed Committee minutes from the 16 August 2018 Committee meeting. **Attachment 6** contains the unconfirmed minutes from the 15 November 2018 Committee meeting.

### **Background**

The RMP was adopted in September 2016. This document sets the 10 year Management direction for the Taharoa Domain. This includes the protection of the Lakes from biosecurity risks, protecting and minimising adverse effects from vehicles on sensitive environments and cultural significant heritage and sites. **Attachment 4** to this report is the agenda report to the Committee's recommendation on the proposed Bylaw at its August 2018 meeting.

The proposed Bylaw was workshopped with the Council at a Council briefing session on 01 November 2018 and Council provided feedback on the proposed Bylaw. A legal review was also undertaken which resulted in minor changes. As a result of the changes made from Councillor feedback and the legal review the draft Bylaw was taken back to the Committee for endorsement to recommend the attached Statement of Proposal (including the draft Taharoa Domain Bylaw).

### **Issues**

The RMP provides direction on the management of the Taharoa Domain. The proposed bylaw provides for a mechanism to give effect to this direction. In the absence of the bylaw there are no enforcement options to compel people to comply with the direction in the RMP.

The draft Bylaw has been through a legal review and has been amended accordingly. The changes in wording do not detract from the intent of the draft Bylaw and have been made to reduce duplication between the Bylaw and the enforcement provisions of the Reserves Act 1977.

Hearings and deliberations will need to be held once submissions have been received on the proposed Bylaw. It is proposed that this is undertaken by a Panel.

### **Factors to consider**

#### ***Community views***

Consultation under s83 and s86 of the Local Government Act is required. It is through this process that Council will be able to obtain the views of the community. In anticipation there is a potential for Council to receive submissions that are out of scope, a detailed consultation plan has been provided to Council, **Attachment 3**.

### ***Policy implications***

This proposal is considered to be significant under Council's Significance and Engagement Policy. Also under the Local Government Act 2002 it is considered to be significant to warrant the use of s83 the special consultative procedure.

### ***Financial implications***

Some signage will be required to convey the direction proposed within the Bylaw. It is foreseen that enforcement of the Bylaw may require additional resources over the summer period, which may incur additional costs. However this could also be potentially covered through existing arrangements with Wardens that are situated at the Lakes over the summer period.

### ***Legal/delegation implications***

The Bylaw has undergone a review by internal staff and a legal review by Council's lawyers and is considered to be fit for purpose.

### **Options**

**Option A:** Adopt Statement of Proposal including draft Bylaw as presented.

**Option B:** Adopt Statement of Proposal including draft Bylaw with modifications.

**Option C:** Not adopt the Statement of Proposal and draft Bylaw.

### **Assessment of options**

Option A: This option will give full effect to the recommendation by the Committee in its entirety.

Option B: This option recognises that Council may have a different view on what should be included within the draft Bylaw while still recognising that a bylaw is required. Council will need to be clear on the reasoning behind the proposed changes so this can be reflected in the Statement of Proposal prior to going out to consultation. This option may require the proposal to be brought back to Council prior to a final Statement of Proposal and draft Bylaw are formally adopted by Council for consultation.

Option C: This option will require very careful consideration as to the reasons for not adopting the proposal in any form. This will need to be taken back to the Committee with this explanation.

### **Assessment of significance**

This is considered to be significant in terms of Council's Significance and Engagement Policy as it is anticipated that there will be a high level of public interest in the proposal. A Communications Plan has been provided as part of this agenda item for Council to consider and make comments on. The Communications Plan can be found in **Attachment 3** to this report.

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Advertise the Statement of Proposal for consultation. Consultation is proposed to be undertaken during December and January 2018/2019 to capture users and visitors of the Domain. Hearings and deliberations

are proposed to be undertaken in February with the final Bylaw adopted in March/April 2019. Final sign off will need to be gained by the Minister of Conservation or their nominated representative before Council can make the Bylaw operative and enforceable. To make the Bylaw operative a public notice will need to be placed stating when the Bylaw comes into force.

### **Attachments**

- Attachment 1: Taharoa Domain Governance Committee Terms of Reference
- Attachment 2: Statement of Proposal including proposed draft Taharoa Domain Bylaw
- Attachment 3: Consultation Plan
- Attachment 4: Taharoa Domain Agenda Report from 16 August 2018
- Attachment 5: Unconfirmed minutes from 16 August 2018 meeting
- Attachment 6: Unconfirmed minutes from 15 November 2018 meeting



## Taharoa Domain Governance Committee Terms of Reference

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<b>Reports to:</b>	Full Council
<b>Chair:</b>	Ric Parore (to be rotated at the first meeting following 01 July each year)
<b>Membership:</b>	Alan Nesbitt, Councillors Karen Joyce-Paki and Andrew Wade
<b>Meeting frequency:</b>	Four times a year
<b>Quorum:</b>	Three

---

### Purpose

To govern Taharoa Domain in accordance with the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) and any legislative framework.

### Responsibilities

- Implementing the RMP;
- Initiating a review of the Master Plan for the Domain when appropriate but at least every 10 years;
- Meeting all statutory requirements associated with the management and administration of the Domain;
- Submitting to the Annual Plan and Long Term Planning process;
- Monitoring the natural environment at Taharoa Domain and the Kai Iwi Lakes and reporting any issues or concerns to Council;
- Overseeing the management of the Kai Iwi Lakes camp grounds;
- Agreeing terms and conditions with external organisations for the use of the Domain.

### Delegations

- Manage the financial affairs of the Taharoa Domain;
- Apply for funding from external sources for the enhancement of the Domain;
- Administer any Kaipara District Council bylaw or regulation associated with the Domain;
- Make recommendations to the Kaipara District Council for the development of policies, bylaws or other regulatory tools for the effective management of the Domain.

## **Membership**

Two Kaipara District Councillors, one representative appointed by Te Roroa and one representative appointed by Te Kuihi.

## **Chair**

The Chair of the Committee will rotate amongst members on an annual basis with a new Chair being selected at the first meeting following 01 July each year,

## **Communications**

- The Committee Chair is the authorised spokesman for the Committee in all matters where the Committee has a particular interest;
- Committee members, including the Chair, do not have delegated authority to speak to the media on behalf of Council on matters outside the Committee's interest;
- Council's Governance, Strategy and Democracy Team will manage and support formal communications between the Committee and Council, and for the Committee in the exercise of its business.

## **Conduct**

The Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members Interest) Act 1968 and Kaipara District Council's Standing Orders and Code of Conduct.

## **Remuneration**

- Elected members will be reimbursed in accordance with the determination set by the Remuneration Authority under s255(5) and clause 18 of Schedule 15 of the Local Government Act 2002 and Council's Current Elected Members Expenses Policy;
- External members will be reimbursed their travel to and from duly called meetings of the Committee in line with Council's Current Elected Members Expenses Policy.

## **Funding and budgets**

Funding for the Committee will align with Council's Annual and Long Term Plans.

**Kaipara District Council**

**Statement of Proposal**

**Taharoa Domain Bylaw 2018**

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DRAFT

# Statement of Proposal

## 1 Executive summary

Taharoa Domain is a 538 hectare recreation reserve vested in Kaipara District Council (Council/KDC). The Domain features three lakes: Lake Taharoa, Lake Waikare and Lake Kai Iwi (the Lakes). The Lakes are a popular destination for a range of recreational activities and also recognised by NIWA for their ecological and water quality values. The recreational use of the Lakes is growing and anticipated to continue to do so. Council, as the administering body of the reserve, has an obligation under the Reserves Act 1977 to ensure the management of the reserve reflects the protection of the reserve's values.

Kaipara District Council undertook a review of the Taharoa Domain Reserve Management Plan (January 2002) in 2015 and adopted a new Reserves Management Plan in September 2016. The Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (2016) (the RMP) restricts the use of powerboats (power-driven vessels) specifically on Lake Waikare, unless authorised for safety for events, scientific and research purposes, or for management operations. The RMP allows only one boat ramp into Lake Taharoa and one for Lake Waikare but does not allow any for Lake Kai Iwi. The proposed bylaw has been created to implement the RMP policy objectives.

The Northland Regional Council (NRC) has a Navigational Bylaw that manages the water-based activities on Lake Taharoa are not covered by this bylaw.

### Cultural values – iwi relationship

Owing to a close, long standing relationship with the Lakes and surrounding land, Mana Whenua regard them as a taonga and important food source. Te Roroa, and Te Kuihi and their associated whanau, and hapu have lived around the Lakes, fishing and carrying out other customary practices there, such as burying their dead. Two urupa are identified around the Lakes and a pa site overlooks Lake Kai Iwi from just outside the legal boundaries of the reserve. Mana Whenua and Tangata Whenua's long standing relationship with Kai Iwi Lakes and the wider surrounding area has been varied and ongoing. This status was recognised in a Treaty of Waitangi claim that included land embodied in Kai Iwi Lakes. In numerous places in its report The Waitangi Tribunal recognised that the Kai Iwi Lakes were, and still are, an essential mahinga kai for Te Roroa.

The Committee seeks, through the RMP, to manage Kai Iwi Lakes for the future in a way that respects the past, as well as reflects the wishes of present generations. Part of respecting the past is to honour the vision for the Lakes that has been inherited from Te Roroa, Te Kuihi and Parore Te Awha – that the Lakes are open to all to enjoy, that no one has exclusive use, and that no use should compromise the pristine nature of the place and its enjoyment by others. Acknowledging the mana whenua status of Te Roroa and Te Kuihi also reflects this.

An aim within the RMP is that the relationships of "Tangata Whenua and other peoples, their history, culture and traditions will be reflected and acknowledged in how Kai Iwi Lakes is developed and cared for".

## Ecological values

The Lakes have been identified as having high ecological significance in the Department of Conservation's (DOC) Protected Natural Areas Programme, with four ecological units in total identified for protection. Combined the Lakes have 60 Ha of land environments that are priority for protecting rare and threatened native biodiversity. All three Lakes have been identified by NIWA as having 'Outstanding' native biodiversity value, which means they are nationally important, containing a diverse indigenous biota with sustainable populations of endangered species. In 2010, the three Lakes were all ranked in the top 70 for ecological value of 255 Northland wetlands and in the top 20 for specifically lake type wetlands. All three Lakes were classed as having 'Excellent' ecological condition in 2005 and 2007 based on their submerged plant communities (LakeSPI), however, only Taharoa was excellent in 2011, with both Waikare and Kai Iwi deteriorated to having 'high' ecological condition. Six native fish species in total have been recorded from the three Lakes. The endangered dune lake galaxias (DLG) is the most significant, as it is only found in the Kai Iwi Lakes. Formerly present in all three Lakes, it is now apparently confined to Lakes Waikare and Taharoa. At least 15 different species of water birds have been recorded on the Kai Iwi Lakes in the past, including species that are regionally and nationally significant.<sup>1</sup> Lakes Taharoa, Waikare and Kai Iwi are all ranked as outstanding by NIWA in their Northern Lakes Ecological Status Report 2012. Individually they each have their separate characteristics, however collectively they form what is a unique and outstanding natural environment. These closely situated lakes are some of the most pristine dune lakes in Northland. The three lakes are classified as window dune lakes (Timms, 1982), meaning they sit within the water table and are fed by both rainfall, springs and overland flows. There is a possibility that Lake Kai Iwi is a Perched dune lake, sitting above the water table.<sup>2</sup>

Between them, the Lakes support 27 native plant species, including four rare natives.<sup>3</sup> At least 35 indigenous aquatic plants have been recorded in the lakes over the last 30 years, many of which are nationally or regionally significant.<sup>4</sup>

Invertebrates are of interest in lake systems as indicators of lake health. They are generally very sensitive to poor water quality. In the case of these Lakes, the presence of koura/kewai in Waikare and Taharoa is a sign of the excellent water quality of these lakes as koura/kewai cannot tolerate less than clean water. Likewise, the Diptera midge, Ceratopogonidae in Lake Kai Iwi. These are signs of good lake health and mauri. The relative age of the Kai Iwi Lakes has allowed the DLG fish species to diverge genetically and morphologically. Other species such as koura/kewai (freshwater crayfish) are distinct in their morphology for the same reason. DLG are now locally extinct in Lake Kai Iwi where they were present in the past.<sup>5</sup>

Water quality sampling occurs quarterly in February, May, August and November. The NRC/NIWA ecological surveys will continue every five years with weed surveillance annually. NRC is undertaking an aggressive programme of catchment weed management at the Lakes, including wilding pine and nitrogen fixing weeds such as brush wattle and gorse.<sup>6</sup>

<sup>1</sup><https://www.kaipara.govt.nz/site/kaiparadistrictcouncil/files/pdf/TDGC/NRC%20Outstanding%20Waterbodies%20KI%20Lakes%2020130219.pdf>

<sup>2</sup> <https://www.nrc.govt.nz/media/9537/kaiwilakesmanagementplanwebsite.pdf>

<sup>3</sup> Ibid

<sup>4</sup> Supra n.1

<sup>5</sup> Ibid

<sup>6</sup> Ibid

## Economic Values

Taharoa Domain is an exceptional place, boasting a fascinating cultural history, outstanding landscape values, a fast recovering ecology and water quality that is amongst the highest of any dune lakes in New Zealand. Collectively these characteristics give the Domain a distinctive identity that is unmatched elsewhere in the country and helps to build Kaipara's economy.

The Domain is a much loved destination for day visitors and campers, with many families having a relationship with the place that goes back to the early times of its formation as a reserve. It is not uncommon for camping groups to consist of three generations staying together.

An aim of the RMP is that the Lakes will be promoted and developed as an educational, scientific and tourist destination. Promotion will therefore be managed in a way that encourages a spectrum of resources that support its stewardship. Economic development objectives recognise the need to increase revenues from sources other than Council and to encourage sponsorship and partnerships which contribute resources in cash and/or kind. The camp ground is being developed and managed to achieve improved revenue.

## 2 Statutory requirements

Council has the ability to put in place a bylaw to give effect to an RMP under the Reserves Act 1977.

### 2.1 Reserves Act 1977

The relevant parts of s106 of the Reserves Act 1977 allows the administering body (subject to the approval by the Minister of Conservation) of a reserve to make bylaws for the provision of:

- The management, safety, preservation and use of the reserve or any part thereof and the preservation of the flora and fauna and the scenic, historic, archaeological, biological, geological, or other scientific or natural features therein, and for the preservation of the natural environment;
- Prescribing the conditions on which persons shall have access to or be excluded from any reserve or any part of a reserve, or on which persons may use any facility (including any building) in a reserve, and fixing charges for the admission of persons to any part of a reserve and for the use of any such facility;
- Regulating the times of admission thereto and exclusion therefrom of persons, horses, dogs, or other animals, and vehicles or boats or aircraft or hovercraft of any description;
- The control of all persons, horses, dogs, and other animals, and vehicles or boats or aircraft or hovercraft of any description using or frequenting a reserve;
- Prescribing conditions on which persons may be permitted to enter and remain on any wilderness area within a reserve;
- Generally regulating the use of a reserve, and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the reserve.

Section 107(a) of the Reserves Act 1977 states that the procedure for making bylaws is in the same manner as that in which the local authority is authorised by law to make bylaws (as outlined below).

## 2.2 Local Government Act 2002

Kaipara District Council is authorised to make bylaws under the Local Government Act (LGA) 2002 under s145-154. Section 146(b)(vi) of the LGA 2002 states *‘a territorial authority may make bylaws for its district for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss or for preventing the use of, the land, structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the territorial authority.’*

Section 155 of the LGA 2002 requires that a local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem. If the local authority determines that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:

- (a) Is the most appropriate form of bylaw; and
- (b) Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Section 156 of the LGA 2002 also requires the Council to follow the special consultative procedure when making a new bylaw.

Section 157 of the LGA 2002 sets out the requirements for public notice of the bylaw once it is made.

Section 158 of the LGA requires a bylaw to be reviewed within five years of being made, and pursuant to s159 every 10 years thereafter.

Section 160 of the LGA 2002 sets out the review process.

## 3 Reason for proposal

The reason for the proposed bylaw is to provide an over-arching enforceable management tool to give effect to the RMP. The RMP contains policy objectives and proposed actions that support the need for the bylaw. This provides for the implementation of the direction set down in the RMP. The RMP sets objectives and actions under Aim 2: Cultural, Aim 3: Environment and Aim 4: Recreation. This includes:

- 1) Restricting motorised boats (power-driven vessels) on Lakes Waikare and Kai Iwi to those power boats that have been specifically authorised:
  - a) as safety vessels for events;
  - b) for scientific and research purposes; or
  - c) for management operations while allowing non-motorised boat activities to occur.
- 2) Controlling vehicle movements to ensure that vehicles are not driven or parked inappropriately so as to compromise the environmental, archeological and cultural values of the Domain; and
- 3) To support biosecurity checks.

Under s155 of the LGA 2002 Council must determine if a bylaw is the most appropriate form to address the issues faced by Council. In this case is, it the appropriate form to give effect to the RMP. If it determines that a bylaw is required, it must determine whether it gives rise to any implications under the Bill of Rights Act 1990. Attached is a copy of the proposed Bylaw (**Attachment A**).



#### **4 Current situation**

Managing recreational activities across the Domain requires clear rules as different recreational pursuits can clash if not managed properly. The adopted RMP gives direction on what activities should be encouraged in specific areas and which should be restricted. A bylaw is needed to give effect to the actions of the RMP as they are not legally enforceable in their own right. The Reserves Act 1977 allows Council to control the use of boats on the Lakes and vehicles within the Domain.

#### **5 Outcomes sought**

The overall direction for the Domain, as articulated through the RMP, is one that recognises the Lakes as a taonga with intrinsic environmental and ecological values, that are to be used and enjoyed by Kaipara residents and visitors in a safe and respectful manner that does not damage cultural heritage or ecological values of the Lakes.

#### **6 Relevant bylaw determinations**

A bylaw is considered the most appropriate way of giving effect to the direction set out in the RMP. The outcomes sought and the appropriate mechanisms to help deliver the outcomes have been considered. The analysis has been undertaken with regard to the following:

- The purpose of the bylaw is to supplement (and not duplicate) the obligations of people under national legislation or under bylaws such as the Northland Regional Council Kai Iwi Lakes Navigational Bylaw;
- The bylaw is in line with what Council can put in place under the Reserves Act 1977;
- The bylaw gives effect to the management direction within the RMP;
- The bylaw is only one part of the overall approach to address a perceived problem and to ensure strategic alignment of Council's and other agencies' objectives of achieving sustainable management of natural and physical resources;
- A bylaw to address a problem needs to be considered in the context of resources within Council and how enforcement can be achieved in a practical and efficient approach.

Section 77 of the LGA 2002 requires Council to investigate all options that may be useful in achieving the object of its decision.

The options considered by Council are:

- a) Do nothing/status quo.
- b) Use monitoring and education to identify any issues and encourage the public to consider the impacts of power-driven vessels and other vessels on the Lakes and vehicles on the surrounding area and how to best manage any potential harm to the ecological and cultural values attached to the Lakes and their surrounds;
- c) Regulation through the RMP and KDC bylaw.
- d) Combination of regulation through the RMP and KDC bylaw with an associated education campaign and monitoring of compliance. The analysis in this SOP has considered the overall direction for the

reserve as displayed in the RMP and how this could be achieved through the three options outlined above.

- Option A: Do nothing/status quo

Doing nothing means Council is not giving effect to the RMP's policy objectives. A need to provide mechanisms to regulate the use of the Lakes and Domain has been identified as essential by the Taharoa Domain Governance Committee, Council Officers, NRC and Mana Whenua.

- Option B: Monitoring and education

While education and monitoring are important aspects to achieve behavioural change, a bylaw allows Council to legally enforce this change using their available resources. The increasing number of visitors, including international, would require considerable resources, both human resources and additional multi-lingual signage and promotional material to educate users of the Domain. This would be an expensive cost to Council. Section 106 of the Reserves Act 1977 allows for the use of bylaws for the management, safety, preservation and use of the reserve and for the preservation of the scenic, biological, geological or other natural features and for the preservation of the natural environment. This section of the Act also specifically allows for a bylaw to control vehicles and boats of any description using or frequenting the reserve.

- Option C: Regulation through a bylaw

By having a bylaw in place means that the objectives of the RMP can be given effect to. The bylaw can restrict the power-driven vessels as outlined in the RMP; control vehicle movements so as not to compromise the environmental, archeological and cultural values of the Domain; and support biosecurity checks that are mentioned within the RMP.

A bylaw contains clear rules and provides enforcement mechanisms that would not be available through education or guidelines. In the absence of a bylaw it is difficult to take action that is contrary to the management direction within the RMP.

- Option D: Combination of regulation through the RMP and KDC bylaw with an associated education campaign and monitoring of compliance.

This would give a well-rounded response to implementing the RMP and will provide information to inform future reviews.

Following that analysis Council considers that:

- A bylaw is considered the most appropriate, reasonable and practical option of dealing with the issues facing the Domain, in conjunction with monitoring and education;
- This provides certainty and clarity as to what is expected with the use of power-driven vessels on Lake Waikare and Lake Kai Iwi and for appropriate places vehicles can go within the Domain;
- The bylaw also provides a clear and enforceable solution to give effect to the RMP and ensures KDC is meeting its legislative requirements. In particular, the bylaw provides an easy way to address breaches in the management approach outlined in the RMP;
- The bylaw gives effect to the aims, objectives and actions of the RMP;

- The bylaw is the most appropriate form of KDC bylaw and should be notified for public submission;
- The bylaw does not give rise to any implications under, and is consistent with, the Bill of Rights Act 1990, as the controls are reasonable and justifiable in the circumstances allowed for in s5 of the Bill of Rights Act 1990;
- Monitoring will help provide further guidance when the bylaw is reviewed; and
- Education is important to help people understand what is being protected and why.

Kaipara District Council, as the administering body, has an obligation to ensure the values of the Domain are reflected in the management of the Reserve.

### ***Relationship with the Northland Regional Council Kai Iwi Lakes Navigational Bylaw***

Northland Regional Council has recently adopted a Navigational Safety Bylaw for the Kai Iwi Lakes. This bylaw applies to Lake Taharoa only. Lake Taharoa is not included in this proposed bylaw.

The bylaw also provides a clear and enforceable solution to the identified problems and ensures KDC is meeting its legislative requirements.

Taking into account the information above it is submitted that the appended draft Taharoa Domain Bylaw 2018 would be the most appropriate, reasonable and practical option of dealing with the issues facing Lake Waikare, Lake Kai Iwi and the surrounding Domain.

## **7 Consultation**

Under s83 of the LGA, Council will need to invite public submissions on the proposal. It is proposed written submissions must be received by Council by 4.30pm **DDMM** 2018. All submitters who request a Hearing will be advised of a date and time when they can present their views to Council.

## **8 Draft Taharoa Domain Bylaw 2018**

Section 86 LGA requires a SOP to include a copy of the Draft Bylaw. **This is attached below.**



# **Kaipara District Council**

## **Taharoa Domain Bylaw 2018**

DRAFT

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**Relationship of this bylaw with other Council bylaws:**

This bylaw does not negate the need to comply with provisions of other relevant Council bylaws. This bylaw should be read in conjunction with other Council bylaws, particularly Council's Consolidated General Bylaw which include rules around fires and litter.

**Taharoa Domain Bylaw 2018**

Pursuant to the Local Government Act 2002 and the Reserves Act 1997, the Kaipara District Council makes the following bylaw.

**1 Title**

This bylaw shall be cited and referred to as the Taharoa Domain Bylaw 2018.

**2 Application**

The provisions of this bylaw shall apply to the Taharoa Domain (the Domain) and activities on Lake Waikare and Lake Kai Iwi which are located within the Domain. Kaipara District Council does not govern water-based activities on Lake Taharoa as these are governed by the Northland Regional Council's Kai Iwi Lakes [Navigational Safety Bylaw](#) under jurisdiction of Maritime Transport Act Enforcement Officers. Kaipara District Council however does govern land-based activities situated around Lake Taharoa under this bylaw.

Which Council bylaw	Lake	Types of activities
Northland Regional Council Navigational Safety Bylaw (made under the Maritime Transport Act 1994)	Taharoa	Regulates, controls and manages all water based activities eg navigation matters, water skiing, boat use etcetera
Kaipara District Council Taharoa Domain Bylaw (made under the Reserves Act 1977 and the Local Government Act 2002)	Taharoa	Land based activities that surround the Lake, including parking, boat ramps and pre-launching biosecurity checks.
	Waikare and Kai Iwi	Control of water-based activities eg use of boats on the water and land-based activities that surround the Lake, including parking, boat ramps and pre-launching biosecurity checks.

Explanatory Note: The Kaipara District Council Bylaw is to complement rather than duplicate the Northland Regional Council Navigational Bylaw for the Kai Iwi Lakes which is made under the Maritime Transport Act 1994, as opposed to the Reserves Act 1977.

### 3 Objectives

The objectives of this bylaw are:

- (a) To protect the cultural, environmental, and social values, of Lake Waikare, Lake Kai Iwi and their surrounds within the Domain as set out in the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (the RMP).
- (b) To protect the safety of the recreational users on the Lakes and within the Domain.
- (c) To enable Kaipara District Council to implement the policies of the RMP.
- (d) To enable Kaipara District Council, as the administering body of the Domain, to meet its requirements under the Reserves Act 1977.
- (e) To provide for the authorising of boats for safety and research purposes, as per the RMP.

#### Explanation

The RMP contains aims that have been grouped into Management areas. The objectives relate to:

AIM 1: COLLABORATION: Local Government and tangata whenua will co-govern Kai Iwi lakes and inspire others to share in its care.

AIM 2: CULTURAL: The relationships of tangata whenua and other peoples, their history, culture and traditions will be reflected and acknowledged in how Kai Iwi Lakes are developed and cared for.

AIM 3: ENVIRONMENTAL: Completing our knowledge about Kai Iwi Lakes will enable effective protection and enhancement of its natural environment and pristine waters.

AIM 4: RECREATION: A diverse range of recreational activities which are compatible with the cultural and ecological values of Kai Iwi Lakes, will be available for all visitors.

AIM 5: ECONOMIC DEVELOPMENT: Kai Iwi Lakes will be promoted and developed as an educational, scientific and tourist destination.

AIM 6: RESOURCES: Kai Iwi Lakes and its promotion will be managed in a way that encourages a spectrum of resources that support its stewardship.

Each of these aims are supported by their own objectives and actions. The bylaw should not be inconsistent with these objectives and actions in the RMP.

Explanatory Note: **Cultural values** are instruments by which Mana Whenua view, interpret and make sense of the world (Marsden 1988) and are derived from traditional Māori beliefs. The universal values and beliefs for the Lakes are connected to land, water and air and are essential ingredients of life that are to be respected, cherished, and sustained. Everything within the cultural perspective has a life force, called mauri, and any degradation of natural resources is seen to diminish the mauri or life force, and affect the well-being of all people utilising the Lakes and their surrounds. Traditional Māori values contain the common Māori belief that all biophysical things including plants, trees, animals and human beings are supported by values and practices expressed as tapu (sacredness), mana (status), and mauri. Ongoing governance over and connection to the Lakes and the cultural heritage they hold allows Mana



Whenua to uphold these cultural values. SEE Historical Overview (page 3) of the [Kai Iwi Lakes \(Taharoa Domain\) Reserve Management Plan 2016](#).

#### 4 Commencement

This bylaw comes into force on << Date >> subject to the approval by the Minister of Conservation pursuant to s108 of the Reserves Act 1988 or on such later date as that approval may be obtained.

#### 5 Interpretation

(1) In this bylaw, unless the context otherwise requires:

<i>the Act</i>	means the Reserves Act 1977.
<i>Council</i>	means the Kaipara District Council.
<i>the Domain</i>	means the Taharoa Domain.
<i>Ecological values</i>	means those values that contribute to the natural ecology of the Lakes and surrounding Domain and is noted within supporting documentation to the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP).
<i>Environmental Values</i>	means the environmental values highlighted within the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP) and supporting documentation to this RMP.
<i>Event</i>	means an organised temporary activity that takes place on one or more days including an organised competition, gathering, parade, protest, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon. For the purposes of this bylaw, sports practice or training is not an event.
<i>the Lakes</i>	means Lake Taharoa, Lake Waikare and Lake Kai Iwi.
<i>the Reserve Management Plan OR the RMP</i>	means the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP).
<i>Management operation</i>	means an activity considered necessary for the management of the reserve as determined by Council.
<i>Maritime Enforcement Officer</i>	means a person appointed as an Enforcement Officer under s33G of the Maritime Transport Act 1994.
<i>Officer</i>	means a) any ranger or constable; and b) any officer or employee of the Council who is authorised to exercise the powers of an Officer under Part 5 of the Act.

<i>Power-driven vessel</i>	means any vessel propelled by machinery.
<i>the Reserve</i>	means Taharoa Domain (a recreation reserve subject to the Reserves Act 1977).
<i>Shore</i>	for the purpose of this bylaw means the land between ordinary high- and low-water marks of the Lakes.
<i>Specifically authorised</i>	means permission is provided in writing by an Officer of the Council as the administering body of the Reserve. Including any conditions which they may set.
<i>Vessel</i>	means every description of a ship, boat or a craft used in navigation on the water, whether or not it has any means of propulsion and includes a: (a) seaplane while on the surface of the water; (b) personal watercraft (jet ski); (c) raft; (d) paddle craft; or (e) any board used for board sports.

- (2) Explanatory notes are for information only and do not form part of this bylaw.

## **6 Relationship to other Council bylaws**

This bylaw does not negate the need to comply with provisions of other relevant Council bylaws. This bylaw should be read in conjunction with other Council Bylaws, particularly Council's Consolidated General Bylaw which include rules around fires and litter.

## **7 Use of power-driven vessels**

No person may operate a power-driven vessel on Lake Waikare or Lake Kai Iwi unless the power-driven vessel has been specifically authorised under clause 11 as a:

- (a) safety vessel for an event; or
- (b) vessel for scientific and research purposes; or
- (c) vessel for management operations.

## **8 Use of boatramps**

- (1) All power-driven vessels and other vessels that require launching from a trailer must use the boatramp designated on the Map in Schedule A to enter Lake Taharoa. Power-driven vessels may not enter Lake Taharoa at any other place.
- (2) Use of power-driven vessels entering Lake Waikare is restricted. Power-driven vessels that have been specifically authorised as a safety vessel for events, or for scientific and research purposes or for management operations, in accordance with clause 12 below, may only enter the Lake subject to the following conditions:

- (a) Only the designated boat ramp at Lake Waikare is used (refer to Map A for boat ramp location);  
and
- (b) that any directions given by an Officer are followed.

No other power-driven vessels may enter Lake Waikare.

- (3) All other vessels may enter Lake Waikare at the designated boat ramp, or at any other place around the Lake, provided that the vessel does not pose a biosecurity risk and that no vehicle or trailer is driven on or across the shore (refer to Map A for boat ramp location).
- (4) No person shall move any vehicle on any boat ramp at a speed exceeding 5km.
- (5) No person shall leave any vessel trailer or motor vehicle on or near any boat ramp so as to obstruct the safe and reasonable use of the boat ramp by any other person.
- (6) No person shall launch and use any boat trailer other than in accordance with the requirements of this bylaw.
- (7) The Taharoa Domain Manager or Council's Chief Executive may make rules for the use of the boat ramps at the Taharoa Domain for safety reasons.
- (8) An Officer may refuse a vessel or power-driven vessel access to the Lakes if the owner or master refuses to undertake a biosecurity check upon request.

*Explanatory Note: Bio-security checks will be undertaken by the Northland Regional Council, the bylaw helps facilitate this process and promote the continual health of the Lakes. All vessels or power-driven vessels may be required to undertake the 'check, clean and dry' process to their vessel or power-driven vessel. Vessels that do not require launching from a boat ramp may still be required to undertake the 'check, clean and dry' process.*

## **9 Vehicle movements and parking**

- (1) No vehicle, other than an emergency vehicle, shall be driven on or along the shore except at the designated boat ramps.
- (2) Vehicles must not be driven anywhere in the Reserve other than on a formed road unless:
  - (a) It is within parking areas shown on the Map in Schedule A of this bylaw; or
  - (b) Directed by an Officer.
- (3) Vehicles can park on any parking area shown on the Map in Schedule A or within dedicated parking areas in the confines of either of the two camp grounds within the Reserve.
- (4) Designated drop-off zones as shown on the Map in Schedule A must be used to drop off people and equipment or other items. No vehicle (or trailer) shall be parked for more than 10 minutes in any drop-off zone next to a designated boat ramp.
- (5) An Officer may set aside an area for parking, or close a parking area, or declare an area to be a drop-off zone for the purposes of this bylaw.
- (6) An Officer may set aside an appropriate area to allow for biosecurity checks to be undertaken within the Reserve.

## 10 Powers of Council or any Officer

- (1) The Council or any Officer may close a boat ramp from time to time when considered necessary to protect the ecological values of the Lakes or for reasons of public safety and no person shall at this time use the boat ramp(s) without the consent of Council or an Officer.
- (2) The Council or any Officer may refuse vessel access to the Lakes if the owner or master refuses to undertake a biosecurity check upon request.
- (3) Where any vessel or power-driven vessel (or vessel trailer or motor vehicle) is on the Reserve, or is being used on the Reserve, in a manner contrary to this bylaw, and the owner or master of such vessel or vehicle does not comply when requested to do so or cannot be readily located, an Officer may authorise the removal of the vessel or vehicle to another place of reasonable safety, provided that he or she has first advised the person in possession (if any) of that vessel or vehicle.

***Explanatory Notes:*** *Relevant enforcement powers in Part 5 of the Reserves Act 1977 apply to this Bylaw. In particular:*

*Section 93(1) of the Reserves Act states, "Any officer may summarily interfere to prevent any actual or attempted breach of this Act or of any regulation or bylaw thereunder, and he or she may require any person found offending to desist from the offence. If any person when so required continues the offence, he or she commits a further offence against this Act."*

*Section 94(2)(b) of Reserves Act authorises an officer to request a person to remove an "illegal" vehicle or boat from the reserve, and it is an offence to fail or refuse to do so when requested.*

*In addition, the seizure and impounding provisions in sections 164 to 167 of the Local Government Act 2002 can be used in relation to breaches of this bylaw.*

## 11 Specific authorisation under this bylaw

- (1) Specific authorisation under this bylaw is required for the use of a power-driven vessel on Lake Waikare and Lake Kai Iwi and shall be given only for a safety-vessel for an event, or a vessel for scientific and research purpose or a vessel for management operations.
- (2) Any request for authorisation under this section shall be made in writing to Council at least 20 working days prior to the event, or when any scientific or management activities are proposed to occur.
- (3) Any such authorisation may be subject to such terms and conditions as the Officer giving permission thinks fit.

## 12 Offence and penalty

Every person who contravenes this bylaw commits an offence and is liable to the penalty set out in s104 of the Reserves Act 1977.

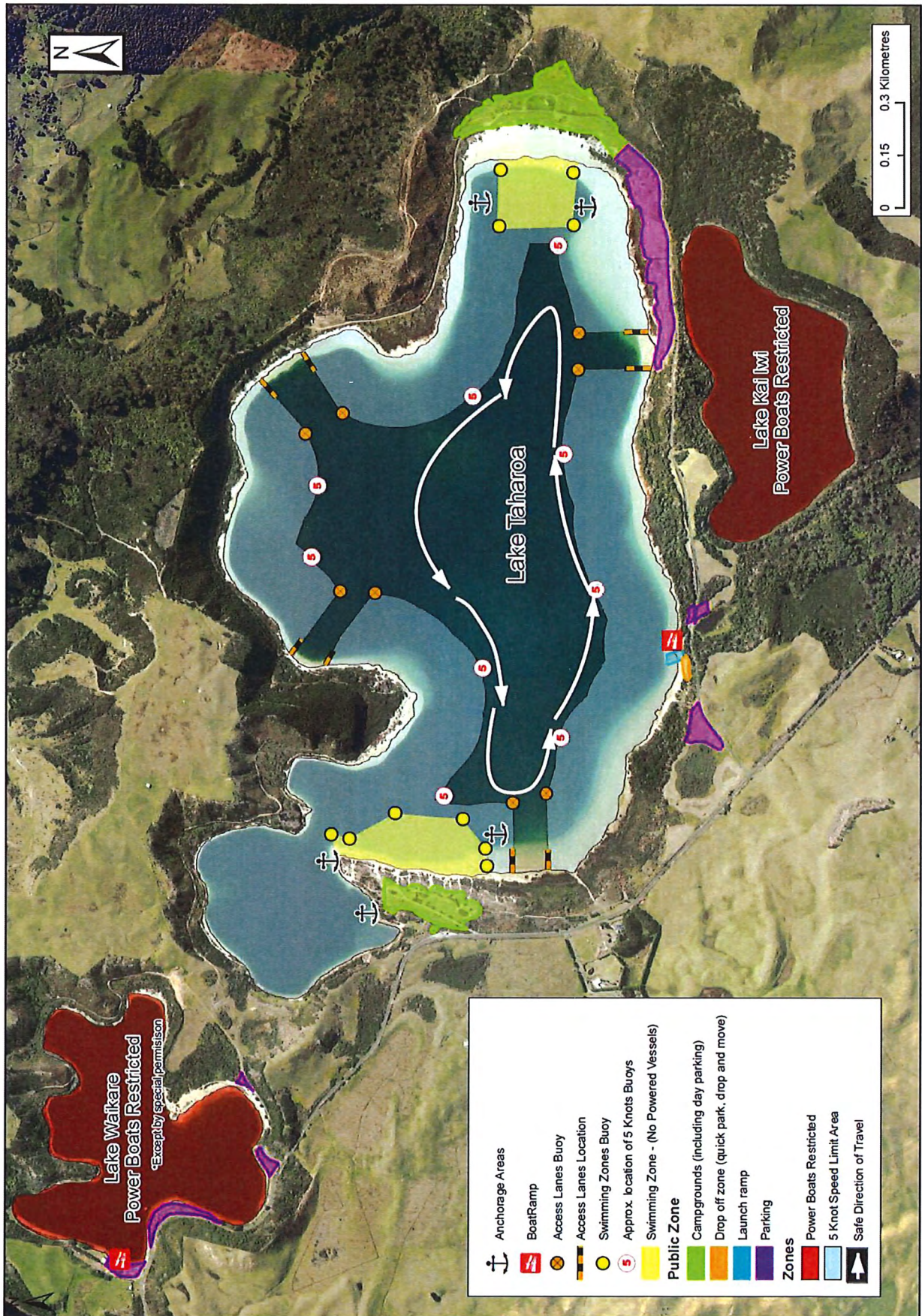
***To be added once approved.***

*The Bylaw was made by the Kaipara District Council by Special Consultative Procedure and confirmed at a meeting of Council held on ....*

*This Bylaw was approved by the Minister of Conservation on ... pursuant to Section 108 of the Reserves Act 1977.*

Schedule A – Map

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# Communications and Engagement Plan Taharoa Domain Bylaw

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draft

## 1 Executive Summary

We the Council need to hear the views of the community about a proposed Bylaw for the Taharoa Domain, so that Council can decide and make the Bylaw before the 2019/2020 summer when the bylaw is likely to be most needed. This will also seek to achieve and support the management direction within the Kai Iwi Lakes (Taharoa Domain) Reserves Management Plan 2016 (RMP).

A key part of this consultation is the management of what is up for discussion. Council will not be undertaking a review of the RMP (the document which sets the direction of the Domain). This bylaw looks to manage traffic, biosecurity risks, and make the restriction of power boats on Lake Waikare and Lake Kai Iwi enforceable.

## 2 Background

The project team consists of the following roles:

<b>Project management team</b>	<b>Name</b>
Executive Team Member	Fran Mikulicic
Project Manager/Business Analyst	Kathie Fletcher
Lead Contact	Paula Hansen
Subject Matter Expert	Paula Hansen
Support	Mark Schreurs

## 3 Budget

The project's estimated budget is:

**\$3000?**

## 4 Mana Whenua

Council is committed to maintaining strong relationships with Mana Whenua and Māori communities in the Kaipara. Ancestral ties give Te Roroa and Te Kuihi Mana Whenua status over the Lakes and their surrounds. Hence, they have an authority over these areas and a responsibility to act as kaitiaki (guardians).

When engaging with Mana Whenua and Māori, Council will reflect the agreements in place, such as the pending Mana Enhancing Agreement with Te Roroa and the Memorandum of Understanding (MoU) with Te Uri o Hau Settlement Trust, and the pending Mana Enhancing Agreement with Te Roroa. Council recognises the importance of its relationships with the identified Mana Whenua connected to the Lakes. We recognise there are other Māori groups within the district and will also seek to engage with them where this is needed. This will result in better quality decision-making and clearer processes.

## 5 Key Stakeholders



The audience is everyone that has an interest in the implementation of the proposed bylaw.

<b>Stakeholder</b>	<b>Their interest in the project</b>	<b>Level of input into the project</b>	<b>Status of relationship</b>	<b>Desired outcome</b>
<i>Northland Regional Council (NRC)</i>	Consistency with NRC Kai Iwi Lakes Navigational Bylaw and jurisdictional powers over the Lakes.	Reviewing for consistency between the proposed Bylaw and the NRC Kai Iwi Lake Navigational Bylaw.	Legislative role	Consistent bylaws
<i>Department of Conservation</i>	Administrator of the Reserves Act 1977.	Affected Party	Legislative role	Consistent bylaws
<i>Minister of Conservation</i>	Oversees the Reserves Act 1977 and needs final sign off from the Minister.	Final sign off under the Reserves Act 1977	Legislative role	Consistent bylaws
<i>Business stakeholders</i>	Impact on visitor numbers to the Lakes which in turn impacts the business they may get from the visitors.		-	-
<i>Users of the Lakes</i>	Area is a Public Place. Legislation requires Council to consult under s83 LGA and s86 LGA.	All of these are potential submitters to the proposed Bylaw. <ol style="list-style-type: none"> <li>1. Friends of the Kai Iwi Lakes</li> <li>2. Camp ground users</li> <li>3. Boating and other clubs who use the Lakes</li> <li>4. Local community</li> </ol>	Legislative role	Workable bylaw Abide by bylaw
<i>Harbour Master</i>	Enforces the Maritime Act for the Lakes.	-	Legislative role	-

## 6 Key Messages

List the key decisions / changes to be made

<b>Key decisions and changes</b>
New Bylaw
The Bylaw is to sit beside and complement the NRC Navigational Bylaw
That there are restrictions on power boats are on Lakes Waikare and Kai Iwi.
Controls around use of boat ramp
Controls around supporting Biosecurity Checks
Controls around where vehicles can be parked and what areas within the Taharoa Domain can be accessed by
Timeframes: what will happen next after submissions close.
2 – Month Consultation over December – January 2018/2019

## 7 Communication platforms

<b>Platform</b>	<b>Used for</b>	<b>When</b>
Paper copies of bylaw and submission forms available	Hui at Iwi offices and or marae	Prior to public consultation
News article and back page	Back page Mayoral update Media Release	Beginning of December 2018 – special Summer Lifestyler edition. Early January 2019 media coverage
e-newsletters	Email to community groups	Beginning of December 2018 and reminders beginning and end of January 2019.
Website	Dedicated page linked to Homepage. Link on Taharoa Domain Camp Ground webpage	Ready to go prior to consultation beginning.
Face-to-face formal meetings – Mayor and councillors	Interviews/meetings with stakeholders	Maybe tie in with the information days suggested below.
Dedicated e-mail address	Means for direct feedback	Needs to be set up prior to the consultation period.

Platform	Used for	When
Paper copies of bylaw and submission forms available.	To be made available at the camp ground	Ready to go prior to consultation beginning.
Kai Iwi Lakes information Days	Face to face conversations to talk to people about the Bylaw and any other ?other what?	2-3 individual Days out at the Kai Iwi Lakes over the summer period. May be able to tie in with other events or consultations that could occur over the same time period.

## 8 Communication programme

What we want our audiences to know, think and do as a result of the communication?

- Feel they have been heard and their views considered;
- Understand why Council has made the decisions;
- Come on board to assist Council in implementation (advocacy/volunteer action);
- Feel supported by Council in their actions.

Who	When	What	Why
Mana Whenua	Throughout consultation process	That the bylaw is being implemented to protect, enhance and manage the impact on the cultural values attached to the Lakes and surrounds.	To solidify an authentic relationship with Mana Whenua by enhancing mana, protecting mauri and upholding tapu.
Regular users of the Lakes	Throughout consultation process	That the bylaw is being implemented to protect, enhance and manage the demand visitors and users place on a fragile environment.	To minimise outrage, and re litigation of the power boats decisions of previous Councils.
Everyone	Throughout consultation process	Feel they have been heard and their views considered.	To ensure a spread of views and feedback is brought forward to the Council/Committee.
Everyone	Throughout consultation process	That the correct process has been followed even if they do not agree with the outcome.	To minimise judicial review.

## 9 Issues and Risks

Issue/Risk	Impact/likelihood	Mitigation	Responsibility
Re-litigation of the direction in the RMP	High	Clear communication messages around the scope of what they can submit on through the consultation.	Policy Team and Comms who is this please? Need it in full. ta.
Process is flawed	Low	Legal review and input into key resolutions and documentation.	Policy Team

## 10 Measures of success

We will know we are successful when we have:

1. Mana Whenua support and agreement.
2. Received submissions that have considered issues and provided relevant feedback.
3. The quality of input which clearly reflects an understanding of scope of the consultation process.
4. Received 75% of the submissions which can be directly attributed to parts of the proposed bylaw.

### 10.1 Process to evaluate

The Taharoa Domain Bylaw Consultation process will be monitored as part of discussions at a Taharoa Domain Governance Committee meeting, and once all submissions are collated and Policy report tabled.

**File number:** 3216.0 **Approved for agenda**   
**Report to:** Taharoa Domain Governance Committee  
**Meeting date:** **08 February 2018**  
**Subject:** **Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal**  
**- recommend to Council to adopt for public consultation**  
**Date of report:** 27 July 2018  
**From:** Paula Hansen, Policy Planner  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

This report is to provide information to the Taharoa Domain Governance Committee (the Committee) that supports the introduction of a bylaw banning boats on Lakes Waikare and Kai Iwi at the Taharoa Domain (the Domain); to control vehicle movements and support biosecurity checks at the Domain. This report also seeks a resolution from the Committee to recommend a draft bylaw be adopted by Council.

Council has adopted the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) 2016 after undertaking the process prescribed within the Reserves Act 1977 including a full public consultation process and as such now has an obligation to give effect to that RMP. A bylaw is one way to give effect to parts of the RMP.

Managing recreational activities across the Domain requires clear rules as different recreational pursuits can clash if not managed properly. The adopted RMP gives direction on what activities should be encouraged in which areas and which should be restricted.

The proposal seeks to provide an overarching bylaw to give effect to the RMP. This includes restricting motorised boats on Lakes Waikare and Kai Iwi to those power-driven vessels (power boats) that have been specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations while also allowing non-motorised boat activities to occur. It is expected that this part will be a contentious topic throughout the consultation process and a communication plan will be required.

The proposed bylaw also seeks to control vehicle movements and to support biosecurity checks. The RMP contains policy objectives and proposed actions that support the need for the bylaw. The draft Taharoa Domain Bylaw and Statement of Proposal (SOP) are **Attachment 1** and **Attachment 2** (respectively) to this report. This bylaw is to support the management direction as set down in the RMP. Power-driven vessel use on Lake Taharoa is not within scope of this proposed bylaw as this Lake is regulated by its own Navigational Bylaw, put in place by the Northland Regional Council (NRC).

While the Committee does not have the authority to put in place a bylaw, they can recommend to Council the need for one. If Council agrees, then Council can adopt a draft bylaw and associated SOP, to undergo a public consultation process.

The Local Government Act 2002 sets out the consultation process which is to be undertaken and decision-making process (sections 79 - 83). It is considered that the proposed bylaw will be of significant interest to the public (s76AA). This means that the Special Consultative Procedure (as modified by s86) should be used.

A consultation process will be undertaken if Council approves the need for a bylaw.

### **Recommendation**

*That the Taharoa Domain Governance Committee:*

- 1 *Receives the Policy Planner's report 'Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal – recommend to Council to adopt for public consultation' dated 27 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 *Determines that the proposed bylaw is required and is the most appropriate way of addressing the perceived problem and is the most appropriate form of bylaw; and*
- 4 *Recognises that Council's legal obligations under the Reserves Act to protect Ecological Values and to provide Recreational Safety for the users of Lake Waikare and Kai Iwi are met; and*
- 5 *Recommends to Kaipara District Council to adopt the Taharoa Domain Bylaw 2018 (draft) and associated Statement of Proposal for public consultation, both documents circulated as Attachment 1 and Attachment 2 of the afore-mentioned report.*

### **Reason for the recommendation**

To implement a management direction provided by the RMP for the Domain. The Committee seeks Council's authority to create a bylaw for the Lakes, as best management practice, providing enforcement if required.

### **Reason for the report**

This report seeks the Committee to receive and recommend that the draft Taharoa Domain Bylaw 2018 (Draft Bylaw) and associated Statement of Proposal (SOP), be presented to Council, to adopt and be publically consulted on.

### **Background**

Kaipara has a number of lakes running along the length of its western coastline, these form part of a wider northland lake collective that runs from Aupouri to Pouto Peninsula. Known as dune lakes these lake systems are important ecological and biodiversity habitats. Taharoa Domain (Kai Iwi Lakes) is part of this lake system and recognised as regionally important.

The Domain is legally held as Crown land and its administration is vested in Kaipara District Council. The Domain covers an area of some 538 hectares and contains three dune water bodies: Lake Taharoa, Lake Waikare and Lake Kai Iwi.

## **Ecological values**

Lakes Taharoa, Waikare and Kai Iwi are all ranked as outstanding by NIWA in *their Northern Lakes Ecological Status Report 2012*. Lake Taharoa, the largest of the three lakes, is the deepest (37 metres). It receives the most activity due to its size. Lake Waikare, historically has been the base for formalised water skiing activities and Lake Kai Iwi, the smallest of the three lakes, receives little recreational activity. Individually they each have their separate characteristics, however collectively they form what is a unique and outstanding natural environment.

## **Economic Values**

Taharoa Domain is an exceptional place, boasting a fascinating cultural history, outstanding landscape values, a fast-recovering ecology and water quality that is amongst the highest of any dune lakes in New Zealand. Collectively these characteristics give the Domain a distinctive identity that is unmatched elsewhere in the country.

The Domain is a much-loved destination for day visitors and campers, with many families having a relationship with the place that goes back to the early times of its formation as a reserve. It is not uncommon for camping groups to consist of three generations staying together.

An aim of the RMP is that the lakes will be promoted and developed as an educational, scientific and tourist destination.

## **Cultural values – iwi relationship**

Owing to a close, long-standing relationship with the lakes and surrounding land, Mana Whenua regard them as a taonga and important food source. Te Roroa, and Te Kuihi and their associated whanau, and hapu have lived around the lakes, fishing and carrying out other customary practices there, such as burying their dead. Two urupa are identified around the Lakes and a pa site overlooks Lake Kai Iwi from just outside the legal boundaries of the reserve. Tangata whenua's long-standing relationship with Kai Iwi Lakes and the wider surrounding area has been varied and ongoing. This status was recognised in a Treaty of Waitangi claim that included land embodied in Kai Iwi Lakes. In numerous places in its report The Waitangi Tribunal recognised that the Kai Iwi Lakes were, and still are, an essential mahinga kai for Te Roroa<sup>1</sup>.

The Committee seeks, through the RMP, to manage Kai Iwi Lakes for the future in a way that respects the past, as well as reflects the wishes of present generations. Part of respecting the past is to honour the vision for the Lakes that has been inherited from Te Roroa, Te Kuihi and Parore Te Awha – that the Lakes are open to all to enjoy, that no one has exclusive use, and that no use should compromise the pristine nature of the place and its enjoyment by others. Acknowledging the mana whenua status of Te Roroa and Te Kuihi also reflects this.

An aim within the RMP is that the relationships of tangata whenua and other peoples, their history, culture and traditions will be reflected and acknowledged in how Kai Iwi Lakes is developed and cared for.

<sup>1</sup> *The Te Roroa Report 1992*. Waitangi Tribunal. Ministry of Justice

## **Northland Regional Council Navigational Bylaw**

The NRC in October 2017 introduced a new Navigation Bylaw that controlled power-driven vessels on Lake Taharoa. This bylaw only governs all boating activities and where different activities may occur on Lake Taharoa. The bylaw does not include Lakes Waikare and Kai Iwi.

### **Issues**

As a result of the adopted RMP, it has been identified that a new bylaw is required to:

- provide some protection of the state of the Lakes themselves;
- provide some protection of the state of the Lake surroundings;
- provide for public safety;
- restrict the use of power-driven vessels on Lake Waikare unless specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations; and
- provide for one point of entry onto Lake Taharoa and Lake Waikare.

### **Proposal**

The proposal seeks to provide an overarching bylaw to give effect to the RMP. This includes restricting motorised boats on Lakes Waikare and Kai Iwi to those power-driven vessels that have been specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations while allowing non-motorised boat activities to occur.

The proposal also seeks to control vehicle movements and to support biosecurity checks. Therefore the proposed bylaw deals with land-based activities, and activities that complement the water-based activities that adjoin the water such as boat ramps, access and parking. This includes the locations where day parking is acceptable, where boat ramps are located, short term parking (drop-off zones) and giving Authorised Officers the ability to manage these areas.

In particular, the Draft Bylaw sets the locations as to where cars may be driven and where cars can be parked and the conditions on these activities. It is proposed that Council creates a Bylaw under s106 of the Reserves Act and s146(b)(vi) of the Local Government Act 2002, which allows Council to put provisions in place to regulate these activities through a bylaw.

The Draft Bylaw will also give effect to the management of power-driven vessels on Lake Waikare and Lake Kai Iwi by restricting power-driven vessels to those that are intended to be used for safety, scientific or management purposes.

### **Reason for proposal**

The reason for the proposed bylaw is to provide an overarching enforceable management tool to give effect to the RMP. This includes:

- 1) Restricting power-driven vessels on Lakes Waikare and Kai Iwi to those powered boats (power-driven vessels) that have been specifically authorised as:
  - (a) safety vessels for events;
  - (b) vessels for scientific and research purposes; or
  - (c) vessels for management operations;



while allowing non-motorised boat activities to occur. It is expected that this part of the Draft Bylaw will be a contentious topic throughout the consultation process. A well-executed communication plan will be required.

- 2) Controlling vehicle movements to ensure that vehicles are not driven or parked inappropriately so as to compromise the environmental, archeological and cultural values of the Domain, and
- 3) Supporting biosecurity checks.

The RMP contains policy objectives and proposed actions that support the need for the bylaw. This provides for the implementation of the direction set down in the RMP. The reasons for this are that motorised boats have been identified as one of the main potential threats to the health of the lakes and for public safety.

The RMP and the bylaw are linked, with the Draft Bylaw providing a management tool that provides clear control mechanisms that are able to be enforced.

The RMP sets objectives and actions under Aim 2: Cultural, Aim 3: Environment and Aim 4: Recreation, with the relevant actions, stating that:

- *'All archaeological and wāhi tapu sites have protection in place.'*
- *'Powerboats will not be allowed on Lake Waikare, unless specifically authorised as safety vessels for events, for scientific and research purposes or for management operations.'*<sup>2</sup>
- *'Institute biosecurity controls for all boats and recreational equipment.'*
- *'Have only one boat ramp at Lake Taharoa and one at Lake Waikare to minimise impact on the lakes and vehicles crossing the foreshore.'*
- *'Completion of a landscape and infrastructure plan to effectively manage visitor needs, with monitoring of its implementation. For example:*
  - *day visitor facilities at key destination points including toilets and picnic facilities;*
  - *entranceway improvements; and*
  - *camp ground improvements including more powered sites at Pine Beach.'*
- *'Watercraft launching facilities are limited to a single defined point at Lake Taharoa and Lake Waikare.'*
- *'Biosecurity checking bay/s are developed and supported by related information at each launching point.'*
- *'Licensing system established to ensure all users and their vessels meet the required biosecurity standards.'*
- *'Work with Northland Regional Council to develop and implement a bylaw that controls boats, biosecurity and speed etcetera on the lakes.'*

The Reserves Act 1977 allows for bylaws regulating the control and exclusion of vehicles or boats on reserves. Furthermore, given that the proposal is to prohibit only motorised boats and not other boats, it is considered that the proposal does not compromise or severely limit the use of these lakes as a Recreational Reserve.

<sup>2</sup> Refer pages 16 and 20 of the Draft RMP.

It has been determined that the Draft Bylaw is the most appropriate way to address the issues and that the proposed bylaw is the most appropriate form of bylaw. While the Draft Bylaw proposes a limitation on the use of powered boats (power-driven vessels) on the Lakes, it is seen as a justified reasonable limitation on the use of the Lakes. It has therefore been determined that the proposed bylaw does not give rise to any implications under the *New Zealand Bill of Rights Act 1990* and it is considered that the Draft Bylaw is not inconsistent with this Act.

### ***Legislative requirements***

#### ***Reserves Act 1977***

Section 106 of the Reserves Act 1977 allows bylaws to be made for, inter alia:

- The management, safety, preservation and use of the reserve or any part thereof and the preservation of the flora and fauna and the scenic, historic, archaeological, biological, geological, or other scientific or natural features therein, and for the preservation of the natural environment;
- Prescribing the conditions on which persons shall have access to or be excluded from any reserve or any part of a reserve, or on which persons may use any facility (including any building) in a reserve, and fixing charges for the admission of persons to any part of a reserve and for the use of any such facility;
- Regulating the times of admission thereto and exclusion therefrom of persons, horses, dogs, or other animals, and vehicles or boats or aircraft or hovercraft of any description;
- The control of all persons, horses, dogs, and other animals, and vehicles or boats or aircraft or hovercraft of any description using or frequenting a reserve;
- prescribing conditions on which persons may be permitted to enter and remain on any wilderness area within a reserve;
- Generally regulating the use of a reserve, and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the reserve.

The Domain is classified as a Recreational Reserve, therefore s17 of the Reserves Act must be considered to ensure that any bylaw is not inconsistent with the classification. This means the proposed bylaw must ensure:

- that recreational activities can still be carried out on the reserve while preserving the qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment; and
- the better use and enjoyment of the reserve are conserved and to the extent compatible with the principal or primary purpose of the reserve, while its value as a soil, water and forest conservation area is maintained.

Section 107(a) of the Reserves Act 1977 states that the procedure for making bylaws is in the same manner as that in which the local authority is authorised by law to make bylaws (as outlined below).

**Section 108 requires all bylaws made under the Reserves Act to be approved by the Minister of Conservation.** No bylaw made under this Act by an administering body (Council in this instance) shall have any force or effect unless and until it is approved by the Minister. As the Minister has not delegated the approval of bylaws to Council, the approval of the Minister will be required, and once obtained will

be conclusive evidence that the bylaw has been duly made under this Act. The Department of Conservation will be consulted with on the Draft Bylaw during the submission period.

### ***Consultation process***

The Local Government Act 2002 sets out the consultation process which is to be undertaken and decision-making process (sections 79 - 83). It is considered that the proposed Draft Bylaw will be of significant interest to the public (s76AA). This means that the Special Consultative Procedure (as modified by s86) will need to be used.

### **Factors to consider**

#### ***Community views***

The proposed Draft Bylaw is subject to the Special Consultative Procedure which involves obtaining the views of the community. Mana Whenua and relevant Iwi representative bodies' views will also need to be specifically obtained through this process.

The proposal will likely be of high public interest and is expected to receive submissions covering a variety of different views. A specific communications plan will need to be put in place to help guide people in terms of the scope of the Draft Bylaw and hence what the community can submit on. Council will also need to be prepared for potentially negative comments on subject matter that is related to the RMP or other issues associated with the Domain, but are not related to the proposed bylaw. In these cases submissions will be considered to be out of scope. The consultation could include a day out at the Lakes to answer any questions people may have. This potentially could be run as a 'Have your say' event that may replace a formal Council hearing process.

Timing of consultation also needs to be considered. Traditionally people are not happy to consult on Council matters over the summer period and putting a new bylaw in place right before the Christmas/New Year period may also gather negative responses.

#### ***Policy implications***

There are no other Policy implications, the Draft Bylaw seeks to give effect to the RMP for Taharoa Domain, but not alter the RMP. The proposed bylaw is of such significance to warrant a full public process.

#### ***Financial implications***

The main financial implications include staff time to implement, monitor and enforce the bylaw should it be adopted as a final. Efforts should be made to explore the empowerment of kaitiaki from Mana Whenua and Iwi representative bodies to potentially play a monitoring and education role as part of the bylaw's implementation.

#### ***Legal/delegation implications***

The Reserves Act 1977, the Local Government Act 2002 and the New Zealand Bill of Rights Act 1990 have all been considered and no other legal implications have been noted.

## Options

There are essentially three options:

**Option A:** Status Quo - Not have a bylaw;

**Option B:** Use another management mechanism e.g. use of monitoring and education.

**Option C:** Have a bylaw that:

- 1) restricts power-driven vessels on Lakes Waikare and Kai Iwi;
- 2) addresses inappropriate vehicle movements; and
- 3) supports biosecurity checks.

## Assessment of options

Option A, the status quo, does not provide for enforceable action to be taken nor does it compel people to do the right thing.

Option B, leaves very little enforcement options. Most alternative options, such as a policy, cannot be enforced, or environmental design could be costly. This may include use of education on activities that have negative impacts on the Lakes backed up with any monitoring or new research undertaken.

Option C introducing a bylaw will allow for enforcement action to occur in order to protect the environmental, archaeological and cultural values of the Domain.

## Assessment of significance

The proposed bylaw is considered significant enough to undertake a full public process.

## Recommended option

The recommended option is **Option C**.

## Next step

Recommend to Council to adopt the proposed Taharoa Domain Bylaw 2018 and Statement of Proposal for public consultation.

## Attachments

- Attachment 1 - Draft Bylaw
- Attachment 2 - Statement of Proposal

## 5 Decision

### 5.1 Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal - recommend to Council to adopt for public consultation

Policy Planner 3216.0

Moved Nesbit/Wade

*That the Taharoa Domain Governance Committee:*

- 1 *Receives the Policy Planner's report 'Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal – recommend to Council to adopt for public consultation' dated 27 July 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 the proposed bylaw is required and is the most appropriate way of addressing the perceived problem and is the most appropriate form of bylaw; and*
- 4 *Recognises that Council's legal obligations under the Reserves Act to protect Ecological Values and to provide Recreational Safety for the users of Lake Waikare and Lake Kai Iwi are met; and*
- 5 *Recommends to Kaipara District Council to adopt the Taharoa Domain Bylaw 2018 (draft) and associated Statement of Proposal for public consultation, both documents circulated as Attachment 1 and Attachment 2 of the aforementioned report.*

**Carried**

### **3 Confirmation of Minutes**

#### **3.1 Taharoa Domain Governance Committee Extraordinary meeting minutes 16 August 2018**

General Manager Governance, Strategy and Democracy 1606.17

**Moved Joyce-Paki/Parore**

*That the minutes of the Extraordinary meeting of the Taharoa Domain Governance Committee held on 16 August 2018 be confirmed as a true and correct record.*

**Carried**

### **4 Decision**

#### **4.1 Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal - recommend to Council to adopt for public consultation - update**

Policy Planner 3216.0

**Moved Joyce-Paki/Wade**

*That the Taharoa Domain Governance Committee:*

- 1 Receives the Policy Planner's report 'Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal – recommend to Council to adopt for public consultation update' dated 01 November 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 Determines that the proposed bylaw (circulated as Attachment 1 of the aforementioned report) is required and is the most appropriate way of addressing the perceived problem and is the most appropriate form of bylaw; and*
- 4 Recognises that Council's legal obligations under the Reserves Act to protect Ecological Values and to provide Recreational Safety for the users of Lake Waikare and Lake Kai Iwi are met; and*
- 5 Delegates officers to correct minor typographical errors; and*
- 6 Recommends that Kaipara District Council adopts the Taharoa Domain Bylaw 2018 (draft) and associated Statement of Proposal for public consultation as amended, both documents circulated as Attachment 1 and Attachment 2 of the aforementioned report.*

**Carried**

**File number:** 3807.09.04.12

**Approved for agenda**

**Report to:** Council

**Meeting date:** 29 November 2018

**Subject:** Plan Change 4 – Fire Safety, Environmental Court Decision

**Date of report:** 14 November 2018

**From:** PG Waanders, District Planner

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

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

### Summary

This Report is to seek formal Council approval to amend the Operative District Plan in accordance with the Environment Court decision [2018] NZEnvC 211 (**Attachment 1**) and to publicly notify the amendment, as required by the First Schedule to the Resource Management Act 1991 (RMA). This Decision amends rules and policies within the Kaipara District Plan (**Attachment 2**).

Plan change 4 - fire safety was notified on 14 October 2017. 29 submissions were received and 59 further submissions were received. The decision on the plan change was notified on 20 December 2017. There was one appeal to the decision with 88 additional parties joining the appeal, pursuant to s274 of the RMA. The matter has been resolved by negotiations and mediation without the necessity of a Court hearing but through a Consent Memorandum.

The amended Plan text was endorsed by the Court through a Consent Order, with Judge Kirkpatrick's signature and the seal of the Environment Court on 24 October 2018. No appeals on the Environment Court's decision pursuant to s300 of the RMA to the High Court have been received by 15 November 2018 and the changes to the Kaipara District Plan can now be made operative.

Pursuant to Clause 17 of the First Schedule of the RMA, Council must now approve the amendment to the Operative District Plan as a result of the Environment Court's decision. A Public Notice pursuant to Clause 20 of the First Schedule of the RMA will be placed in newspapers covering the Kaipara district, announcing that the Operative District Plan has been amended and is operative, with the date being set no sooner than five working days after the Public Notice appears. The District Plan will then be officially operative. The date set as when the amendments will become operative is 18 December 2018.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the District Planner's report on 'Plan Change 4 – Fire Safety, Environmental Court Decision' dated 14 November 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 *Directs Council officers to amend the Operative District Plan in accordance with the Environment Court's decision on Plan Change 4 to the Kaipara District Plan dated 24 October 2018, circulated as Attachment 1 to the afore-mentioned report; and*
- 4 *Approves Plan Change 4 to the Kaipara District Plan in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991; and*
- 5 *Resolves to delegate to the Chief Executive the authority to publicly notify in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991 the 'operative date' at least five working days beforehand.*

**Reason for the recommendation**

With the appeal regarding Plan Change 4 to the District Plan resolved by way of an Environment Court decision, the next step in the process under the RMA is for Council to approve the amendments in accordance with the Court decision and notify it as operative.

**Reason for the report**

The purpose of this report is to seek Council's approval to make amendments to the Kaipara District Plan operative. This is done in order to give effect to the final Decision of the Environment Court ([2018] NZEnvC 211) on Plan Change 4).

**Background**

The purpose of Plan Change 4 was to remove the requirement to comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, but retain the references to the Code of Practice in the subdivision rules. Plan Change 4 also proposed that an issue statement, objective and three policies and a method be added to Chapter 2 of the Kaipara District Plan to address structural fires.

Plan Change 4 - fire safety was notified on 20 October 2017. A total of 29 submissions and 59 further submissions were received. The decision on the plan change was notified on 20 December 2017. There was one appeal to the decision with 88 additional parties joining the appeal, pursuant to s274 RMA.

Through months of negotiations and mediation, the matter was settled through a Consent Memorandum between the parties. This was submitted to the Environment Court which endorsed the agreement through a Consent Order on 24 October 2018.

In summary, the parties have agreed to the following amendments to the decisions version of PC4:

1. Amendments to the fire safety provisions in Chapter 2 (Issue 2.3.14, Objective 2.7.13, Policies 2.5.17(a) to (c), Methods 2.6.2.5 to 2.6.2.7 and Outcome 2.7.13) to simplify the provisions and place greater emphasis on FENZ's role in educating on fire safety, and provide for consultation with FENZ where appropriate;
2. An amendment to the fire safety advice note in the rural land use Rules 12.10.26, 15A.10.25 and 15B.10.25. The revised advice note incorporates reference to the core matters provided for in notes 1 and 2 of the Operative Plan, but removes the particular emphasis placed on non-reticulated



areas over five minutes driving distance from a fire station and also includes a recommendation for provision of a sufficient water supply if a sprinkler system is not installed;

3. An amendment to the fire safety advice note in the urban Rules 13.10.26 to 14.10.26, which reflects the same changes made to the advice note in the rural fire safety rules, but excludes reference to a 20 metre setback from vegetation;
4. Amendment to the restricted discretionary assessment criteria in the fire safety Rules 12.10.26, 13.10.26, 14.10.26, 15A.10.25 and 15B.10.25. This amendment deletes the assessment criteria which related to performance standards to instead provide for a risk-based assessment of accessibility;
5. An amendment to the subdivision controlled activity assessment criteria in Rules 12.12.1, 13.11.1, 14.11.1 and 15B.11.1 to include the availability of a sufficient firefighting water supply as a matter over which Council reserves its control, together with an accompanying advice note which provides guidance as to what will generally be considered a sufficient fire-fighting water supply for a single residential dwelling. This is a consequential amendment to the deletion of the subdivision rule referencing the Code of Practice (Rules 12.15.4, 13.14.4, 14.13.4 and 15B.14.4). Its purpose is to ensure that adequate water supply for firefighting purposes is still a matter over which Council has retained its control. The assessment criteria and advice note recognise that there may be flexibility in how a sufficient water supply can be provided for.

Pursuant to Clause 17 of the First Schedule of the RMA, Council must now approve the Plan as changed through the settlement of that appeal.

A Public Notice will be placed in newspapers pursuant to Clause 20 of the First Schedule of the RMA covering the Kaipara district, announcing that the Operative District Plan is amended in accordance with the Court decision on Plan Change 4 to the Kaipara District Plan, with the operative date being set no sooner than five working days after the public notice appears. The date set for when amendments become operative is 18 December 2018.

## **Issues**

### Settlement of appeals to the Kaipara District Plan

The appeal to the Kaipara District Plan on Plan Change 4 has now been settled, by way of Environment Court Consent Order. A Decision, to amend the District Plan pursuant to Clause 17 of the First Schedule to the RMA, must now be made by Council by amending the District Plan in accordance with the Court's Consent Order.

A Public Notice pursuant to Clause 20 of the First Schedule of the RMA will be placed in newspapers covering the Kaipara district, announcing the amendments to the Kaipara District Plan are being made operative, with the operative date being set no sooner than five working days after the Public Notice appears. The amendments to the Kaipara District Plan, as amended by way of Environment Court Decision [2018] NZEnvC 211, will then be officially operative. The date set for when the Rule will be operative is 18 December 2018.

## **Factors to consider**

### ***Community views***

The District Plan change undertook a robust and full public process through following the First Schedule of the RMA, which defines the process all reviews, plan changes and variations must follow. Community views have been heard and considered before decisions were made.

As a result of the settlement of appeal, the community will have an updated and current District Plan, with the uncertainty of provisions resolved.

### ***Policy implications***

The District Plan is a policy document, setting direction for growth and rules for development. The District Plan Change has been through a robust and public process.

Compliance with the decision-making requirements in s76-78 of the Local Government Act 2002 has been achieved through the public participation process of the RMA including calling for submissions, holding hearings and the right of appeal that was exercised to the Environment Court.

### ***Legal/delegation implications***

Under the RMA, Council is required to resolve to approve Plan Change 4 to the Kaipara District Plan as amended through the Environment Court decision (**Attachment 1**). This agenda item ensures Council meets all of its legal obligations for the District Plan, as set out under the RMA.

## **Options**

Council does not have any other options on the matter.

## **Assessment of significance**

It is not considered that this will trigger Council's Significance and Engagement Policy.

## **Next step**

The website is to be updated by 18 December 2018 with the amended Operative District Plan. Public Notices will be placed in newspapers that cover the Kaipara district, which will state 18 December 2018 as the date from which the Kaipara District Plan as amended by the Environment Court Decision 211 is operative.

## **Attachments**

- Attachment 1: [Final Decision of the Environment Court \(2018\) NZEnvC211](#)
- Attachment 2: [Final Wording of the Kaipara District Plan](#)

BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2018] NZEnvC 211

IN THE MATTER

of the Resource Management Act 1991

AND

of an appeal pursuant to clause 14 of the  
First Schedule to the Act

BETWEEN

FIRE AND EMERGENCY NEW ZEALAND

(ENV-2018-AKL-00012)

Appellant

AND

KAIPARA DISTRICT COUNCIL

Respondent

Court: Environment Judge D A Kirkpatrick sitting under s 279 of the Act

Date of Decision: 24 OCT 2018

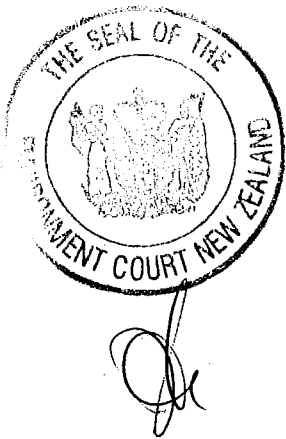
Date of Issue: 24 OCT 2018

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DETERMINATION OF THE ENVIRONMENT COURT

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- A: The Court orders, by consent, that Plan Change 4 to the Kaipara District Plan is amended as set out in **Annexure A** to this determination.
- B: The appeal is otherwise dismissed.
- C: There is no order as to costs.



## REASONS

### Introduction

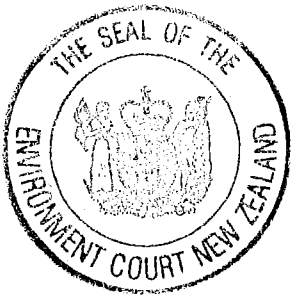
[1] This appeal relates to a decision made by the Kaipara District Council on Plan Change 4 to the Kaipara District Plan. Plan Change 4 concerns changes to the Fire Safety provisions for buildings and structures in the Rural, Residential, Business (Commercial and Industrial) and two Maori Purposes Zones in the District Plan.

[2] The plan change as notified proposed removal of the requirement to comply with the New Zealand Fire Service Firefighting Water Supplied Code of Practice SNZ PAS 4509:2008, but retention of the references to this Code of Practice in the subdivision rules. Plan Change 4 also proposed that an issue statement, objective, three policies and a method be added to Chapter 2 of the District Plan to address structural fires.

### Fire and Emergency New Zealand's Appeal

[3] Fire and Emergency New Zealand's (FENZ's) appeal challenged the following aspects of the Council's decision:

- (a) The decision to remove references to the Code of Practice in the following rules:
  - (i) The permitted activity performance standards for a new building in the Urban Land Use Rules (13.10.26 and 14.10.26);
  - (ii) The permitted activity performance standards for a new building in the Rural Land Use Rules (12.10.26, 15A.10.25 and 15B.10.25);
  - (iii) The permitted activity performance standard for the construction of a dwelling in the Maori Purposes: Maori Land Zone (Rule 15A.10.3b(c)).
  - (iv) The subdivision rules for the Rural, Residential Business (Commercial and Industrial) and Maori Purposes: Treaty Settlement Land Zones (Rules 12.15.4, 13.14.4, 14.13.4 and 15B.14.4);

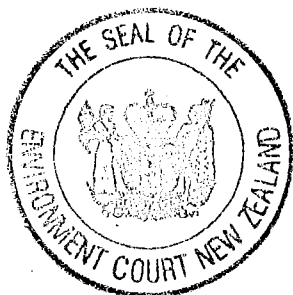


- (b) The decision to remove the permitted activity performance standard requiring a building to be located at least 20m away from a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest from the Rural Land Use Rules (12.10.26, 15A.10.25 and 15B.10.25);
- (c) The decision to insert the following new provisions into the District Plan:
  - (i) Issue 2.3.14 to Chapter 2, and in particular, the commentary that follows the issue;
  - (ii) Policy 2.5.17(a)-(c) and the commentary to that policy;
  - (iii) Methods 2.6.2.5 -2.6.2.7; and
  - (iv) The decision to include guidance notes; and
- (d) The decision to amend Outcome 2.7.13.

#### **The agreement reached between the parties**

[4] The parties have agreed that the appeal can be resolved in its entirety by making the following amendments to the plan:

- (a) Amendments to the fire safety provisions in Chapter 2 (issue 2.3.14, Objective 2.7.13, Policies 2.5.17(a) to (c), Methods 2.6.2.5 to 2.6.2.7 and Outcome 2.7.13). The agreed amendments simplify the provisions and place greater emphasis on FENZ's role in educating on fire safety, and provide for consultation with FENZ where appropriate.
- (b) An amendment to the fire safety note in the rural land use Rules 12.10.26, 15A.10.25 and 15B.10.25. The revised advice note incorporates reference to the core matters provided for in notes 1 and 2 of the Operative Plan, but removes the particular emphasis placed on non-reticulated areas over five minutes driving distance from a fire station and also includes a recommendation for provisions of a sufficient water supply if a sprinkler system is not installed;
- (c) An amendment to the fire safety advice note in the urban Rules 13.10.26 to 14.10.26, which reflects the same changes made to the advice note in the rural fire safety rules, but excludes reference to a 20 metre setback from vegetation.



- (d) Amendment to the restricted discretionary assessment criteria in the fire safety Rules 12.10.26, 13.10.26, 14.10.26, 15A.10.25 and 15B.10.25. This amendment deletes the assessment criteria which related to performance standards which the Panel deleted from those rules. It inserts a single assessment criterion relating to accessibility for fire service vehicles. There had been a pre-existing assessment criteria relating to this, but the new wording is amended to provide for a risk-based assessment of accessibility;
- (e) An amendment to the subdivision controlled activity assessment criteria in Rules 12.12.1, 13.11.1, 14.11.1 and 15B.11.1 to include the availability of a sufficient fire-fighting water supply as a matter over which Council reserves its control, together with an accompanying advice note which provides guidance as to what will generally be considered a sufficient fire-fighting water supply for a single residential dwelling. This is a consequential amendment to the deletion of the subdivision rule referencing the Code of Practice (rules 12.15.4, 13.14.4, 14.13.4 and 15B.1.4.4). Its purpose is to ensure that adequate water supply for fire-fighting purposes is still a matter over which Council has retained its control. The assessment criteria and advice note recognise that there may be flexibility in how a sufficient water supply can be provided for.

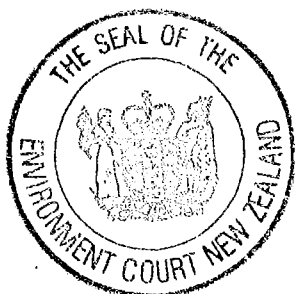
### Scope

[5] The parties submit that allowing the appeal to the extent sought is reasonable and fairly within the scope of the FENZ's submission.

[6] They propose that the test to be applied as to whether the amendments are sought are in scope is that set out in *Toomey v Thames-Coromandel District Council*,<sup>1</sup> which is as follows:

[14] An appeal from a decision on a submission on a proposed plan must be on a provision or matter referred to in that submission.<sup>2</sup> The scope of the relief sought on appeal must be fairly and reasonably within the scope of the original submission or the proposed plan provisions or somewhere in between.<sup>3</sup>

[7] In support of their position that the amendments sought are within scope the parties submitted that:



- (a) The parties submitted that FENZ's submission directly addressed the proposed wording of the Chapter 2 provisions as well as the wording of the fire safety Rules 12.10.26, 13.20.26, 14.10.26, 15A.10.26 and 15B.10.26.
- (b) Although the submission did not directly address the restricted discretionary assessment criteria in Rules 12.10.26, 13.10.26, 14.10.26, 15A.10.25 and 15B.10.25, it did address the performance standards relevant to those rules.
- (c) The agreed amendment to the subdivision controlled activity assessment criteria in Rules 12.12.1, 13.11.1, 14.11.1 and 15B.11.1 is a consequential amendment to the removal of the rule referring to the Code of Practice in the subdivision rules for those zones. It is designed to ensure that notwithstanding the deletion of references to the Code of Practice, that the Council still retains control with respect to assessing the sufficiency of water supplies for firefighting purposes.
- (d) Although FENZ's submission did not directly refer to the above rules, the overarching concern expressed in its submission is the need to ensure that provision is made in the District Plan for adequate water supply for firefighting purposes. As such, the parties have submitted that the proposed amendments fall within the scope of the FENZ's submission and is also logical and foreseeable consequential amendment to the Panel's decision to remove references to the Code of Practice in Rules 12.15.4, 13.14.4, 14.13.4 and 15B.14.4.

### Section 274 parties

[8] Eighty-nine parties joined this appeal under s 274 of the Act. When the parties filed their consent memorandum the Council advised that it had not been able to obtain a signature from all the s 274 parties.

[9] In response, the Court directed as follows:




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<sup>1</sup> [2017] NZEnvC 199.

<sup>2</sup> Clause 14(2), Schedule 1 to the RMA.

<sup>3</sup> *Re Vivid Holdings Limited* [1999] NZRMA 467.

If a s 274 party wishes to participate they are to advise the Court of their position on the consent documents and their reasons for disagreement (if any) within 10 working days (e.g. by 14 September 2018)

In the event that no responses are received, the Court will proceed to consider the consent documents.

If responses are received the other parties to this matter have a further 10 days to file a response. If there is a dispute between the parties, the Court will decide on the further steps to be taken in order to resolve this matter.

[10] No responses were received from any party within the timeframe set by the Court. Accordingly, I will proceed to consider the consent documents.

### **Consideration**

[11] Having considered the parties' consent memorandum, I am satisfied that the parties have considered the issues raised in the Council's decision, including whether there is scope for the agreement reached between them.

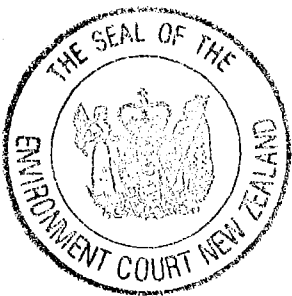
[12] In the circumstances of this case I am prepared grant the amendments sought by the parties on the grounds that an agreement has been reached between them. Accordingly, this determination does not represent a reasoned decision of the Court, but confirms the agreement reached between the parties by consent.

### **Determination**

[13] The Court orders, by consent, that Plan Change 4 to the Kaipara District Plan is amended as set out in **Annexure A** to this determination.

[14] The appeals are otherwise dismissed.

[15] There is no order as to costs.



A handwritten signature in black ink, appearing to read "D Kirkpatrick", is written over a horizontal line.

**D A Kirkpatrick**  
**Environment Judge**



## "A"

## Agreed Amendments to the Decisions Version of the Fire Safety Rules (Land Use)

## Amend ISSUE 2.3.14

2.3.14 **Potential adverse effects to life, property and the environment from fires in buildings and structures**

Fires can be significant events that threaten life and property and can have significant adverse environmental effects. The scale of risk to life, property and the environment fire poses is affected by:

- The probability of an event unwanted fire occurring; and
- The variable ability of FENZ fire services across the district to respond to fires in buildings, given the variable distances and travel times involved

It is important to ensure that communities living in settlements both with and without a reticulated water supply are educated and aware of the fire hazard risks and safety and mitigation measures recommended in order to minimise adverse effects to life, property and the environment.

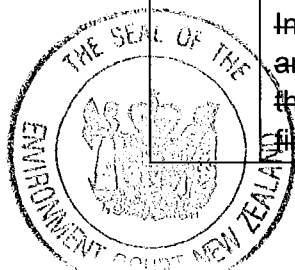
Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and, alternative measures that may be available in these settlements to minimise risk.

~~The ability to respond is greatest in those areas that have a public reticulated water supply and a fire emergency station within the settlement or close by.~~

~~Settlements that do not have a public reticulated water supply nor a close by fire service are more at risk. In these settlements and other rural parts of the district, reliance can be placed on utilising domestic water supplies (both on the site and on properties adjacent to the site) or other static water supplies such as lakes, streams, the sea and swimming pools.~~

~~In settlements without a reticulated water supply that do not have a dedicated firefighting supply, Council should work with FENZ on a settlement-by-settlement basis, to assess the need for dedicated community-based water storage and/or the provision of mobile water storage. Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and alternative measures that may be available in these settlements to minimise risk.~~

~~In the remaining rural areas of the district, there is a recognition that even with utilising any stored water on site and/or any dedicated water storage for firefighting purposes that these measures may not be sufficient to save a building by the time FENZ or any fire service arrives at the site. Reliance will be placed on education to highlight the~~



	need to give consideration to a fire event on an on-going basis.
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**Amend - OBJECTIVE 2.4.15**

2.4.15	To encourage and promote fire safety measures to minimise fire risk to life, property and the environment <u>from fire</u> .
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**Amend - POLICY 2.5.17**

2.5.17	<b><u>To assess fire risks and encourage investigation of potential fire safety measures during the development and subdivision process.</u></b>
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~~(a) — To ensure the provision of water to new reticulated sites within the Reticulated Services Boundary will adhere to the Engineering standards.~~

~~(b) — For non-reticulated settlements the council will actively work with FENZ on a settlement by settlement basis to determine the approach to be taken for the provision of water firefighting purposes.~~

~~(c) — In remaining areas of the district encourage education on fire hazard and on fire risk reduction measures.~~

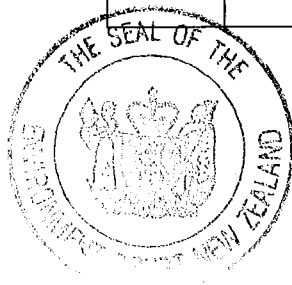
The District Plan should prompt an awareness during development and subdivision processes of the need to consider fire hazards and risk, and how they are mitigated by means that include reinforcing FENZ educational programmes these can be mitigated to avoid adverse effects to life, property and the environment. Fire and Emergency New Zealand provides advice and education that may assist in designing appropriate safety and mitigation measures.

~~For settlements where there is no reticulated water supply, Council will work with FENZ to determine the desirability of a particular community providing static supplies for firefighting purposes in the form of water storage tanks (at strategic locations); water tankers and/or portable dams.~~

~~For the remaining rural areas, reliance will be placed on public education.~~

**Amend current method - 2.6.1 DISTRICT PLAN METHODS**

2.6.1.5	Undertaking consultation with Tangata Whenua, New Zealand Historic Places Trust, Department of Conservation, <u>Fire and Emergency New Zealand</u> and other agencies during the consenting process, where appropriate.
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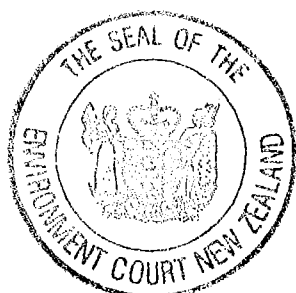


**Amend - 2.6.2 OTHER METHODS**

2.6.2.5	In non-reticulated settlements, Council will <del>actively engage with FENZ to investigate the provision of additional water supply and to establish the desirability of providing community water tanks or volunteer fire brigades with mobile tankers or portable dams</del> <u>require an assessment of fire risk and an investigation into the availability of water supply for safety and mitigation purposes. Reference should be made to patterns of existing water supplies and mitigation measures.</u>
2.6.2.6	<del>In the rural areas of the district, The Council will actively promote and support Fire and Emergency New Zealand's public education initiatives</del> which prompts the recognition of fire risk and the need for mitigation measures, <del>including the installation of sprinkler systems.</del>
2.6.2.7	Council will support FENZ fire safety education initiatives across the district.

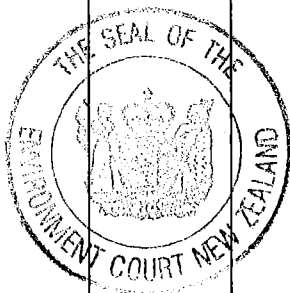
**Amend - 2.7.13 OUTCOMES**

2.7.13	A community which is educated <del>to the on fire risk mitigation appropriate to their particular area and that the risks to life, property and the surrounding environment from fire are minimised, as far reasonably practicable and has safety and mitigation measures in place, taking into account the degree of risk.</del>
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## Amend Rule 12.10.26

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, the <del>New Zealand Fire Service</del> advises that buildings should be at least 20m from the dripline of any tree and that these setbacks are also appropriate from scrub or shrubland, woodlot or forest <u>Fire and Emergency New Zealand recommends:</u></p> <ul style="list-style-type: none"> <li>• <u>That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</u></li> <li>• <u>That a fire sprinkler system is installed in accordance with either the:</u> <ul style="list-style-type: none"> <li>○ <u>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</u></li> <li>○ <u>NZS 4541: 2013 (Automatic Fire Sprinkler Systems);</u></li> <li>or</li> <li>○ <u>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</u></li> </ul> </li> <li>• <u>That a sufficient water supply is provided if a sprinkler system is not being installed.</u></li> </ul> <p><u>Fire and Emergency New Zealand can be contacted for further advice</u></p>	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>

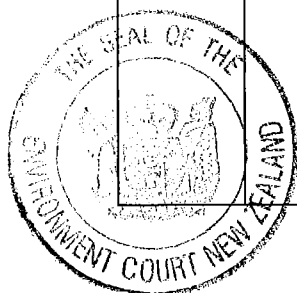


		<p><u>(www.fireandemergency.nz)</u></p> <p><u>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><b>Note 2:</b></p> <p><i><del>In the interests of the protection of life and the surrounding environment, in all areas particularly non-reticulated areas over five minutes driving distance from a fire station, it is recommended that subject to the use of the building, a fire sprinkler system is installed in accordance with either the:</del></i></p> <p><i><del>NZS 4517 (Fire Sprinkler Systems for Houses); or</del></i></p> <p><i><del>NZS 4541 (Automatic Fire Sprinkler Systems); or</del></i></p> <p><i><del>NZS 4515 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>).</del></i></p>		
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## Amend Subdivision Assessment Criteria (12.12.1)

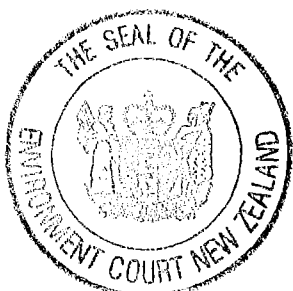
Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.1	General Rural Subdivision	<p><b>Subdivision</b> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1) Rural Zone (excluding Overlay Areas)</p> <p>.....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 12.15;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> <p><b>Note 8:</b> <u>For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of</u></p>



			<p><u>water from sources that are:</u></p> <ul style="list-style-type: none"> <li>• <u>Within 90 metres of an identified building platform on each lot; and</u></li> <li>• <u>Existing or likely to be available at time of development of the lot; and</u></li> <li>• <u>Accessible and available year-round; and</u></li> <li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li> </ul>
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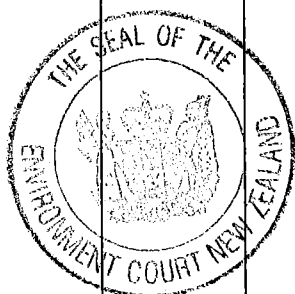
**No amendment to Subdivision 12.15.4 – Water Supply**

Rule	Parameter	Rural Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.15.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>a) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>b) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004.</p>	Discretionary Activity	



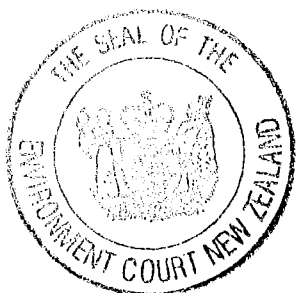
## Amend Rule 13.10.26

Rule	Parameter	Residential Activity Standard	Permitted Performance	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.26	Fire Safety	<p>Any <b>building</b> is permitted if It does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p><del>Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the dripline of any tree and that these setbacks are also</del></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> <li><del>i) The extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained);</del></li> </ul>	



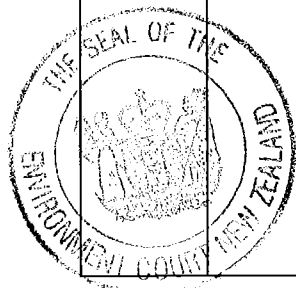


		<p>appropriate from scrubland and other similar vegetated areas.</p>		<ul style="list-style-type: none"> <li>ii) Whether and the extent to which the building is assessed as a low fire hazard and risk;</li> <li>iii) The degree of fire risk to dwellings arising from the proximity of the woodlot or forest;</li> <li>iv) Any mitigation measures proposed to reduce the fire risk;</li> <li>v) The adequacy of the water supply; and</li> <li>vi) The accessibility of the water supply to fire service vehicles.</li> </ul>
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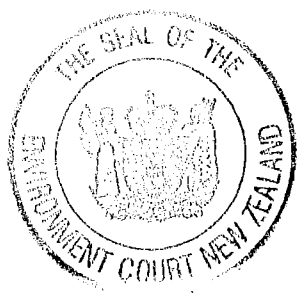


## Amend Controlled Residential Subdivision Criteria (13.11.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.1	General Residential Subdivision	<p><b>Subdivision</b> within the Residential Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1)....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 13.14;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> <u>For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from</u></p>

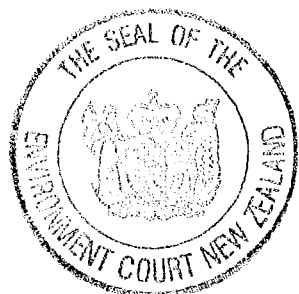


			<p><u>sources that are:</u></p> <ul style="list-style-type: none"><li>• <u>Within 90 metres of an identified building platform on each lot; and</u></li><li>• <u>Existing or likely to be available at time of development of the lot; and</u></li><li>• <u>Accessible and available year-round; and</u></li><li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li></ul>
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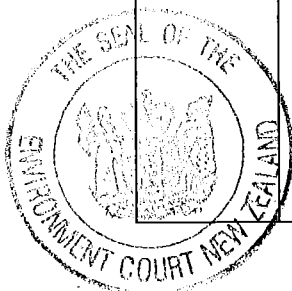
## No amendment to Subdivision – Water Supply – 13.14.4

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.14.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p>	....	....

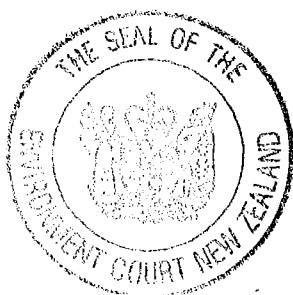


Amend Rule 14.10.26

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• <u>That a fire sprinkler system is installed in accordance with either the:</u> <ul style="list-style-type: none"> <li>○ <u>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</u></li> <li>○ <u>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</u></li> <li>○ <u>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</u></li> </ul> </li> <li>• <u>That a sufficient water supply is provided if a sprinkler system is not being installed.</u></li> </ul> <p><u>Fire and Emergency New Zealand can be contacted for further advice (www.fireandemergency.nz).</u></p> <p><b>Note:</b> <del>In the interests of the protection of life and the</del></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) <u>The accessibility for fire service vehicles, taking into account a risk-based assessment</u></li> <li><del>i) The extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained);</del></li> <li>ii) <del>Whether and the extent to</del></li> </ul>

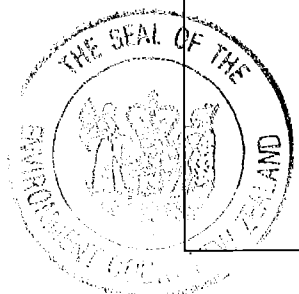


		<p><del>surrounding environment, in all areas particularly non-reticulated areas over five minutes driving distance from a fire station, it is recommended that subject to the use of the building, a fire sprinkler system is installed in accordance with either the:</del></p> <p><del>NZS 4517 (Fire Sprinkler Systems for Houses); or</del></p> <p><del>NZS 4541 (Automatic Fire Sprinkler Systems); or</del></p> <p><del>NZS 4515 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>).</del></p>		<p><del>which the building is assessed as a low fire hazard and risk;</del></p> <p><del>iii) The degree of fire risk to dwellings arising from the proximity of the woodlot or forest;</del></p> <p><del>iv) Any mitigation measures proposed to reduce the fire risk; The adequacy of the water supply;</del></p> <p><del>v) The adequacy of the water supply; and</del></p> <p><del>vi) The accessibility of the water supply to fire service vehicles.</del></p>
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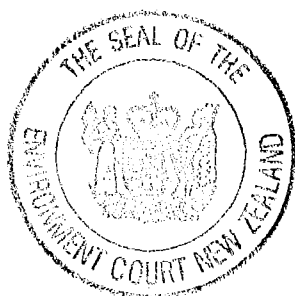


## Amend Subdivision – 14.11.1

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.1	General Business Subdivision Serviced	<p><b>Subdivision</b> within the Business Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 14.13;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of <u>sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</u></p> <ul style="list-style-type: none"> <li>• <u>Within 90 metres of an identified building</u></li> </ul>



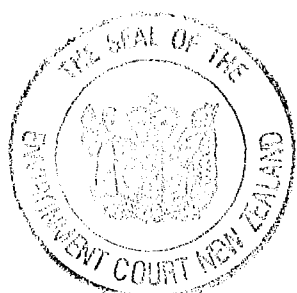
			<ul style="list-style-type: none"><li>• <u>platform on each lot; and</u></li><li>• <u>Existing or likely to be available at time of development of the lot; and</u></li><li>• <u>Accessible and available year-round; and</u></li><li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li></ul>
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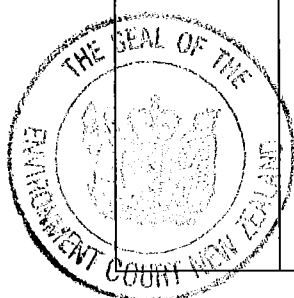
## No amendment to Subdivision 14.13.4 (Water Supply)

Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.13.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p>	...	...

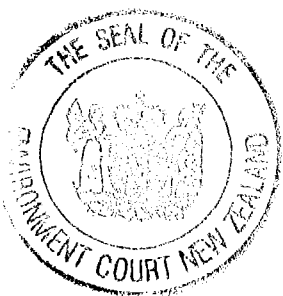


## Amend Rule 15A.10.25

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.25	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• <u>That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</u></li> <li>• <u>That a fire sprinkler system is installed in accordance with either the:</u> <ul style="list-style-type: none"> <li>○ <u>NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</u></li> <li>○ <u>NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</u></li> <li>○ <u>NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</u></li> </ul> </li> <li>• <u>That a sufficient water supply is provided if a sprinkler system is not being installed.</u></li> </ul> <p><u>Fire and Emergency New Zealand can be contacted for further advice (www.fireandemergency.nz).</u></p> <p><u>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) <u>The accessibility for fire service vehicles, taking into account a risk-based assessment.</u></p> <p><del>i) The extent of consultation that has been undertaken with the New Zealand Fire Service and</del></p>

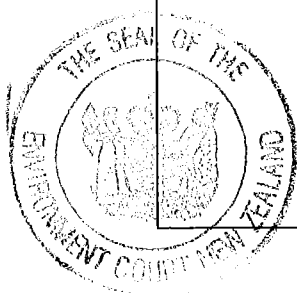


		<p><b>Note 1:</b> For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the drip line of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</p>	<p>their response (or whether their written approval has been obtained); ii) Whether and the extent to which the building is assessed as low fire hazard and risk;</p> <p>iii) The degree of risk to dwellings arising from the proximity of the weedlot or forest; iv) Any mitigation measures proposed to reduce the fire risk; v) The adequacy of the water supply; and vi) The accessibility of the water supply to fire service vehicles.</p>
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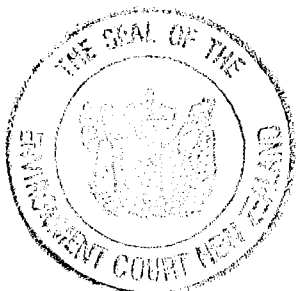


## No amendment to Rule 15A.10.3b

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.3b	Dwelling Infrastructure	<p>(3) Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> <li>- Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval floor level; and</li> <li>- In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>- 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>- 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>- 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>- 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> <p>b) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>- The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the dwelling;</li> <li>- All dwellings are</li> </ul>	Discretionary Activity	....

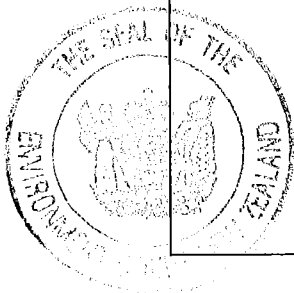


		<p>provided, within their net site area, with a connection to the Council water supply; and</p> <ul style="list-style-type: none"> <li>- The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</li> <li>- All water pipelines vested with Council shall be protected by an Easement in favour of Council;</li> </ul> <p>c) Where a public supply is not available, water supplies to all dwellings shall:</p> <ul style="list-style-type: none"> <li>- Meet the requirements of the Building Act 2004</li> </ul> <p>[...]</p>		
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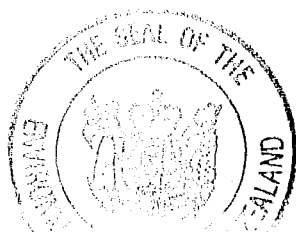


## Amend Rule 15B.10.25

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.25	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The <u>accessibility for fire service vehicles, taking into account a risk-based assessment</u></p> <p>i) <del>The extent of consultation that has been undertaken with the New Zealand Fire Service and their response (or whether their written approval has been obtained); ii) The degree of fire risk to dwellings arising from the proximity of the</del></p>

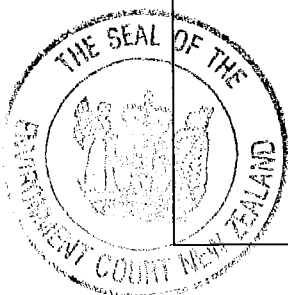


		<p><u>Plantation Forestry) Regulations 2017.</u></p> <p><b>Note 1:</b> For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the drip line of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</p>	<p>woodlot or forest ;          iii) Any mitigation measures proposed to reduce the fire risk; iv) The adequacy of the water supply; and v) The accessibility of the water supply to fire service vehicles.</p>
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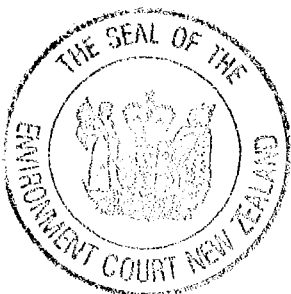
## Amend Subdivision Assessment Criteria (15B.11.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
15B.11.1	Treaty Settlement Subdivision	<p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 15B.14;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— The ability of the proposed lots to be able to be able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</u></li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example</p>



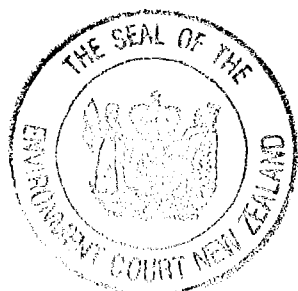


			<p><u>of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</u></p> <ul style="list-style-type: none"> <li>• <u>Within 90 metres of an identified building platform on each lot; and</u></li> <li>• <u>Existing or likely to be available at time of development of the lot; and</u></li> <li>• <u>Accessible and available year-round; and</u></li> <li>• <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</u></li> </ul>
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## No amendment to Subdivision 15B.14.4

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.14.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p>	Discretionary Activity	.....



"B"

## Agreed Amendments to the Decisions Version of the Fire Safety Rules (Land Use) – Clean Version of Provisions

### ISSUE 2.3.14

2.3.14	<p><b>Potential adverse effects to life, property and the environment from fires.</b></p> <p><i>Fires can be significant events that threaten life and property and can have significant adverse environmental effects. The scale of risk fire poses is affected by:</i></p> <ul style="list-style-type: none"> <li>• <i>The probability of an unwanted fire occurring; and</i></li> <li>• <i>The ability of fire services across the district to respond to fires, given the variable distances and travel times involved</i></li> </ul> <p><i>It is important to ensure that communities living in settlements both with and without a reticulated water supply are educated and aware of the fire hazard risks and safety and mitigation measures recommended in order to minimise adverse effects to life, property and the environment.</i></p> <p><i>Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and, alternative measures that may be available in these settlements to minimise risk.</i></p>
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### OBJECTIVE 2.4.15

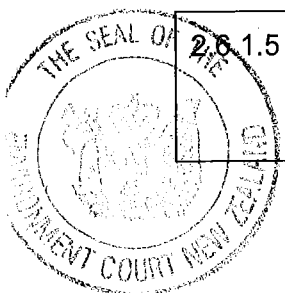
2.4.15	To encourage and promote fire safety measures to minimise risk to life, property and the environment from fire.
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### POLICY 2.5.17

2.5.17	<p><b>To assess fire risks and encourage investigation of potential fire safety measures during the development and subdivision process.</b></p> <p><i>The District Plan should prompt an awareness during development and subdivision processes of the need to consider fire hazards and risk, and how these can be mitigated to avoid adverse effects to life, property and the environment. Fire and Emergency New Zealand provides advice and education that may assist in designing appropriate safety and mitigation measures. Where a public reticulated water supply exists, the Building Code standards outline legal requirements for fire safety and risk mitigation.</i></p>
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### 2.6.1 DISTRICT PLAN METHODS

2.6.1.5	Undertaking consultation with Tangata Whenua, New Zealand Historic Places Trust, Department of Conservation, Fire and Emergency New Zealand and other agencies during the consenting process, where appropriate.
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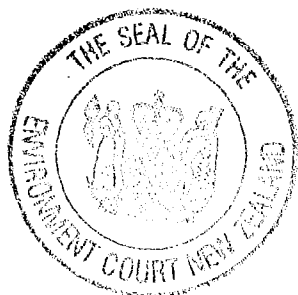


**2.6.2 OTHER METHODS**

2.6.2.5	In non-reticulated settlements Council will require an assessment of fire risk and an investigation into the availability of water supply for safety and mitigation purposes. Reference should be made to patterns of existing water supplies and mitigation measures.
2.6.2.6	The Council will actively promote and support Fire and Emergency New Zealand's public education initiatives which prompt the recognition of fire risk and the need for mitigation measures.

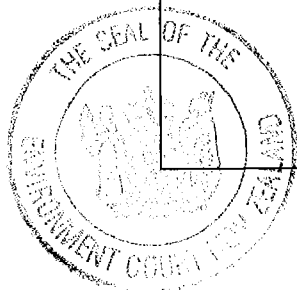
**2.7 OUTCOMES**

2.7.13	A community which is educated on fire risk and has safety and mitigation measures in place, taking into account the degree of risk.
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## Rule 12.10.26

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>

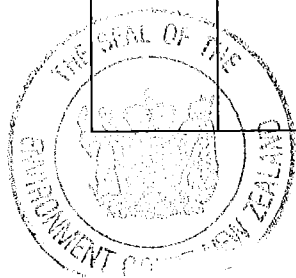


		Plantation Forestry) Regulations 2017.		
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## Subdivision Assessment Criteria (12.12.1)

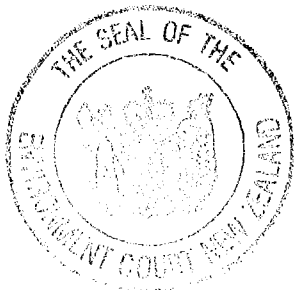
Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.1	General Rural Subdivision	<p><b>Subdivision</b> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(2) Rural Zone (excluding Overlay Areas)</p> <p>.....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 12.15;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of</p>



			<p>water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90 metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at time of development of the lot; and</li> <li>• Accessible and available year-round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li> </ul>
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#### Subdivision 12.15.4 – Water Supply

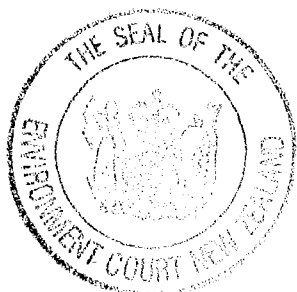
Rule	Parameter	Rural Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.15.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>(a) Meet the requirements of the Building Act 2004</p>	Discretionary Activity	





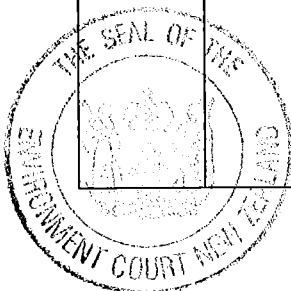
## Rule 13.10.26

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>



## Controlled Residential Subdivision Criteria (13.11.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.1	General Residential Subdivision	<p><b>Subdivision</b> within the Residential Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1)....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 13.14;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water includes 10,000 litres of water from sources that are:</p>

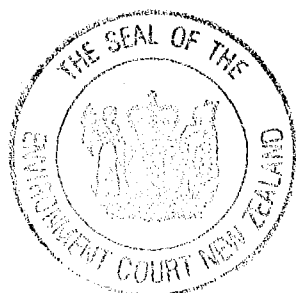


			<ul style="list-style-type: none"><li>• Within 90 metres of an identified building platform on each lot; and</li><li>• Existing or anticipated to be available at time of development of the lot; and</li><li>• Accessible and available year-round; and</li><li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li></ul>
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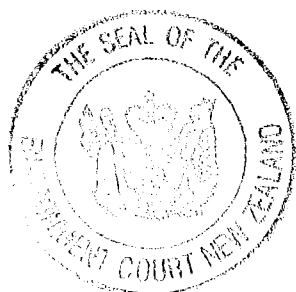
## Subdivision – Water Supply – 13.14.4

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.14.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</li> <li>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004</li> </ul>	....	....



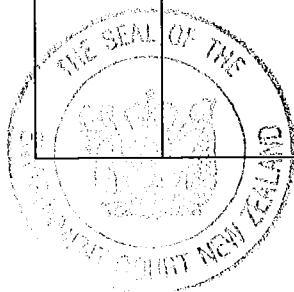
## Rule 14.10.26

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> </ul>



## Subdivision – 14.11.1

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.1	General Business Subdivision Serviced	<p><b>Subdivision</b> within the Business Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 14.13;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p>

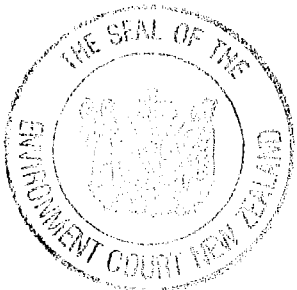


			<ul style="list-style-type: none"><li>• Within 90 metres of an identified building platform on each lot; and</li><li>• Existing or likely to be available at time of development of the lot; and</li><li>• Accessible and available year-round; and</li><li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li></ul>
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## Subdivision 14.13.4 (Water Supply)

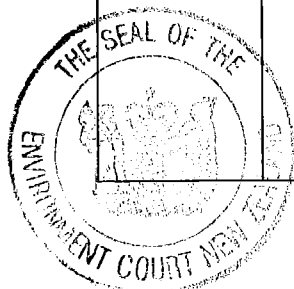
Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.13.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</li> <li>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004</li> </ul>	...	...



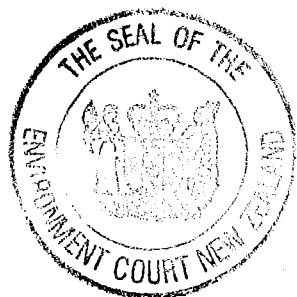


## Rule 15A.10.25

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.25	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> </ul>

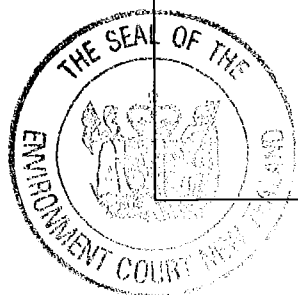


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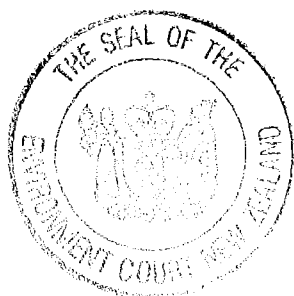


## Rule 15A.10.3b

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.3b	Dwelling Infrastructure	<p>(1) Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> <li>- Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval floor level; and</li> <li>- In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>- 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>- 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>- 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>- 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> <p>b) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>- The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the dwelling;</li> </ul>	Discretionary Activity	....

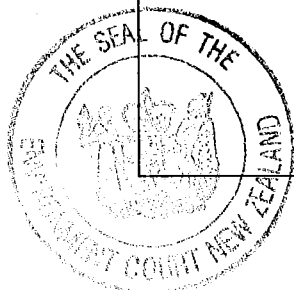


		<ul style="list-style-type: none"> <li>- All dwellings are provided, within their net site area, with a connection to the Council water supply; and</li> <li>- The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</li> <li>- All water pipelines vested with Council shall be protected by an Easement in favour of Council;</li> </ul> <p>c) Where a public supply is not available, water supplies to all dwellings shall:</p> <ul style="list-style-type: none"> <li>- Meet the requirements of the Building Act 2004</li> </ul> <p>[...]</p>		
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## Rule 15B.10.25

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.25	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>

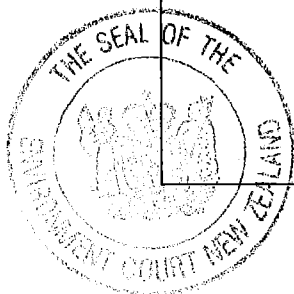


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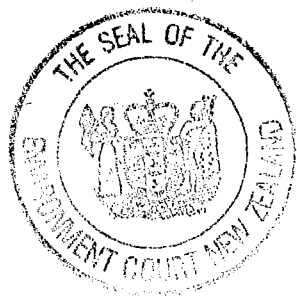


## Subdivision Assessment Criteria (15B.11.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
15B.11.1	Treaty Settlement Subdivision	<p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 15B.14;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>- The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>- The ability of the proposed lots to be able to be able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>- <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>- Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p>



			<p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90 metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at time of development of the lot; and</li> <li>• Accessible and available year-round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li> </ul>
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## Subdivision 15B.14.4

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.14.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p>	Discretionary Activity	....





### Agreed Amendments to the Decisions Version of the Fire Safety Rules (Land Use) – Clean Version of Provisions

#### ISSUE 2.3.14

2.3.14	<p><b>Potential adverse effects to life, property and the environment from fires.</b></p> <p><i>Fires can be significant events that threaten life and property and can have significant adverse environmental effects. The scale of risk fire poses is affected by:</i></p> <ul style="list-style-type: none"> <li>• <i>The probability of an unwanted fire occurring; and</i></li> <li>• <i>The ability of fire services across the district to respond to fires, given the variable distances and travel times involved</i></li> </ul> <p><i>It is important to ensure that communities living in settlements both with and without a reticulated water supply are educated and aware of the fire hazard risks and safety and mitigation measures recommended in order to minimise adverse effects to life, property and the environment.</i></p> <p><i>Careful consideration should be given to the degree of risk; the probability of an event occurring; the costs (not just the establishment cost but also the ongoing costs); and, alternative measures that may be available in these settlements to minimise risk.</i></p>
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#### OBJECTIVE 2.4.15

2.4.15	To encourage and promote fire safety measures to minimise risk to life, property and the environment from fire.
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#### POLICY 2.5.17

2.5.17	<p><b>To assess fire risks and encourage investigation of potential fire safety measures during the development and subdivision process.</b></p> <p><i>The District Plan should prompt an awareness during development and subdivision processes of the need to consider fire hazards and risk, and how these can be mitigated to avoid adverse effects to life, property and the environment. Fire and Emergency New Zealand provides advice and education that may assist in designing appropriate safety and mitigation measures. Where a public reticulated water supply exists, the Building Code standards outline legal requirements for fire safety and risk mitigation.</i></p>
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#### 2.6.1 DISTRICT PLAN METHODS

2.6.1.5	Undertaking consultation with Tangata Whenua, New Zealand Historic Places Trust, Department of Conservation, Fire and Emergency New Zealand and other agencies during the consenting process, where appropriate.
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**2.6.2 OTHER METHODS**

2.6.2.5	In non-reticulated settlements Council will require an assessment of fire risk and an investigation into the availability of water supply for safety and mitigation purposes. Reference should be made to patterns of existing water supplies and mitigation measures.
2.6.2.6	The Council will actively promote and support Fire and Emergency New Zealand's public education initiatives which prompt the recognition of fire risk and the need for mitigation measures.

**2.7 OUTCOMES**

2.7.13	A community which is educated on fire risk and has safety and mitigation measures in place, taking into account the degree of risk.
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## Rule 12.10.26

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>

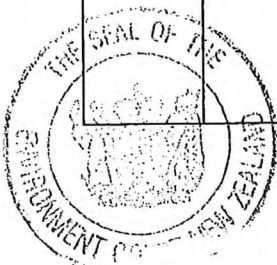


		Plantation Forestry) Regulations 2017.		
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Subdivision Assessment Criteria (12.12.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
12.12.1	General Rural Subdivision	<p><i>Subdivision</i> within the Rural Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(2) Rural Zone (excluding Overlay Areas)</p> <p>.....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 12.15;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of</p>



			<p>water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90 metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at time of development of the lot; and</li> <li>• Accessible and available year-round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li> </ul>
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**Subdivision 12.15.4 – Water Supply**

Rule	Parameter	Rural Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.15.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>(a) Meet the requirements of the Building Act 2004</p>	Discretionary Activity	





## Rule 13.10.26

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>



## Controlled Residential Subdivision Criteria (13.11.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters of Control
13.11.1	General Residential Subdivision	<p><i>Subdivision</i> within the Residential Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>(1)....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <ul style="list-style-type: none"> <li>i) Compliance with the performance standards for all subdivision contained in Section 13.14;</li> <li>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which: <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> </li> <li>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</li> </ul> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water includes 10,000 litres of water from sources that are:</p>



			<ul style="list-style-type: none"><li>• Within 90 metres of an identified building platform on each lot; and</li><li>• Existing or anticipated to be available at time of development of the lot; and</li><li>• Accessible and available year-round; and</li><li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li></ul>
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## Subdivision – Water Supply – 13.14.4

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.14.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</li> <li>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004</li> </ul>	....	....



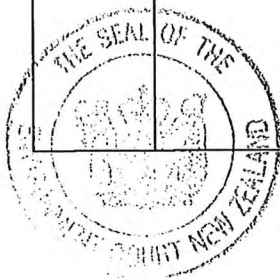
## Rule 14.10.26

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.10.26	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> </ul>



## Subdivision – 14.11.1

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
14.11.1	General Business Subdivision Serviced	<p><b>Subdivision</b> within the Business Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which the <b>Council</b> reserves its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 14.13;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>— The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>— <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>— Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p> <p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p>



			<ul style="list-style-type: none"><li>• Within 90 metres of an identified building platform on each lot; and</li><li>• Existing or likely to be available at time of development of the lot; and</li><li>• Accessible and available year-round; and</li><li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li></ul>
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## Subdivision 14.13.4 (Water Supply)

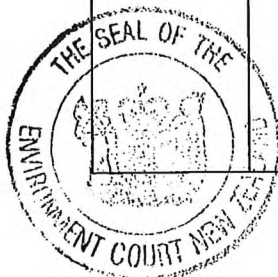
Rule	Parameter	Business: Commercial and Industrial Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
14.13.4	Water Supply	<p>(1) Where a Council water supply is available :</p> <ul style="list-style-type: none"> <li>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <i>subdivision</i>;</li> <li>b) All <i>allotments</i> are provided, within their <i>net site area</i>, with a connection to the Council water supply; and</li> <li>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ul> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <ul style="list-style-type: none"> <li>a) Meet the requirements of the Building Act 2004</li> </ul>	...	...





## Rule 15A.10.25

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.25	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <ul style="list-style-type: none"> <li>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</li> </ul>

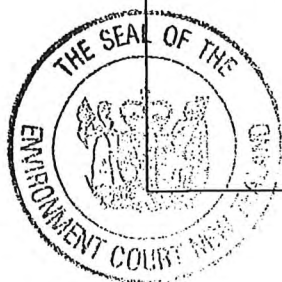


		Plantation Forestry) Regulations 2017.		
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## Rule 15A.10.3b

Rule	Parameter	Maori Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15A.10.3b	Dwelling Infrastructure	<p>(1) Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> <li>- Floor levels for habitable buildings are designed with a minimum freeboard height to floor level of 500mm above the 100 year Average Recurrence Interval floor level; and</li> <li>- In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> <li>- 5.0m above mean sea level in the West Coast and East Coast Overlays; or</li> <li>- 3.0m above mean sea level in the Mangawhai Harbour Overlay; or</li> <li>- 3.5m above mean sea level in the Kaipara Harbour Overlay; or</li> <li>- 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009.</li> </ul> </li> </ul> <p>b) Where a Council water supply is available:</p> <ul style="list-style-type: none"> <li>- The written approval of Council's asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the dwelling;</li> </ul>	Discretionary Activity	....

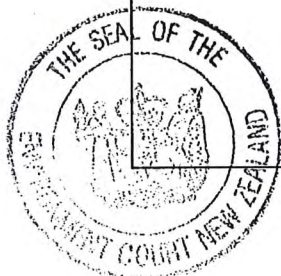


		<ul style="list-style-type: none"> <li>- All dwellings are provided, within their net site area, with a connection to the Council water supply; and</li> <li>- The water supply is designed and constructed in accordance with the specific requirements of the Council water supply system; and</li> <li>- All water pipelines vested with Council shall be protected by an Easement in favour of Council;</li> </ul> <p>c) Where a public supply is not available, water supplies to all dwellings shall:</p> <ul style="list-style-type: none"> <li>- Meet the requirements of the Building Act 2004</li> </ul> <p>[...]</p>		
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## Rule 15B.10.25

Rule	Parameter	Treaty Settlement Land Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.10.25	Fire Safety	<p>Any <b>building</b> is permitted if it does not impede the movement of fire service vehicles or equipment or generally restrict access for firefighting purposes</p> <p><b>Note 1:</b> For fire safety, Fire and Emergency New Zealand recommends:</p> <ul style="list-style-type: none"> <li>• That dwellings should be at least 20m away from scrub or shrubland, woodlot or forestry; and</li> <li>• That a fire sprinkler system is installed in accordance with either the: <ul style="list-style-type: none"> <li>○ NZS 4517: 2010 (Fire Sprinkler Systems for Houses); or</li> <li>○ NZS 4541: 2013 (Automatic Fire Sprinkler Systems); or</li> <li>○ NZS 4515: 2009 (Fire Sprinkler Systems for Life Safety in Sleeping Occupancies up to 2,000m<sup>2</sup>)</li> </ul> </li> <li>• That a sufficient water supply is provided if a sprinkler system is not being installed.</li> </ul> <p>Fire and Emergency New Zealand can be contacted for further advice (<a href="http://www.fireandemergency.nz">www.fireandemergency.nz</a>).</p> <p>This note does not apply to plantation forestry, as this is regulated under the Resource Management (National Environmental Standards for</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for resource consent:</p> <p>i) The accessibility for fire service vehicles, taking into account a risk-based assessment</p>

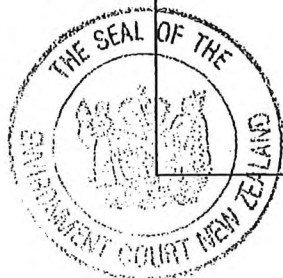


		Plantation Forestry) Regulations 2017.		
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## Subdivision Assessment Criteria (15B.11.1)

Rule	Type of Subdivision	Terms for Subdivision	Matters for Control
15B.11.1	Treaty Settlement Subdivision	<p><b>Subdivision</b> within the Maori Purposes: Treaty Settlement Zone is a <b>Controlled Activity</b> if it meets the following terms for subdivision:</p> <p>....</p>	<p>Where an activity is a <b>Controlled Activity</b> under this Rule, the following are the matters over which <b>Council</b> will reserve its control.</p> <p><b>General Subdivision</b></p> <p>i) Compliance with the performance standards for all subdivision contained in Section 15B.14;</p> <p>ii) That site(s) is adequately serviced and/or sites are managed, in particular the extent to which:</p> <ul style="list-style-type: none"> <li>- The subdivision complies with the requirements of the relevant performance standards in the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer;</li> <li>- The subdivision incorporates the principles of Low Impact Stormwater Design;</li> <li>- The ability of the proposed lots to be able to be able to comply with the Land Use Performance Standards in Section 15B.10;</li> <li>- <b>Reticulated</b> services, are able to be placed underground with minimal disturbance to vegetation and landform. Or, for overhead reticulation, the extent to which it is placed as unobtrusively as possible and additional measures are taken as necessary to avoid, any potential adverse visual effects;</li> <li>- Sufficient firefighting water supply is available, taking into account a risk-based assessment (Refer Note 8)</li> </ul> <p>iii) That the location and design of allotment boundaries and building areas avoids potential reverse sensitivity <b>effects</b> including reverse sensitivity conflict with existing utilities and has regard to the objectives and policies of Chapter 10</p> <p>.....</p>



			<p><b>Note 8:</b> For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"><li>• Within 90 metres of an identified building platform on each lot; and</li><li>• Existing or likely to be available at time of development of the lot; and</li><li>• Accessible and available year-round; and</li><li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot</li></ul>
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## Subdivision 15B.14.4

Rule	Parameter	Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
15B.14.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <p>a) The written approval of <b>Council's</b> asset manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the <b>subdivision</b>;</p> <p>b) All <b>allotments</b> are provided, within their <b>net site area</b>, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available, water supplies to all developments shall:</p> <p>a) Meet the requirements of the Building Act 2004</p>	Discretionary Activity	....





**File number:** 4107.873 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **29 November 2018**  
**Subject:** **Private Road Seal Extension Policy 2018 Adoption**  
**Date of report:** 12 November 2018  
**From:** Bernard Petersen, Acting Roading Manager  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

Council recently sought community feedback on a Draft Private Road Seal Extension Policy. The Policy sets out, in a clear and transparent manner, Council's criteria for considering private seal extension requests from ratepayers and/or residents. It also outlines how and when Council will enter into arrangements with ratepayers and/or residents to ensure consistency, fairness and equity.

An analysis of the community feedback received has resulted in some recommended amendments to the original Draft Policy. It is necessary for Council to adopt the final recommended *Private Road Seal Extension Policy 2018* as set out in Appendix 4 of the **Attachment 1** Report "*Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations – 18 October 2018*".

The Policy will provide a clear and transparent process and criteria for Council when considering private seal extension requests from ratepayers and/or residents. Once adopted the Policy will also provide certainty to ratepayers as to how and when Council will enter into funding arrangements with ratepayers and/or residents to ensure consistency, fairness and equity.

This Report and its attachments provide a summary of the community feedback received, the recommended amendments to the Draft arising from community feedback, and the final recommended *Private Road Seal Extension Policy 2018*.

### Recommendation

*That the Kaipara District Council:*

- 1 *Receives the Acting Roading Manager's report 'Private Road Seal Extension Policy 2018 Adoption' dated 12 November 2018 and its **Attachment 1** 'Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations'; 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 *Adopts the Private Road Seal Extension Policy 2018, as set out in Appendix 4 of **Attachment 1** to the aforementioned report.*

### Reason for the recommendation

Council adopted a Draft Private Road Seal Extension Policy for the purposes of community feedback. Community engagement has been completed and some changes to the original Draft Policy have been recommended as a result.

Council must receive the Feedback Summary and Recommendations Report so that it can adopt the new recommended Policy. Formally adopting Council's *'Private Road Seal Extension Policy 2018'* will enable the Policy to be made operative.

### Reason for the report

This report and its Attachment sets out the results of the feedback provided by the community and the recommendations that arises from that feedback. **Attachment 1:** *'Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations'* provides a summary of the community engagement undertaken, the feedback received and the recommended amendments to the Draft Policy. A full copy of the Policy as amended by the recommendations is contained in Appendix 4 of **Attachment 1**.

### Background

Kaipara District Council (Council) is a Road Controlling Authority (RCA) within the Kaipara district, and has a statutory role in managing the district's local roads (except State Highways). This statutory role includes the maintenance, upgrade and safety of the local road network. Overall, Kaipara District Council manages 1,573km of roads within its network. 1,125km of these roads (72%) are unsealed.

Funding for the maintenance of the road network, including the sealing of roads, consists of Council Rates (including both general and some targeted rates) and a subsidy from the NZ Transport Agency (NZTA) (central government) for most of the activity.

Council does not generally undertake unsubsidised seal extension work. However, there is an option for ratepayers and/or residents to request a seal extension, where the persons making the request are fully or partially funding that seal extension.

The *Private Road Seal Extension Policy 2018* sets out, in a clear and transparent manner, Council's criteria for considering privately requested seal extensions from ratepayers and/or residents. It also outlines how and when Council will enter into funding arrangements with ratepayers and/or residents to ensure consistency, fairness and equity.

Seeking and considering community views is an important component of the Policy adoption process.

### Issues

The Kaipara District Council's *Private Road Seal Extension Policy 2018* addresses the following issues:

- The costs of maintaining the road network, including the sealing of roads are significant, requiring funding from Council Rates and subsidies from the NZTA;
- Privately requested seal extensions often do not attract a subsidy from the NZTA as they do not meet NZTA funding criteria and are usually highly localised with limited benefits beyond the affected ratepayers;

- There is a need to have a process by which ratepayers can privately fund seal extensions, but that process needs to be consistent and transparent.

## Factors to consider

### Community views

Community feedback on the Draft Policy was sought through public notices in the Mangawhai Focus and the Kaipara Lifestyler. In addition, the Draft Policy, including information on how to provide feedback, was placed on the Kaipara District Council website ‘Have Your Say’ page, with key stakeholders such as the Tern Point Ratepayers and Residents Association directly notified.

The Draft Kaipara District Council’s *Private Road Seal Extension Policy 2018* was publicly notified on 17 September 2018. Submissions closed at 5pm on 15 October 2018. A total of 14 submissions were received. The table below provides a summary of the submissions received.

14	Total submissions received
4	Neither support nor oppose
9	General support but seeking amendments to the proposal
1	Opposing the proposed amendments

**Table 1: Submissions received**

The attached report (**Attachment 1**) ‘*Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations*’ provides a more detailed description of the community engagement process and the feedback received.

### Policy implications

The Kaipara District Council’s *Private Road Seal Extension Policy 2018* provides direction for privately requested road seal extension decision-making and funding. The Policy was assessed in accordance with the requirements of the Kaipara District Council Significance and Engagement Policy (February 2018) and does not meet the significance criteria.

There are no other policy implications associated with this decision.

### Financial implications

The Policy states that:

*‘Any application that meets the Council criteria for private seal extension will still need to be considered through a formal planning process, being an Annual or Long Term Plan; and will need to be consistent with Council’s Rating Policy. This is to ensure that any potential private seal extensions are considered at Council’s sole discretion as part of Council’s wider roading programme, and whether the project can be accommodated within Council’s financial parameters.’*

The financial implications of applications will therefore be assessed on a case-by-case basis; however, it is worth noting that if a portion of any project is approved to be funded via a targeted rate, then there will be an adverse effect on Council’s debt level.

### **Legal/delegation implications**

There are no legal or delegation implications associated with this decision.

### **Options**

In seeking community feedback, three options were presented to the community for their views, being:

- Do not have a Private Road Seal Extension Policy;
- Retain the existing Private Road Seal Extension Policy;
- Update and prepare a new Private Road Seal Extension Policy.

The community feedback received supported the new *Private Road Seal Extension Policy* (with amendments).

In relation to the current decision, Council has three options:

**Option A:** Adopt the recommended *Private Road Seal Extension Policy 2018*, as amended after community feedback.

**Option B:** Adopt the *Draft Private Road Seal Extension Policy 2018* without the recommended amendments arising from community feedback.

**Option C:** Do not adopt a new Private Road Seal Extension Policy.

### **Assessment of options**

*Option A* would result in the adoption of a robust Policy that has incorporated appropriate amendments arising from the community engagement undertaken. This option will achieve the desired outcome of a consistent and transparent approach to private requests for seal extensions.

*Option B* will deliver the desired outcome of a consistent and transparent approach to private requests for seal extensions, but would not incorporate reasonable and beneficial amendments to the Policy arising from community engagement. There would be a risk of a community perception that the resulting Policy is not as robust as it could be.

*Option C* will not deliver the consistent and transparent Policy outcome sought, resulting in 'ad-hoc' decision-making and poor community outcomes.

### **Assessment of significance**

This decision does not meet Council's criteria for significance under the Significance and Engagement Policy (February 2018).

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Once adopted, the new and updated Policy will be made available on Council's website. All ratepayers that provided feedback will be notified of the adopted Policy.

## Attachments

- Attachment 1: 'Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations'







Kaipara District Council  
Private Road Seal  
Extension Policy 2018  
**Feedback Summary and Recommendations**

**ABSTRACT**

This Report sets out the community feedback process and consequential recommended amendments to the Draft Kaipara District Private Road Seal Extension Policy 2018.

**Shawn Baker**

Organisational Solutions Ltd

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## 1.0 Introduction

Kaipara District Council (Council) is a Road Controlling Authority (RCA) within the Kaipara District, and has a statutory role in managing the District's local roads (except State Highways). This statutory role includes the maintenance, upgrade and safety of the local road network. Overall, Kaipara District Council manages 1,573km of roads within its network. 1,125km of these roads (72%) are unsealed.

Funding for the maintenance of the road network, including the sealing of roads, consists of Council Rates (including both general and targeted rates) and a subsidy from the NZ Transport Agency (Central Government).

Council does not generally undertake unsubsidised seal extension work. However, there is an option for ratepayers and/or residents to request a seal extension, where the persons making the request are fully or partially funding that seal extension.

The Private Road Seal Extension Policy sets out, in a clear and transparent manner, Council's criteria for considering privately requested seal extensions from ratepayers and/or residents. It also outlines how and when Council will enter into arrangements with ratepayers and/or residents to ensure consistency, fairness and equity.

This Report provides a summary of the feedback received, along with recommendations arising from the feedback.

Council sought community feedback on the Draft Private Road Seal Extension Policy through public notification on 17<sup>th</sup> September 2018. This Report provides a summary of the community feedback received, and the recommendations that arise from that feedback.

## 2.0 Purpose and Scope

The purpose of this report is to provide an overview of the feedback received on the proposed Private Road Seal Extension Policy 2018.

This report provides:

- A summary of the submissions received
- A discussion of the issues raised by submitters, either individually; or collectively where there are similar themes.
- The recommendations arising from the submissions, including the reasons for the recommendations.

All submissions are acknowledged in this report; but may not be specifically referenced within the body of this report due to the similarity of the decisions requested, reasons given, and the volume of submissions received.

### 3.0 Community Feedback

The Draft Seal Extension Policy was notified for community feedback by way of public notices in the main Kaipara District media, being the Mangawhai Focus and the Kaipara Lifestyler on 17<sup>th</sup> September 2018. The Public Notice provided a brief outline of the purpose of the Draft Policy, how feedback could be provided, and when that feedback should be received by Council. The Public notice also set out where further information could be obtained.

A full report providing additional information was made available at Council service centers and on Council’s website. The information available included:

- A summary of the proposed policy
- Reasons for the policy
- Options assessment
- How to provide feedback
- The full text of the Draft Private Road Seal Extension Policy 2018

Any person or organization was able to make a submission by:

- Lodging feedback electronically on Council’s website
- Emailing feedback to Council
- Posting feedback, or dropping feedback off to a Council service center

All feedback received before 5pm on October 15<sup>th</sup>, 2018 were accepted.

### 4.0 Submissions Overview

The Draft Private Road Seal Extension Policy was publicly notified on 17<sup>th</sup> September 2018. Submissions closed at 5pm on 15 October 2018. A total of 10 submissions were received.

14	Total submissions received
4	Neither support nor oppose
9	General support but seeking amendments to the proposal
1	Opposing the proposed amendments

**Table 1: Submissions Received**

### 5.0 Submissions Opposed

There was one submission opposing the Proposed Private Road Seal Extension Policy 2018. The submitter stated that any formal policy should not be implemented if it allows for a property to be levied for the sealing of their road if they expressly do not wish to have their road sealed and that a 75% agreement is insufficient.

The submitter pointed out that, over time, the number of residents accessing a previously engineered private road has increased. This has resulted in an extension to the road that is not built to proper engineered standards.

The issues that the submitter raises are valid – how do Council address the issue where a small minority of residents or land-owners do not wish to; or cannot pay for their share of the road sealing? The other

issue raised by the submitter is how to address the issue of subsequent subdivision along the newly sealed road.

In addressing these issues, Council needs to ensure that the resulting solution meets the legal constraints places on Council in terms of Council's ability to strike a Rate, and the type of rate that can be used.

In terms of where at least 75% of the affected parties agree to pay a share of the road seal project, the Policy needs to consider the remaining percentage (up to 25%). It is inequitable for a small minority of people to not pay their share (either up-front or through rates) where they benefit from the road sealing. The benefits could range from improved access and lifestyle through to increased property values.

Whilst there is an issue of inequity, there is also an issue of requiring a landowner to pay for something that they do not want. This is a matter that arises with rates generally. In terms of a voluntary project that the local community is seeking to undertake, the solution may be to provide some flexibility in how individuals pay, within the limitations of Council's existing Rating Policy and legal requirements.

It should be noted that a 75% threshold is very high. In addition, normal consultation will need to be undertaken in accordance with the legal requirements of introducing a new targeted rate.

## 6.0 Submissions in Support

All 10 submissions received were in general support of the Draft Policy in principle. Three submissions did not specifically indicate whether they were in overall support, or opposition of the Draft Policy.

All submissions received sought amendments to the Draft Policy so that the Policy would meet the objective of transparency and consistency. These submissions are summarized in Appendix 1, with the full text of the "form submission" set out in Appendix 2.

The main concerns of the submitters relate to the provision of flexibility in payment arrangements, the way any proposed rate is struck, and refunds.

### ***Flexibility:***

Council must consider the potential costs and risks to the wider community when entering into an agreement to fund or facilitate a project that provides specific benefit to a specific community group, particularly where Council is facilitating a privately requested project. Council must also consider the legal constraints of setting a Rate to pay for a project.

It is Council's intent that the Private Road Sealing Extension Policy should enable road sealing projects that are requested by the community, and that the community is able to fund that project, either through a lump sum payment or through targeted rates.

In order to proceed with the road sealing project, Council will require at least 75% of the affected community to agree to paying the costs, either as a targeted rate, or as a lump sum.

Before the project can commence, Council also requires that a minimum 50% of the estimated cost is paid by the benefiting community up-front. Council recognises that some members of the community will prefer to pay a lump sum, whilst others will prefer to pay over time through a targeted rate. Where

payment is made over time, Council will require the security of the payment being attached to the property through a targeted rate. This means that the cost of the road seal extension is attached to the benefiting properties.

The limitations on Council's ability to set targeted rates also limit the flexibility that Council can provide.

In addressing the feedback received, it is recommended that some amendments are made to the Policy to make it clear that benefiting property owners may choose to:

- Pay their share as a lump sum; or
- Pay their share through a targeted rate set on the property;

Provided that the total lump sum received by Council is equal to, or greater than 50% of the estimated project cost.

***Rating System:***

The Draft Policy envisages a targeted set according to the individual property value. This is based on the wider rating principle that general rates are normally set according to property value and ability to pay.

Council accepts that feedback that all benefiting properties would benefit equally through improved access, lower dust emissions and other benefits of a sealed road. Council therefore accepts that each benefitting owner's property should be rated on an equal basis, i.e. a fixed or uniform charge. Using this basis for rating will create efficiencies in Council administration and avoid any necessity for capping property values.

***Refunds:***

The feedback received notes that the Policy should accommodate refunds where the cost of the work is less than the estimate.

There are two aspect to refunds:

1. Where lump sum payments are paid, and the project does not commence: In this instance, there is a legal requirement to provide a refund.
2. Where the actual cost is less than the estimate used to set rates. The procurement process involves Council making an estimate of the costs involved in the project. This estimate will be used to determine the estimated cost to each benefiting property owner, and to obtain at least 75% written agreement from the benefiting property owners. Council will then go to the market for tenders to undertake the work. The final cost will be utilized to set the final rates. If the tendered costs are significantly different to the original estimate, either higher or lower, Council will need to further consult the benefiting property owners to obtain agreement for any adjustments to rates, or lump sum requirements.

Some amendments to the Policy are recommended to make the issue of refunds clearer.

## 7.0 Recommendations

Having considered all submissions received, it is recommended that the Private Road Seal Extension Policy 2018 be amended as set out in Appendix 3 of this Report.

The reasons for the amendment are:

- The stated amendments better achieve the stated outcome of the Policy by providing greater clarity and transparency of process; and
- The amended Policy will better meet the needs of the community, whilst protecting Council and the wider ratepayer; and
- The amended Policy will provide an appropriate level of flexibility for the community to meet the minimum funding arrangements for a privately requested road seal extension project.

## Appendix 1 - Submitters and Submission Summary

Number	Submitter Name	Support Opposed	Summary
1	Dunning M	Support with amendment	My family own a property in Tern Point. We support the policy but with the proposed amendment made in the submission by the Tern Point Recreation and Conservation Society as being the only fair and equitable way to levy payment for sealing. Refer Appendix 2 for full text of amendments supported by submitter.
2	Mackinnon D	Unclear	Raymond Bull Road is a main arterial road to local street and Tern Point home owners. The dust nuisance alone justifies the sealing of Raymond Bull as some residence cannot have the freedom of opening their house windows or hanging washing outside. Unsealed roads like this so close to a township is unheard of in other districts throughout NZ.
3	Jepson M	Support with amendments	Support the Private Road Seal Extension Policy, but seek amendments to “ensure consistency, fairness and equity”. Re-order and re-write paragraphs 4.0 and 5.0 to integrate the 50% up-front payment into the process; and within the process preserve the minimum 50% up front requirements. Refer Appendix 2 for full text of amendments sought.
4	Hurley A		The requirement to pay 50% of costs up front in a single payment will not work so as to achieve transparency and consistency, fairness and equity. Some owners will pay and some will not. In the case of the Raymond Bull Road project there is now likely (on account of ongoing subdivision) to be in excess of 45 properties involved, creating an impossible situation. Raymond bull needs to be sealed because of health and safety. Dust falling on roofs going into water tanks is a real health problem!!! I wish to submit that the council consider a traction seal, to be monitored and followed up after two years and levy our rates to cover the cost of the sealing.
5	Hurley D		The requirement to pay 50% of costs up front in a single payment will not work so as to achieve transparency and consistency, fairness and equity. Some owners will pay and some will not. In the case of the Raymond Bull Road project there is now likely (on account of ongoing subdivision) to be in excess of 45 properties involved, creating an impossible situation. Raymond bull needs to be sealed because of health and safety. Dust falling on roofs going into water tanks is a real health problem!!! I wish to submit that the council consider a traction seal, to be monitored and followed up after two years and levy our rates to cover the cost of the sealing.
6	Forrester I & K	Support with Amendments	Support the Private Road Seal Extension Policy, but seek amendments to “ensure consistency, fairness and equity”. Re-order and re-write paragraphs 4.0 and 5.0 to integrate the 50% up-front payment into the process; and within the process preserve the minimum 50% up front requirement. Refer Appendix 2 for full text of amendments sought.
7	Russell J & A	Support with Amendments	Support the Private Road Seal Extension Policy, but seek amendments to “ensure consistency, fairness and equity”. Re-order and re-write paragraphs 4.0 and 5.0 to integrate the 50% up-front payment into the process; and within the process preserve the minimum 50% up front requirement. Refer Appendix 2 for full text of amendments sought.



Number	Submitter Name	Support Opposed	Summary
8	Forrester J & A	Support with Amendments	Support the Private Road Seal Extension Policy, but seek amendments to “ensure consistency, fairness and equity”. Re-order and re-write paragraphs 4.0 and 5.0 to integrate the 50% up-front payment into the process; and within the process preserve the minimum 50% up front requirement. Refer Appendix 2 for full text of amendments sought.
9	Eddington	Support with Amendments	Support the Private Road Seal Extension Policy, but seek amendments to “ensure consistency, fairness and equity”. Re-order and re-write paragraphs 4.0 and 5.0 to integrate the 50% up-front payment into the process; and within the process preserve the minimum 50% up front requirement. Refer Appendix 2 for full text of amendments sought.
10	Johnston	Support with Amendments	I support a private road seal extension policy. The draft policy does not achieve its stated aims because of the treatment of the 50% upfront payment requirement. Integrate 50% upfront payment across whole process so each owner is credited with initial payments made as against the full 100% cost to each owner. This will result in differing amounts being payable via a targeted rate, something that council systems should be able to cope with.
11	Andrew P	Unclear	No relief sought
12	Shewan F	Oppose	Do not believe that any formal policy should be implemented that allows for a property to be levied for the sealing of their road if they expressly do not wish to have their road sealed. A 75% agreement is not enough for this policy to be allowed. Submitter raised concerns over increased development giving rise to more road access requirements.
13	McPherson C&J	Support	Support seal extensions in Raymond Bull Road. Believe that the seal extension should go ahead if there is a clear majority of affected parties approve. The funding of the road, by whatever mechanism should be born equally by all affected households.
14	Peter Andrew Trust	Support	Specifically support a targeted rate to fund a seal extension. Support the submission lodged by the Tern Point Recreation & Conservation Society.

## Appendix 2 – Full Text Amendments Sought

A number of submitters presented a “Form submission”. A Form Submission is where several submissions are made that are the same, or similar in the outcomes that they are seeking. All submissions received were from the Tern Point area of Mangawhai, which is a community that has been seeking Council to seal a local road for some time.

### Submission:

Rewrite and reorder paragraphs 4.0 (Guidelines) and 5.0 (Funding Criteria). Below we set out the steps in the order we consider they should occur:

1. Provide “reasonable support” letter – 55% of affected parties willing to fund. Make it clear that this initial letter may be written by or on behalf of the affected parties.
2. Council assesses project – estimates costs, identifies all benefitting owners. Council notifies each owner of the total cost for that owner. (Note, feedback on rating method follows).
3. Council proceeds with poll to obtain 75% written agreement from benefitting property owners.
4. If the poll is successful a minimum 50% of total costs is to be paid upfront. Each owner pays the Council direct and that payment is credited against the total cost notified to each owner. This enables some owners to pay 100% upfront, some to pay part and some to pay nothing. If the minimum overall threshold is not met, then provision will need to be made for refunds.
5. The balance for each owner is paid via a targeted rate set by Council.

*Rating Method* – As seal extensions are used by all benefitting owners on an equal availability for use basis, we recommend that each benefitting owner’s property be rated on an equal basis, i.e. a fixed or uniform charge. We think this will also be easier for the Council to administer and will avoid any necessity for capping property values as set out in paragraph 5 of the Draft Policy.

*Refunds* – If the actual cost of the seal extension is less than the estimate, then the policy should accommodate refunds.

## Appendix 3 – Amended Private Road Seal Extension Policy 2018 (Tracked Changes)

Underlined text is text that has been inserted

~~Strikethrough~~ text is text that is deleted

### 1.0 Background

Currently the NZ Transport Agency (NZTA) generally does not subsidise seal extensions and as a consequence new seal extension work is not generally implemented. Options for seal extensions to occur are roads that are either sealed by developers as part of their development, at times by Council when funded via development and/or financial contributions, or privately funded by local ratepayers and/or residents.

Occasionally Council is approached by local ratepayers and/or residents seeking the mechanism for sealing of their respective roads. This Policy sets out the criteria, funding arrangements and timing of proposed private seal extensions.

Currently the cost of a seal extension is approximately \$500,000 - \$600,000 plus GST per kilometre<sup>1</sup>. Using local ratepayers' and/or residents' funding can provide a good outcome for those seeking to have a road sealed.

There are several components to a seal extension; base course strengthening, stabilisation and sealing. A second seal coat is also required 2-3 years after the initial sealing to waterproof the seal extension.

It is recommended that this Policy be read in conjunction with the Kaipara District Council's Roading Policy.

The policy covers the following:

1. Background
2. Objective
3. Definitions
4. Guidelines
5. Funding Criteria
6. Future Maintenance

<sup>1</sup> Plus, ongoing maintenance

## 2.0 Objective

The objective of this Policy is to set out, in a clear and transparent manner, Council's criteria for considering private seal extension requests from ratepayers and/or residents. It will outline how and when Council will enter into arrangements with ratepayers and/or residents to ensure consistency, fairness and equity.

## 3.0 Definitions

<b>Council</b>	means Kaipara District Council.
<b>Ratepayer</b>	means landowners or occupiers who pay rates
<b>Residents</b>	means occupiers, may be the same as ratepayers and may or may not pay rates
<b>Road</b>	has the same meaning as set out in the Local Government Act 1974 and shall, where the context requires, include a street.
<b>Sealing</b>	means the water-resistant top layer of a road, covering the metal pavement layers that make up the road structure.

## 4.0 Guidelines

The following requirements shall be met for privately funded seal extensions:

- The minimum length of road to be sealed shall be 100m;
- Where ratepayers and/or residents fully fund the private seal extension costs, including the cost of a second coat seal, Council will work with the community to progress the private seal extension project;
- Where a community has not been able to acquire 100% support from the affected residents/ratepayers to fund the full cost of the private seal extension, Council may consider a targeted rate to fund up to 50% of the total project costs i.e. a minimum of 50% of the project costs are required to be paid up front as a single payment;
- Where Council chooses to use a target rate to fund 50% of the costs, benefiting landowners will be provided an option to pay either as a lump sum, or through a targeted rate, provided that the total of the lump sum payments equal or exceed 50% of the total estimated costs.
- To progress an application for any potential rate to be levied, a community will need to demonstrate reasonable support from the affected parties. Reasonable support is defined as being over 55% of the affected parties willing to fund the private seal extension demonstrated by way of a signed letter to Council, from the affected party or their authorised representative;
- Where reasonable support has been gained, Council will then undertake an assessment of the project to estimate the project costs, identify all the affected property owners, and assess each property owner's cost contribution. The project costs shall also include the cost of a second coat seal to be undertaken within two to three years after the initial sealing (currently the average cost to reseal a road is \$28,000 + GST per kilometer);

- Council will notify each benefiting owner of the costs to that owner, set out as a lump sum payment or a targeted rate.
- Once the total costs to each owner has been notified to them, Council will poll all affected owners and shall only proceed when there is at least 75% written agreement from benefiting property owners.
- In the event that Council receives multiple applications in a financial year for private seal extensions, priority will be given on a first come first served basis with one potential private seal extension project being considered by Council in any financial year;
- Any application that meets the Council criteria for private seal extension will still need to be considered through a formal planning process, being an Annual or Long-Term Plan; and will need to be consistent with Council's Rating Policy. This is to ensure that any potential private seal extensions are considered at Council's sole discretion as part of Council's wider roading programme, and whether the project can be accommodated within Council's financial parameters;
- If a project is approved by Council, Council will undertake the procurement as outlined in its Procurement Policy.
- Where the tendered or final cost is significantly different from the original estimate agreed by benefiting property owners, Council will further consult with benefiting landowners with respect to any additional cost, or refunds.
- Where the Private Road Seal Extension Policy does not proceed, for example, if the community is unable to meet the 50% up-front funding threshold, Council will refund any lump sum payments received in accordance with Council Policy. Where the total actual cost is less than the estimated cost, any refund will be achieved by a reduction in the targeted rate.

## 5.0 Funding Criteria

The following funding criteria shall be met:

- Where there is *reasonable support* Council will assess the project, including the estimation of costs and the identification of benefiting landowners.
- Once Council has completed an assessment of the proposed private seal extension, Council will advise all benefiting landowners of the total cost, paid as either a lump sum or as a targeted rate. Council will need to obtain a minimum 75% written agreement of the property owners benefiting from the seal extension, so that Council is confident that the majority of the affected parties agree to paying either a lump sum or a targeted rate for the private seal extension prior to commencing the funding process;
- Council may consider a targeted rate to fund up to 50% of the total project costs over a period not exceeding 10 years ~~twenty (20) year.~~ i.e. a minimum of 50% of the project costs are required to be paid up front by the benefiting owners or their representative;
- Where a targeted rate is agreed by Council, benefiting landowners will be given the option of a lump sum payment or a targeted rate attached to the property. ~~as a single payment;~~

- The project shall not proceed until the combined up-front payments meet the minimum threshold of 50% of the total project costs as identified in the project assessment. Council will hold the contributed funds until the 50% threshold is met, or shall make refunds where it is agreed that the threshold will not be met;
- Any rates levied shall be apportioned over the benefiting properties that do not pay the full costs as a lump-sum on an equal basis using a uniform targeted rate.
- ~~Any rates levied shall be apportioned over the benefiting properties based on property values. For any property identified as being significantly larger in land area, Council will cap the value of that property owner's capital contribution by calculating the cost contribution based on a land value of a property size of four hectares;~~
- ~~Once Council has completed an assessment of the proposed private seal extension, Council will then need to obtain a minimum 75% written agreement of the property owners benefiting from the seal extension, so that Council is confident that the majority of the affected parties agree to paying a targeted rate for the private seal extension;~~
- If successful, any rate that is levied on properties deemed as benefiting from the private seal extension that is to be paid over a period not exceeding 10 20 years shall be charged with interest as determined by Council from time to time;
- In some instances, Council may consider at its sole discretion to contribute up to 20% of the project costs. The criteria that Council will consider will include, but not limited to:
  - The classification of the road to be sealed and the wider community benefit of sealing that road, for example, is it a through road or a key diversion route?
  - If any funding is available through Council, how this cost will be met;
  - An assessment of the physical characteristics of the road (refer Table 1 below).
- Council will consult with the benefiting landowners as to any adjustments to the targeted rate or lump sum payments where there is a significant difference between the actual cost and the estimated cost.

## 6.0 Future maintenance

The sealing of a road has to be maintained to restore its waterproofing properties and level of service. To do this the section of road has to be resealed within two to three years of the initial seal coat (second coat seal), and then resealed every 12 to 15 years after that. Resealing not only includes the actual resurfacing of the road, it also includes line marking, pothole patching and surface water channel maintenance.

Council will then take over and fund the maintenance of the road once it has been sealed including a reseal every 12-15 years. Currently the ongoing maintenance of a sealed road attracts NZTA subsidy.

**Table 1 – Assessment criteria and scoring for the physical characteristic of an unsealed road**

Traffic Movements (AADT)	Score	Dwellings/km (<100m from road)	Score	Amenities <sup>2</sup> /km	Score
1-50	2	1-2	1	1-2	1
51-100	4	3-4	2	3-5	2
101-200	6	5-10	3	6-10	3
201-500	8	11-15	4	>10	4
>500	10	16-20	5		
		>20	6		
Score		Score		Score	
Average Gradient <sup>3</sup> (%)		Incidents <sup>4</sup>		HCV <sup>5</sup>	
<1	1	1	1	1-5	2
1-5	2	2-3	2	6-10	4
5.1-8	3	4-5	3	11-15	6
8.1-12.5	4	6-10	4	16-20	8
>12.5	5	>10	5	>20	10
Score		Score		Score	
Total Score <sup>6</sup>					

The weightings for traffic movements and heavy vehicles (HCV) have been increased in the assessment to reflect usage and potential damage to the unsealed road which impact on the level of routine maintenance required. Any spurious or unreliable traffic data should be validated.

Commercial activities, tourism and associated events will be reflected in the scores assigned to Traffic Movements and Amenities

<sup>2</sup> *Amenities* refers to amenities less than 100m from the road where dust may be a nuisance, and include;

- A community hall, marae, place of worship or reserve; or
- A place of work (e.g. dairy shed or commercial premises); or
- Road forms part of a school bus route; or
- Orchard or food crops; or
- A residential house.

<sup>3</sup> *Gradient* is used in this assessment as proxy for the maintenance cost of the unsealed road.

<sup>4</sup> *Incidents* refers to the documented number of serious safety incidents or accidents that have occurred on the unsealed road in the previous five years.

<sup>5</sup> *HCV* is recorded as movements of a vehicle with a gross vehicle mass of greater than 3.5 tonne vehicle/axis.

<sup>6</sup> *Total score* is the sum of the scores of the six factors in the table.

## Appendix 4 – Private Road Seal Extension Policy 2018 (Clear Copy)

### 1.0 Background

Currently the NZ Transport Agency (NZTA) generally does not subsidise seal extensions and as a consequence new seal extension work is not generally implemented. Options for seal extensions to occur are roads that are either sealed by developers as part of their development, at times by Council when funded via development and/or financial contributions, or privately funded by local ratepayers and/or residents.

Occasionally Council is approached by local ratepayers and/or residents seeking the mechanism for sealing of their respective roads. This Policy sets out the criteria, funding arrangements and timing of proposed private seal extensions.

Currently the cost of a seal extension is approximately \$500,000 - \$600,000 plus GST per kilometre, plus ongoing maintenance.

Using local ratepayers' and/or residents' funding can provide a good outcome for those seeking to have a road sealed.

There are several components to a seal extension; base course strengthening, stabilisation and sealing. A second seal coat is also required 2-3 years after the initial sealing to waterproof the seal extension.

It is recommended that this Policy be read in conjunction with the Kaipara District Council's Roading Policy.

The policy covers the following:

7. Background
8. Objective
9. Definitions
10. Guidelines
11. Funding Criteria
12. Future Maintenance

### 2.0 Objective

The objective of this Policy is to set out, in a clear and transparent manner, Council's criteria for considering private seal extension requests from ratepayers and/or residents. It will outline how and when Council will enter into arrangements with ratepayers and/or residents to ensure consistency, fairness and equity.



### 3.0 Definitions

<b>Council</b>	means Kaipara District Council.
<b>Ratepayer</b>	means landowners or occupiers who pay rates
<b>Residents</b>	means occupiers, may be the same as ratepayers and may or may not pay rates
<b>Road</b>	has the same meaning as set out in the Local Government Act 1974 and shall, where the context requires, include a street.
<b>Sealing</b>	means the water-resistant top layer of a road, covering the metal pavement layers that make up the road structure.

### 4.0 Guidelines

The following requirements shall be met for privately funded seal extensions:

- The minimum length of road to be sealed shall be 100m;
- Where ratepayers and/or residents fully fund the private seal extension costs, including the cost of a second coat seal, Council will work with the community to progress the private seal extension project;
- Where a community has not been able to acquire 100% support from the affected residents/ratepayers to fund the full cost of the private seal extension, Council may consider a targeted rate to fund up to 50% of the total project costs i.e. a minimum of 50% of the project costs are required to be paid up front as a single payment;
- Where Council chooses to use a target rate to fund 50% of the costs, benefiting landowners will be provided an option to pay either as a lump sum, or through a targeted rate, provided that the total of the lump sum payments equal or exceed 50% of the total estimated costs.
- To progress an application for any potential rate to be levied, a community will need to demonstrate reasonable support from the affected parties. Reasonable support is defined as being over 55% of the affected parties willing to fund the private seal extension demonstrated by way of a signed letter to Council, from the affected party or their authorised representative;
- Where reasonable support has been gained, Council will then undertake an assessment of the project to estimate the project costs, identify all the affected property owners, and assess each property owner's cost contribution. The project costs shall also include the cost of a second coat seal to be undertaken within two to three years after the initial sealing (currently the average cost to reseal a road is \$28,000 + GST per kilometer);
- Council will notify each benefiting owner of the costs to that owner, set out as a lump sum payment or a targeted rate.
- Once the total costs to each owner has been notified to them, Council will poll all affected owners and shall only proceed when there is at least 75% written agreement from benefiting property owners.

- In the event that Council receives multiple applications in a financial year for private seal extensions, priority will be given on a first come first served basis with one potential private seal extension project being considered by Council in any financial year;
- Any application that meets the Council criteria for private seal extension will still need to be considered through a formal planning process, being an Annual or Long-Term Plan; and will need to be consistent with Council's Rating Policy. This is to ensure that any potential private seal extensions are considered at Council's sole discretion as part of Council's wider roading programme, and whether the project can be accommodated within Council's financial parameters;
- If a project is approved by Council, Council will undertake the procurement as outlined in its Procurement Policy.
- Where the tendered or final cost is significantly different from the original estimate agreed by benefiting property owners, Council will further consult with benefiting landowners with respect to any additional cost, or refunds.
- Where the Private Road Seal Extension Policy does not proceed, for example, if the community is unable to meet the 50% up-front funding threshold, Council will refund any lump sum payments received in accordance with Council Policy. Where the total actual cost is less than the estimated cost, any refund will be achieved by a reduction in the targeted rate.

## 5.0 Funding Criteria

The following funding criteria shall be met:

- Where there is *reasonable support* Council will assess the project, including the estimation of costs and the identification of benefiting landowners.
- Once Council has completed an assessment of the proposed private seal extension, Council will advise all benefiting landowners of the total cost, paid as either a lump sum or as a targeted rate. Council will need to obtain a minimum 75% written agreement of the property owners benefiting from the seal extension, so that Council is confident that the majority of the affected parties agree to paying either a lump sum or a targeted rate for the private seal extension prior to commencing the funding process;
- Council may consider a targeted rate to fund up to 50% of the total project costs over a period not exceeding 10 years. i.e. a minimum of 50% of the project costs are required to be paid up front by the benefiting owners or their representative;
- Where a targeted rate is agreed by Council, benefiting landowners will be given the option of a lump sum payment or a targeted rate attached to the property;
- The project shall not proceed until the combined up-front payments meet the minimum threshold of 50% of the total project costs as identified in the project assessment. Council will hold the contributed funds until the 50% threshold is met, or shall make refunds where it is agreed that the threshold will not be met;

- Any rates levied shall be apportioned over the benefiting properties that do not pay the full costs as a lump-sum on an equal basis using a uniform targeted rate.
- If successful, any rate that is levied on properties deemed as benefitting from the private seal extension that is to be paid over a period not exceeding 10 years shall be charged with interest as determined by Council from time to time;
- In some instances, Council may consider at its sole discretion to contribute up to 20% of the project costs. The criteria that Council will consider will include, but not limited to:
  - The classification of the road to be sealed and the wider community benefit of sealing that road, for example, is it a through road or a key diversion route?
  - If any funding is available through Council, how this cost will be met;
  - An assessment of the physical characteristics of the road (refer Table 1 below).
- Council will consult with the benefiting landowners as to any adjustments to the targeted rate or lump sum payments where there is a significant difference between the actual cost and the estimated cost.

## 6.0 Future maintenance

The sealing of a road has to be maintained to restore its waterproofing properties and level of service. To do this the section of road has to be resealed within two to three years of the initial seal coat (second coat seal), and then resealed every 12 to 15 years after that. Resealing not only includes the actual resurfacing of the road, it also includes line marking, pothole patching and surface water channel maintenance.

Council will then take over and fund the maintenance of the road once it has been sealed including a reseal every 12-15 years. Currently the ongoing maintenance of a sealed road attracts NZTA subsidy.

**Table 1 – Assessment criteria and scoring for the physical characteristic of an unsealed road**

Traffic Movements (AADT)	Score	Dwellings/km (<100m from road)	Score	Amenities <sup>1</sup> /km	Score
1-50	2	1-2	1	1-2	1
51-100	4	3-4	2	3-5	2
101-200	6	5-10	3	6-10	3
201-500	8	11-15	4	>10	4
>500	10	16-20	5		
		>20	6		
Score		Score		Score	
Average Gradient <sup>2</sup> (%)		Incidents <sup>3</sup>		HCV <sup>4</sup>	
<1	1	1	1	1-5	2
1-5	2	2-3	2	6-10	4
5.1-8	3	4-5	3	11-15	6
8.1-12.5	4	6-10	4	16-20	8
>12.5	5	>10	5	>20	10
Score		Score		Score	
Total Score <sup>5</sup>					

The weightings for traffic movements and heavy vehicles (HCV) have been increased in the assessment to reflect usage and potential damage to the unsealed road which impact on the level of routine maintenance required. Any spurious or unreliable traffic data should be validated.

Commercial activities, tourism and associated events will be reflected in the scores assigned to Traffic Movements and Amenities.

<sup>1</sup> *Amenities* refers to amenities less than 100m from the road where dust may be a nuisance, and include;

- A community hall, marae, place of worship or reserve; or
- A place of work (e.g. dairy shed or commercial premises); or
- Road forms part of a school bus route; or
- Orchard or food crops; or
- A residential house.

<sup>2</sup> *Gradient* is used in this assessment as proxy for the maintenance cost of the unsealed road.

<sup>3</sup> *Incidents* refers to the documented number of serious safety incidents or accidents that have occurred on the unsealed road in the previous five years.

<sup>4</sup> *HCV* is recorded as movements of a vehicle with a gross vehicle mass of greater than 3.5 tonne vehicle/axis.

<sup>5</sup> *Total score* is the sum of the scores of the six factors in the table.

**File number:** 4107.873 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** 29 November 2018  
**Subject:** **Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai**  
**Date of report:** 12 November 2018  
**From:** Bernard Petersen, Acting Roding Manager  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

Council's programme of improved pedestrian access to new and existing subdivisions in Mangawhai includes a new footpath along Tara Road, and associated uncontrolled pedestrian crossings. Along with ongoing subdivision, the footpath development has provided the catalyst for reviewing the speed limits on the outskirts of Mangawhai in the Moir Street/Tara Road area.

A review of the speed limit within this area has been undertaken, with a recommendation that the posted speed limit within the review area be reduced to 50km/hr. This is Option B in **Attachment 1** "Tara Road, Kaiwaka-Mangawhai Road and Moir Street Speed Limit Review – 31 October 2018".

In addition to the speed limit review, amendments to the introductory body of the "Kaipara District Speed Limit Bylaw 2005" are recommended. The amendments are part of a programme to ensure that the three "Speed Limits Bylaws" that are operative in Northland are consistent; and to ensure that the Bylaw references up-to-date legislation and information.

This Report and its **Attachments 1 and 2** set out the matters that must be considered in reviewing a speed limit and amending a bylaw in accordance with:

- The Land Transport Act 1998;
- The Setting of Speed Limits Rule 2017; and
- The Local Government Act 2002 (Section 155).

This Report also includes the results of public consultation with respect to the proposed amendments to the introductory body of the Bylaw and the schedules (speed limits in the review area).

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Acting Roding Manager's report 'Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai' dated 12 November 2018 and its **Attachments 1 and 2**; 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 *Adopts Option B – reduce the speed limit in the full review area to 50km/hr, as set out in **Attachment 1** (Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Speed Limit Review – 31 October 2018) to the aforementioned report; and*
- 4 *Adopts the amendments to the Kaipara District Speed Limit Bylaw 2005, as set out in Appendix 3 of **Attachment 2** (‘Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Submission Recommendations’) to the aforementioned report.*

#### **Reason for the recommendation**

The Setting of Speed Limits Rule 2017 sets out the requirements of setting a speed limit on a public road, including the matters that must be considered when amending a speed limit. This report and its attachments set out the matters that have been considered in reviewing the speed limit on part of Tara Road, Moir Street, and Kaiwaka-Mangawhai Road. The reports also provide a summary of community feedback received after notification of the proposed changes. In receiving the reports, Council will have met the statutory requirements for amending a speed limit. Council must also formally adopt the amendments to the Kaipara District Speed Limit Bylaw 2005, before it can be made operative.

#### **Reason for the report**

Amendments to the introductory body of the Bylaw are being proposed to provide clarification that the Bylaw is made under the Land Transport Act 1998, and to ensure that the Bylaw is consistent with the Land Transport Act 1998; the Land Transport Rule: Setting of Speed Limits 2017; and the other Speed Limit Bylaws operative in Northland.

In addition to the administrative type amendments to the body of the Bylaw, Council has undertaken a review of the speed limit on part of Tara Road, Moir Street and approximately 300m of Kaiwaka-Mangawhai Road. This review was in response to increased urbanisation and the construction of a new footpath and crossings.

This report and attachments set out the review process, the matters that must be considered under the Setting of Speed Limits Rule 2017, and the results of community consultation undertaken. Council must also adopt the amendments to the Kaipara District Speed Limit Bylaw 2005 to enable those changes to be made operative.

#### **Background**

Local road speed limits are set by Bylaw under Section 22AB(1)(d) of the Land Transport Act 1998. The Kaipara District Speed Limit Bylaw 2005 is one of three speed bylaws in Northland. Recent legislative changes have resulted in the introductory body of the Bylaw referencing outdated legislation and rules. While the current wording in the Bylaw is legally correct, the introductory body of the Bylaw has been amended to better reflect current legislation and speed limit setting rules. The amendments also make the Bylaw consistent with the wording of other speed limit bylaws throughout Northland and consistent with the Northland Transportation Alliance (NTA) delivery model.

Tara Road has seen increased subdivision and residential development, particularly from the intersection with Moir Street through to Dharma Lane. This has resulted in increased use by pedestrians and cyclists, as well as vehicles gaining direct access to Tara Road.

Council's programme of improved pedestrian access to new and existing subdivisions includes a new footpath along Tara Road, which connects to the existing Moir Street footpath that currently terminates at the Mangawhai Domain.

To complete the pedestrian access to and along Tara Road, an un-controlled crossing is required on Moir Street near the Mangawhai Domain. An additional un-controlled crossing is required on Tara Road to enable access to existing residential dwellings and new subdivisions. A future crossing will be required at Wilson Street to enable pedestrians from the planned Wilson Street subdivision to access the Moir Street footpath, Domain, and other community facilities.

The development on Tara Road and Moir Street has changed the road environment and the 70km/hr and 100km/hr speed limits in this area are considered unsafe. A review of the speed limits has therefore been undertaken in accordance with *NZTA National Speed Management Guide 2016* and the *Setting of Speed Limits Rule 2017*.

A lower speed limit of 50km/hr throughout the review area is recommended for the following reasons:

- To better match the road speed limit with the wider environment, to lower the potential for fatal and serious injury crashes resulting from existing, new, and planned access from residential land uses onto the main carriageway;
- Lower the potential for fatal and serious injury crashes involving pedestrians and cyclists within a growing urban environment;
- Enable the safe usage of new and existing pedestrian facilities and pedestrian crossings.

### **Issues**

The recommended amendments to the body of the Kaipara District Speed Limit Bylaw 2005 addresses the following issues:

- New legislation and a new Setting of Speed Limits Rule 2017 have resulted in the existing Bylaw not reflecting the new legislation and speed setting rule;
- The three speed limit bylaws across Northland are inconsistent in their wording and layout, which does not reflect the NTA delivery model desired outcomes.

The recommended amendments to the Schedules of the Kaipara District Speed Limit Bylaw 2005 to reduce the speed limit on Tara Road (from the intersection with Moir Street to Dharma Lane) and part of Moir Street and Kaiwaka-Mangawhai Road addresses the following issues:

- Increased and ongoing subdivision and residential development in the Moir Street and Tara Road area has changed the road environment, making current speed limits unsafe;
- New footpaths and uncontrolled pedestrian crossings, alongside residential development has increased pedestrian and cyclist numbers.

### **Factors to consider**

#### **Community views**

The Setting of Speed Limits Rule 2017 (the Rule) requires a range of matters to be considered when reviewing and setting a speed limit, including the views of adjacent landowners and the directly affected community.

Property owners and occupiers within and adjacent to the speed review area were directly notified of the proposed amendments to the Bylaw, including the proposed amendments to the speed limit within the review area, and the proposed changes to the body of the Bylaw. Statutory consultees were also directly notified. In addition, public notices were placed in the main media, including the Mangawhai Focus.

The attached report (Appendix B) ‘*Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Submission Recommendations*’ provides a more detailed description of the community consultation undertaken and the outcome of that consultation.

The proposed amendments to the Kaipara District Speed Limit Bylaw 2005 was publicly notified on 17 September 2018. Submissions closed at 5pm on 15 October 2018. A total of 14 submissions were received. The table below provides a summary of the submissions received.

14	Total submissions were received
11	Supporting the proposed amendments
2	Seeking amendments to the proposal
0	Opposing the proposed amendments
1	Opposing, but seeking amendments

**Other Matters**

In addition to community views, the *Setting of Speed Limits Rule 2017* requires Council to consider the following matters when setting or amending a speed limit:

- Available NZTA information;
- NZTA speed management guidance;
- The function and use of the road;
- Crash risk data;
- Characteristics of the road;
- Adjacent land use;
- Intersections and property access in the review area;
- Traffic volumes;
- Planned or recent modifications to the road.

All the above factors are identified and discussed in detail within the **Attachment 1** Report ‘*Tara Road, Kaiwaka-Mangawhai Road and Moir Street Speed Limit Review – 31 October 2018*’.

**Policy implications**

The proposed changes to the Kaipara District Speed Limit Bylaw 2005 were assessed in accordance with the requirements of Section 156 of the Local Government Act 2002 and the Kaipara District Council’s Significance and Engagement Policy (February 2018).

The proposed changes to the Schedules of the Kaipara District Speed Limit Bylaw 2005 do not meet the significance criteria as set out in Kaipara District Council’s Significance and Engagement Policy,



however in terms of the Speed Limit Setting Rule 2017, it was considered significant enough to require Council to undertake some form of consultation process. The adoption of the changed Bylaw and schedule will result in changes to the Speed Limit Bylaw 2005 being made.

There are no other policy implications associated with this decision.

#### ***Financial implications***

There are no ongoing financial implications associated with this decision. New speed limit signage can be accommodated within existing budgets.

#### ***Legal/delegation implications***

There are no legal or delegation implications associated with this decision.

### **Options**

With respect to the proposed speed limit review of Moir Street, Tara Road and Kaiwaka-Mangawhai Road, four options were presented to the community for their views. Those options are set out in the attached report **Attachment 1** '*Tara Road, Kaiwaka-Mangawhai Road and Moir Street Speed Limit Review – 31 October 2018*'. The community overwhelmingly supported the reduction of the speed limit in the full review area to 50km/hr.

In relation to the current decision, Council has three options:

**Option A:** Adopt the recommended changes to the Kaipara District Speed Limit Bylaw 2005.

**Option B:** Amend the recommended changes and adopt those changes.

**Option C:** Make no changes to the Kaipara District Speed Limit Bylaw 2005.

#### **Assessment of options**

Option A has been prepared having assessed the matters required under the *Setting of Speed Limits Rule 2017*. Feedback received shows that the residents within the review area favour a reduction in the speed limit across the entire review area. Option A will result in a Bylaw that is up-to-date; consistent with other speed limit bylaws in Northland; and provides for a safer road environment within the Tara Road and Moir Street speed review area.

Option B will not deliver the safety benefits for the local Tara Road community if the recommended speed limits are amended. Any amendment to the recommended speed limit would not reflect the views of the affected community. Changes to the recommended amendments to the introductory sections of the Bylaw may result in a Bylaw that is not consistent with other speed limit bylaws in Northland; or does not reflect recent changes to underlying legislation.

Option C will not deliver the safety benefits for the local Tara Road community. In addition, the Kaipara District Speed Limit Bylaw 2005 would not reflect the most current legislation.

#### **Assessment of significance**

This decision does not meet Council's criteria for significance under the Significance and Engagement Policy (February 2018).

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Once adopted, the necessary legal process will be undertaken to make the amendments to the Bylaw operative. A Public Notice, appropriate advertising and media releases will be utilised to implement the changes to the speed limit. Appropriate signage will also be installed.

### **Attachments**

- Attachment 1 - Tara Road, Kaiwaka-Mangawhai Road and Moir Street Speed Limit Review – 31 October 2018
- Attachment 2 - Tara Road, Kaiwaka-Mangawhai Road and Moir Street Submission Recommendations



# Tara Road, Kaiwaka- Mangawhai Road and Moir Street

## Submission Recommendations

### ABSTRACT

This Report sets out the matters raised by submitters and the recommended responses to those issues, following the notification of proposed amendments to the Kaipara District Speed Limits Bylaw 2005 and a speed management review incorporating Tara Road to Darmah Lane, Moir Street and 300m of Kaiwaka-Mangawhai Road

**Shawn Baker**

Organisational Solutions Ltd

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## 1.0 Introduction

Kaipara District Council (Council) is a Road Controlling Authority (RCA) within the Kaipara District, and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

In its capacity as road controlling authority, Kaipara District Council proposed amendments to the Speed Limit Bylaw 2005, including amendments to the introductory and interpretation clauses of the Bylaw and a reduction to the posted speed limit in the following area:

- Moir Street and Kaiwaka-Mangawhai Road from the existing 70km/hr speed threshold on Moir Street, located 280m west of the intersection between Moir Street and Insley Street, to the 100km/hr speed threshold on Kaiwaka-Mangawhai Road located 300m west of the Tara Road intersection.
- Tara Road from the intersection with Moir Street / Kaiwaka-Mangawhai Road to a point 100m north of Darmah Lane.

A full report detailing the proposed changes and background information was publicly notified on 17<sup>th</sup> September 2018.

## 2.0 Purpose and Scope

The purpose of this report is to provide an overview of the submissions received on the proposed amendments to the Kaipara District Speed Limits Bylaw 2005, including the review of the posted speed limit on part of Moir Street, Tara Road and the Kaiwaka-Mangawhai Road; and amendments to the introductory body of the Bylaw.

This report meets the requirement of the Local Government Act (2002), Special Consultative Procedure (Section 83) and the Principles of Consultation (Section 82). The report provides:

- A summary of the submissions received
- A discussion of the issues raised by submitters, either individually; or collectively where there are similar themes.
- The recommendations arising from the submissions, including the reasons for the recommendations.

All submissions are acknowledged in this report; but may not be specifically referenced within the body of this report due to the similarity of the decisions requested, reasons given, and the volume of submissions received.

## 3.0 Community Consultation

Consultation was undertaken in accordance with the requirements of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017.

Property owners and occupiers within and adjacent to the speed review area were directly notified of the proposed amendments to the Bylaw, including the proposed amendments to the speed limit within the review area, and the proposed changes to the body of the Bylaw. Direct notification included:

- A summary of the proposed amendments
- Where further information could be obtained

- How to make a submission

Statutory consultees, as identified in the Setting of Speed Limits Rule 2017 were also directly notified, either by mail, or where available, Email.

The wider community were notified of the proposed amendments by public notice in the main media for both Mangawhai and throughout Kaipara.

In addition, both the summary information and full report on the proposed changes, including all of the background information and matters that must be considered was made available at Council service centers. This information was also made available on Council’s website.

Any person or organization was able to make a submission by:

- Making a submission electronically on Council’s website
- Emailing a submission to Council
- Posting a submission, or dropping a submission off to a Council service center

All submissions received before 5pm on October 15<sup>th</sup> 2018 were accepted.

## 4.0 Submissions Overview

The proposed amendments to the Kaipara District Speed Limits Bylaw 2005 was publicly notified on 17<sup>th</sup> September 2018. Submissions closed at 5pm on 15 October 2018. A total of 13 submissions were received.

14	Total submissions were received
11	Supporting the proposed amendments
02	Seeking amendments to the proposal
00	Opposing the proposed amendments
01	Opposing, but seeking amendments

## 5.0 Submitters Wishing to be Heard

Two submitters indicated that they wished to be heard in support of their submission. Both submitters were contacted by telephone to further discuss their submission.

Section 82 of the Local Government Act 2002 sets out the Principles of Consultation. Section 82(1)(d) of the LGA requires that persons who wish to have their views considered by the local authority should be provided with a reasonable opportunity to present those views in a manner and format that is appropriate to the preferences and needs of those persons. Section 82(3) and 82(4) provide Council with discretion in how it observes Section 82(1); and the matters that Council must have regard to in exercising its discretion under Section 82(3).

In determining the most appropriate way to provide reasonable opportunity for the two submitters wishing to be heard in support of their submissions, council considered the following matters:

- Almost all submissions received from local residents who would be most affected by the proposed change in speed limits were supportive of the proposal; but did not wish to be heard.
- Given the number of submitters wishing to be heard, the benefits of a formal hearing process could be accrued by the less costly process of an informal meeting with those submitters still wishing to be heard.

After considering the matters set out in Section 82(4) of the Local Government Act 2002, it was determined that the most appropriate way to provide reasonable opportunity for submitters wishing

to be heard was to contact each of those submitters by telephone and provide an opportunity for an informal meeting to enable them to present additional evidence in support of their submission.

#### **Submitter 08 – Murray Bowden**

Submitter 08 was contacted by telephone on 16 October 2018 and the submission was discussed at length. The submitter was concerned that the proposed drop in speed limit was significant and could not be justified based on a footpath being installed.

The submitter noted that he was happy to discuss his submission on the telephone, and that there is no need for a formal meeting.

An outline of the range of factors being considered, including recent and planned subdivision, changes in the road environment and increasing pedestrians, including young people accessing services and residential properties was discussed. In addition, matters such as injury risk was discussed.

The submitter was supportive of extending the 70kmph zone on Kaiwaka-Mangawhai Road beyond the existing boundary, but not reducing in to 50kmph.

The issue of the compulsory stop sign on the intersection with Tara Road was raised by the submitter. This matter is out of the review scope. It was agreed that the issue of the compulsory stop would be passed onto the Kaipara District road engineers to follow up. It is noted that a lower speed limit of 50kmph approaching the intersection with Tara Road would resolve most of the concerns that the submitter has about the compulsory stop sign.

The submitter agreed that there was no requirement for him to be heard any further.

#### **Submitter 12 – Jean Phipps**

Submitter 12 was contacted by telephone on 16 October 2018 and attended a meeting on 25 October 2018 at the Kaipara District Council offices in Mangawhai. An extensive discussion covering the range of issues that were considered when amending a speed limit, including the safety benefits of lowering the speed limit.

The submitter clarified that they were supportive of reducing the speed limit to 50kmph zone. However, they wished to see a 70kmph zone extending to Devich Road (approximately 500m along the Kaiwaka-Mangawhai Road) and extending along Tara Road to the bottom of the hill on Tara Road.

With respect to the Kaiwaka-Mangawhai Road, the submitter had concerns that the approaches to the lower speed limit (proposed 50kmph) was downhill and involved a number of curves. The submitters concern on Tara Road is that, beyond Dharma Lane, it is not appropriate to be travelling at 100kmph, but 50kmph is too slow.

On the Kaiwaka-Mangawhai Road, the submitter considered that the existing 70kmph zone be extended to Devich Road. The reasoning is that it would provide the driver greater opportunity to slow-down prior to the intersection. This option was considered under "Option D" in the "*Kaipara district Council Tara Road Speed Limit Report*".

The staged reduction option was discussed with the submitter, including the issues set out in the Speed Limit Report. The following options were discussed with the submitter:

1. Place a 70 or 80kmph zone extending beyond Devich Road and Dharma Lane respectfully
2. Place a warning sign on the approaches to the new 50kmph zone to slow traffic before the speed limit change.

3. No change to the current proposal.

Following additional consideration, it is recommended that Option 2 (above) is recommended for the following reasons:

- Significantly extending the proposed lower speed limit (albeit with a 70kmph limit) goes beyond the scope of the notified proposals.
- NZTA Guidance would result in the lower speed limit extending further into the rural area, with limited consultation
- The effect of placing warning signs can be monitored, and the need for extending a reduced speed limit can be explored as part of the up-coming speed management reviews being undertaken in the District.

## 6.0 Submissions Opposed

Submitter 08 opposed the proposed reduction in speed limits.

This submission opposed the amendment to the speed limit on the basis that the provision of a single footpath is insufficient reason to reduce the speed limits in the area. The submitter also stated that drivers were well aware of their responsibilities toward pedestrians and that pedestrians need to also look where they are going and be aware of their surroundings.

The submitter stated that the existing speed limit of 70kmph along Moir Street and the beginning of Kaiwaka-Mangawhai should be retained. In addition, the submitter suggested a speed limit of 80kmph along Tara Road, instead of the proposed 50kmph.

### Discussion

The construction of a new footpath along Tara Road has been the catalyst for reviewing the speed limit in this area. However, it is not the sole reason for reviewing the speed limit.

Over recent years, Mangawhai has experienced continuous growth with new sub-division and development. This has led to an increasing permanent and part-time population, particularly young people accessing local facilities like the Mangawhai Domain. Tara Road has seen significant new sub-division and residential dwellings with direct access onto Tara Road, with more sub-divisions planned.

There is an increasing number of pedestrians and cyclists utilizing the roads within the review area. Feedback, as part of this review indicates a community desire to reduce the speed limit in the review area (refer 7.0 below). The submitter provides no compelling evidence to support the suggestions made.

### *Tara Road*

The submitters suggestion of 80kmph along Tara Road would have the effect of increasing the current 70kmph zone to 80kmph. Given the increase in residential, cycle and pedestrian activity, raising the speed limit would have the effect of increasing the risk of serious injury of death to unprotected road users.

The suggested reduction of the 100kmph zone to 80kmph partially meets the objectives of the review. However, the higher speed limit does not take account of future development along Tara Road; and is not consistent with the One Network Road Classification (ONRC) system and the Safe and Appropriate Speeds Classification Method (NZTA Speed Management Guidance 2016).



## *Moir Street*

The 70kmph zone of Moir Street incorporates a number of urban type land-uses, including the Mangawhai Domain and a Plunket Society and Toy Library facility. These types of community facilities attract young people, particularly school aged children who are more likely to be accessing these facilities by foot, or cycle. The Toy Library and Plunket is accessed by young families.

The Proposed Safe and Appropriate Speeds Classification Method (NZ Speed Management Guidance 2016) identifies an appropriate speed of 50kmph where there is non-commercial adjacent land-uses, for example, residential and organized recreational land uses.

New development on Wilson Street is expected to increase both vehicles accessing Moir Street as well as cyclists and pedestrians. This will increase the number of people crossing Moir Street on uncontrolled or informal crossings.

Further discussion relevant to Submitter 08 is contained in the Discussion in section 7.0 below.

### **Recommendation**

It is recommended that Council does not accept submission 08.

## **7.0 Submissions Seeking and Amendment**

Submitter 10, 12 and 14 sought amendments to the proposed speed limits.

Submitter 10 supported the proposed lowering of the speed limits with a wider reduction of speed limits in the area. Submitter 10 suggested that the proposed 50kmph speed limit should be extended to 500m along the Kaiwaka-Mangawhai Road as the section of the road is downhill and it takes longer to reduce speed from 100kmph to the intersection with Tara Road.

Submitter 10 also sought a much wider speed reduction to 80kmph (with a preference of 70kmph) for the loop encompassing Cove, Tara, Moir, Molesworth & Mangawhai Heads Roads.

Submitter 12 is seeking amendments to the proposal. The submitter requested that, instead of lowering the speed limit on Tara Road to 50kmph, the existing short 70kmph zone should be extended beyond Moana Views, which is approximately 300m beyond Darmah Lane.

Submitter 14 sought an extension of the proposed 50kmph on Tara Road to extend approximately 100m past the intersection with Cove Road. The primary concern of the submitter is the visibility for cyclists turning out of Garbolino Road onto Tara Road. The submitter also raised the issue of cyclists using Tara Road, and considered that the current speed limit of 100kmph made it dangerous and unpleasant for cyclists using the road.

Submitter 10 believes that the area is not suburban and that 50kmph is too slow.

### **Discussion**

Submitter 10 makes a valid point that the current speed boundary on Kaiwaka-Mangawhai Road should be extended to 500m from the Tara Road intersection because the current proposal is insufficient for vehicles to slow down before the intersection.

The proposed boundary was chosen because it coincides with the existing speed reduction area. In addition, the location is near an obvious boundary between a fully rural area and a more built up area, making the choice of the boundary location credible in terms of speed management.

One consideration is to step down the speed limit on Kaiwaka-Mangawhai Road from 100kmph to 80kmph or 70kmph and then down to 50kmph. An option similar to this was considered as "Option

C” in the Speed Review Report. The Setting of Speed Limits Rule 2017 identifies the minimum road length between different speed limits. A step-down approach would require an 80kmph zone to be a minimum of 800m long. This would extend the slower speed limit well into a truly rural environment, which may result in a challenge to the credibility of the speed limit.

If a step-down approach were to be taken, then 80kmph would be preferred.

The main thrust of the submitter is the warning to drivers to slow down prior to the intersection of Tara Road. An alternative would be to install a sign post warning of the up-coming 50kmph speed zone. This will have the effect of gradually slowing drivers in anticipation of a significant change in speed zone.

Submitter 10 also sought a much wider reduction of speed limits. This was supported by Submitter 14 who sought an extension of the proposed 50kmph zone to 100m beyond Cove Road. The area suggested by the submitter is outside of the scope of the current review being undertaken.

Council is required to carry out speed limit reviews on the roads it is responsible for under the ONRC and Safer Journeys programme. Council are currently exploring the prioritization of these reviews. Mangawhai has undergone significant growth over the past 10 years, and this growth is expected to continue with better access to Auckland. It is expected that the local roads in the Mangawhai area will be identified as priorities for this wider project.

Submitter 12 is seeking an extension of the current 70kmph zone on Moir Street / Kaiwaka-Mangawhai Road to be extended to Devich road, approximately 900m from the Tara road intersection. This is similar to Submitter 10, except that Submitter is seeking the retention of the current 70kmph speed limit along Moir Street (ie: no reduction to 50kmph).

The extension of a lower speed limit to Devich Road is within the scope of this review and was outlined in Option D (Staged drop in speed). The option was originally rejected as it would push the lower speed limit further into the rural area, which is seen as un-desirable.

There are two options available to address this component of the submission:

1. Retain the currently proposed 50kmph zone and introduce an 80kmph zone for 800m further into the rural area, effectively signaling the approaching urban area and reducing speed into the 50kmph zone; or
2. Retain the currently proposed 50kmph zone and install a warning sign of an upcoming 50kmph zone.

The primary issue is vehicles approaching the 50kmph zone and ensuring that they slow sufficiently for the Tara Road intersection. Under the Speed Management Rule 2017, an 80kmph zone needs to be a minimum of 800m long. Extending a slower speed zone a further 800m into the rural area, on a main route may raise credibility issues for the speed limit.

Warning of a slower 50kmph zone enables drivers to prepare to slow down, and in most cases, drivers will have slowed in anticipation of the 50kmph zone. This option addressed the issue of providing sufficient time and distance for drivers to slow, without enforcing an extended slower speed zone.

The discussion and reasoning set out for Submitter 08 and 10 (above) applies equally to Submission 12.

Submitter 12 states that 50kmph is too slow and not practical. Additional information and evidence provided by the submitter at a subsequent meeting is set out in Section 5.0 above.

In terms of Submitter 12 statement that 50kmph is too slow, it is important to place the various speed limits in context. The differences in time to travel on either Moir Street or Tara Road for the current and proposed speed limits are set out in Table 1.

Road	Current Speed Limit	Proposed 50kmph Speed Limit
Moir Street / Mangawhai-Kaiwaka Road	38 Seconds	53 Seconds
Tara Road	47 Seconds	87 Seconds

**Table 1: Approximate Speed Limit Times**

The calculation of the difference in time to travel each road assumes that the vehicle is travelling at the maximum speed limit for the duration of the journey. This does not allow for the vehicle transitioning from the current 50kmph zone in Moir street to 70kmph. Nor does the time calculation allow for slower speeds required on Tara Road due to road conditions or accelerating from near stationary at the intersection with Moir Street. It should be noted that vehicles travelling at the full 100kmph speed limit on Tara Road is unlikely and, in many cases, would be considered dangerous driving.

The time difference between speed limits on Moir Street is approximately 15 seconds.

The time difference between speed limits on Moir Street is approximately 40 seconds.

In terms of community safety, it should be noted that if a pedestrian or cyclist is involved in a crash with a vehicle, where that vehicle is travelling at 70kmph, there is a 96% risk of fatality to the pedestrian or cyclist. On Tara Road, where most of the current speed limit is 100kmph, the risk of fatality is 100%.

Where the speed of the vehicle is 50kmph, the risk of fatality to the pedestrian or cyclist is 40%.

Safe stopping distances are also significantly reduced. At 70kmph, the safe stopping distance is 113m. At 50kmph the safe stopping distance is reduced to 64m, a reduction of 49m (nearly half of a rugby field). The difference in safe stopping distances is even more dramatic where a vehicle is travelling at 100kmph (most of Tara Road).

The reduction in stopping distance provides significant safety benefits, not only to pedestrians, including young people who may access the road corridor without looking (from a driveway of the Mangawhai Domain), but also to other vehicles directly accessing the road from residential dwellings or other facilities, including the Mangawhai Domain, and the campground located on Moir Street.

### **Recommendation**

It is recommended that Council accept submissions 10 and 12 to the extent that the lower speed limits are not extended, but a “50kmph warning sign” is installed approximately 250m before the 50kmph speed zone on both Kaiwaka-Mangawhai Road and Tara Road; and that an 80kmph zone extending an additional 800m be considered as an option in any new speed review undertaken in the area.

## **8.0 Submissions in Support**

There were 11 submissions that supported the proposed new speed limits without amendment.

The submissions in support highlighted that the proposed changes will make it safer for them to access their properties. In addition, it was highlighted that there are increasing numbers of pedestrians in the area, particularly young people and school aged children. With the current speed

limit, many submitters said that they currently feel unsafe when out walking and that a reduction in speed limit would increase the safety and well-being of residents.

Submitter 04 summarised the supporting submissions received by stating that *“traffic speeds down Tara Rd which has dips and blind corners. It is also becoming increasingly populated by young families with school age children and on bikes”*. Submitter 07 noted that *“it is still extremely unsafe to walk this stretch (Domain to Tara Road), especially with a child and pushchair”*.

The current lack of connectivity of footpaths was also raised as an issue.

### **Discussion**

The common theme of submitters that support the speed limit reduction is that it is currently unsafe to walk or cycle along Tara Road and Moir Street. A reduction in the speed limit will improve this situation.

The connectivity of footpaths is outside of the speed limit review scope. However, the matter will be highlighted to both Council and Councils roading manager.

### **Recommendation**

Notwithstanding any recommendations set out elsewhere in this Report, it is recommended that Council accept the submissions in overall support of the Tara Road / Moir Street / Kaiwaka-Mangawhai Speed Review.

## **9.0 Recommendations**

Having read and considered all submissions received, including having further discussion with those submitters that indicated a desire to be heard, the following recommendations are made:

1. That Kaipara District Council adopts the amendments to the Kaipara Speed Limits Bylaw 2005, as set out in Appendix 2 of this Report; and
2. That a 50kmph warning sign be installed at an appropriate location on the Kaiwaka-Mangawhai Road and Tara Road, approximately 250m before the new speed limit zone of 50kmph.

## Appendix 1 - Submitters and Submission Summary

Number	Submitter Name	Support Opposed	Summary
1	A&P&L Lyne	Support	Fully support the amendments to the proposed Speed Bylaw to 50km/hr. It will make accessing and leaving my home much safer and ensure safer usage of new pedestrian facilities by pedestrians and cyclists.
2	T. Leggett	Support	Fully support Option B for safety reasons.
3	N. Ainly	Support	Support Option B – reduce the speed limit in the full review area to 50km/hr. There is both foot and traffic incl small children & school age children both walking along the road & crossing it.
4	T. Onnes	Support	Support Option B. Reduce the speed limit to the whole area to 50km/hr. Traffic speeds down Tara Rd which has dips & blind corners. It is also becoming increasingly populated by young families with school age children & on bikes
5	K. Johnston	Support	This will greatly increase the safety of pedestrians and cyclists using the new footpaths and road sides where there is no footpath. Greater safety for people coming in and out of their driveways. Support Option B Reduce speed over whole review area.
6	Morris G	Support	Thoroughly endorse what has been in the Speed limit Review - Summary Document.
7	Blincko S	Support	The current footpath ends at the domain and begins at the bridge. Wishes Council to fill in the gap as it is still extremely unsafe to walk this stretch, especially with a child and pushchair.
8	Bowden M	Oppose but amended proposal would be acceptable	Leave the speed limit by the Domain as is at 70km/hr. Adjust the speed limit on Tara Road to 80km/hr. Council providing a footpath is not enough reason to reduce the speed limit so drastically. Drivers are well aware of their responsibilities toward pedestrians. If you want to look after pedestrians, ban the use of devices with earplugs and make them look where they are going.
9	Small T	Support	Fantastic that Council is proposing lowering the speed limit in this area and even better that it will be to 50kph. The safety and wellbeing of residents in the area, especially older people. Adopt Option C of the Proposal.
10	Hendrick P	Support with amendments	Proposed speed reduction to 50kph along the Kaiwaka-Mangawhai Rd. should start further away from the intersection with Moir Street & Tara Rd. as this section of road is downhill and greater distance/time is required to reduce speed into this busy intersection. The compulsory stop should be changed to a Give Way at intersection of Tara, Moir & Kaiwaka-Mangawhai roads. Would like to see speed reduction of the entire loop of Cove, Tara, Moir, Molesworth & Mangawhai Heads Roads to a maximum of 80kph. 70kph would be even better. This route is increasingly residential, narrow with one lane bridges and many tight blind corners. Support as proposed except to start the Kaiwaka-Mangawhai Rd speed reduction 500m from the intersection with Tara Rd. & Moir St. .... Reduce LOOP of Cove, Tara, Moir, Molesworth, Mangawhai Heads Roads to 70kph.
11	Williamson L	Support	Lower the speed limit on this stretch of road as there is no footpath and walking is extremely perilous. 90% of the residents are over 60years with dogs, grandkids and would like to walk safely to shops and recreational areas without fear of fast traffic and no footpaths. Lower the speed limits and provide footpaths.

Number	Submitter Name	Support Opposed	Summary
12	Phipps J	Seek amendments	Extend the current 70km/hr zone on Kaiwaka road to Devich Road. Extend the current 70km/hr zone on Tara Road to Freckletons Farm or Moana Views or bottom of hill. The area is rural with multiple accesses but not suburban. 50km/hr is too slow and not at all practical.
13	Freeman C	Support	The information provided seems accurate and in accordance with increased development and need for safety in our area. There have been recent increases in foot traffic and children in the area as a result of increased development.
14	Edmonds M	Support	As a part time resident of Mangawhai and regular user of Moir Street & Tara Road I support the proposed speed limit changes as cycling on this road can be unpleasant and dangerous when vehicles pass too close at 100kph. I would like to see the limit extended further along Tara Road to 100m beyond the Tara Road/Cove Road intersection as the visibility for bikes turning out of Garbolino Road onto Tara Road is not good when vehicles are heading northwest up the hill on Tara Road at 100kph. I am also concerned about speed enforcement on this section of road and am worried that the proposed 50kph speed limit will not be enforced and will be largely ignored by drivers.

## Appendix 2 – Proposed Amendments to the Kaipara Speed Limits Bylaw 2005

Amend the introductory and interpretation clauses of the Bylaw, including any consequential numbering amendments.

**The following text is to be deleted:**

### **~~1. Interpretation~~**

~~1.1 In this Bylaw, unless the context otherwise requires—~~

~~ROAD means the same as in Land Transport Rule 54001: Setting of Speed Limits 2003:~~

~~SPEED LIMIT means the same as in Land Transport Rule 54001: Setting of Speed Limits 2003:~~

~~URBAN TRAFFIC AREA means the same as in Land Transport Rule 54001: Setting of Speed Limits 2003~~

### **~~2. Speed Limits~~**

~~2.1 The roads or areas described in the schedules specified in Clause 3 or as shown on the maps referenced in the schedules are declared to have the speed limits specified in the schedules or on the maps, which are part of this bylaw.~~

### **~~3. Schedules~~**

~~Schedule 1: Roads that have a speed limit of 20 km/h (Schedule 1 is not used in this bylaw).~~

~~Schedule 2: Roads that have a speed limit of 30 km/h.~~

~~Schedule 3: Roads that have a speed limit of 40 km/h (Schedule 3 is not used in this bylaw).~~

~~Schedule 4: Urban traffic areas—roads that have a speed limit of 50 km/h.~~

~~Schedule 5: Roads that have a speed limit of 60 km/h (schedule 5 is not used in this bylaw).~~

~~Schedule 6: Roads that have a speed limit of 70 km/h.~~

~~Schedule 7: Roads that have a speed limit of 80 km/h.~~

~~Schedule 8: Rural areas—roads that have a speed limit of 100 km/h.~~

~~Schedule 9: Roads that have a holiday speed limit (Schedule 9 is not used in this bylaw).~~

~~Schedule 10: Roads that have a variable speed limit (Schedule 10 is not used in this bylaw).~~

~~Schedule 11: Roads that have a minimum speed limit (Schedule 11 is not used in this bylaw).~~

~~Schedule 12: Designated locations that have a speed limit of 30km/h~~

**The following text is to be inserted:**

Pursuant to the Land Transport Act 1998, Kaipara District Council makes the following Bylaw about speed limits and urban traffic areas in the Kaipara District.

**1. Title**

This bylaw is the Kaipara District Council Speed Limits Bylaw 2018.

**2. Commencement**

This Bylaw comes into effect on the [insert day, month] 2018 – **to be confirmed by Council resolution.**

**3 Application**

This Bylaw applies to roads under the care, control or management of the Kaipara District Council

**Part 1 – Preliminary Provisions**

**4 Purpose**

The purpose of this Bylaw is to allow Kaipara District Council to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2017 on all roads under the care, control or Management of Kaipara District Council.

**5 Interpretation**

In this Bylaw, unless the context otherwise requires –

**Act** means the Land Transport Act 1998

**Council** means Kaipara District Council

**ROAD** has the same meaning as in section 2(1) of the Land Transport Act 1998

**SPEED LIMIT** has the same meaning as in Part 2 (1) of the Land Transport Rule: Setting of Speed Limits 2017

**URBAN TRAFFIC AREA** means an area designated as an Urban Traffic Area in accordance with Clause 3.5 of the Land Transport Rule: Setting of Speed Limits 2017:

**Part 2 – Speed Limits and Urban Traffic Areas**

**6. 1 Urban Traffic Areas**

Schedule 4 of this Bylaw details the areas designated as Urban Traffic Areas by Kaipara District Council.

**6.2 Speed Limits**

Schedules 1-3 and Schedules 5-12 of this Bylaw details the speed limits set by Council under this Bylaw.

**6.3 Discrepancies between Descriptions and Maps**



For the avoidance of doubt, where a speed limit or urban traffic area is described with both a map and a description, and there is an inconsistency between the map and the description, the description prevails.

**Explanatory Note:**

In setting speed limits and designating urban traffic areas, Council is required to comply with the requirements of the Land Transport Rule: Setting of Speed Limits 2017.

**Part 3 – Enforcement, Offences and Penalties**

Offences and penalties are provided for in the relevant provisions of the Land Transport Act 1998.

**Schedules**

Amend the following Schedules of the Kaipara District Speed Limits Bylaw 2005:

**Schedule 4: Urban traffic areas - roads that have a speed limit of 50 km/h.**

Insert the following into the Schedule 4 Table:

<b>Reference Number</b>	<b>Description</b>	<b>Date Speed Limit Comes into Force</b>	<b>Legal Instrument</b>	<b>Previous Legal Instrument</b>
<u>KDC S4/9</u>	<u>Moir Street</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	
<u>KDC S4/10</u>	<u>Tara Road from the Kaiwaka Mangawhai Road intersection to 100m past Darmah Lane</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	
<u>KDC S3/11</u>	<u>Kaiwaka-Mangawhai Road, from Tara Road for 300m generally to the west (previously 70km/h)</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	

**Schedule 6: Roads that have a speed limit of 70 km/h.**

Delete the following from the Schedule 5 Table:

KDC S6/4	Kaiwaka-Mangawhai Road, from Tara Road for 300m generally to the west (part of this length was previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
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## Amend Schedule 8

### Schedule 8 Rural Areas – 100 km/h

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to be rural areas that have a speed limit of 100km/h.

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S8/1	All roads marked on the maps labelled KDC 05/01 Sheets 1 to 32, except for State Highways, and identified in the legend as having a speed limit of 100km/hr <u>or identified in a Schedule to this Bylaw.</u>	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778

### Maps

Amend Kaipara District Speed Limits Bylaw 2005 Map – *Mangawhai (South) District Speed Limit Locations* – KDC 05/01 Sheet No. 32 to show updated speed limits.

## Appendix 3 – Kaipara District Speed Limit Bylaw 2005 – As Amended

Pursuant to the Land Transport Act 1998, Kaipara District Council makes the following Bylaw about speed limits and urban traffic areas in the Kaipara District.

### 1. Title

This bylaw is the Kaipara District Council Speed Limits Bylaw 2018.

### 2. Commencement

This Bylaw comes into effect on the [*insert day, month*] 2018 – **to be confirmed by Council resolution.**

### 3. Application

This Bylaw applies to roads under the care, control or management of the Kaipara District Council

#### Part 1 – Preliminary Provisions

### 4. Purpose

The purpose of this Bylaw is to allow Kaipara District Council to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2017 on all roads under the care, control or Management of Kaipara District Council.

### 5. Interpretation

In this Bylaw, unless the context otherwise requires –

**Act** means the Land Transport Act 1998

**Council** means Kaipara District Council

**ROAD** has the same meaning as in section 2(1) of the Land Transport Act 1998

**SPEED LIMIT** has the same meaning as in Part 2 (1) of the Land Transport Rule: Setting of Speed Limits 2017

**URBAN TRAFFIC AREA** means an area designated as an Urban Traffic Area in accordance with Clause 3.5 of the Land Transport Rule: Setting of Speed Limits 2017:

#### Part 2 – Speed Limits and Urban Traffic Areas

### 6. 1 Urban Traffic Areas

Schedule 4 of this Bylaw details the areas designated as Urban Traffic Areas by Kaipara District Council.

### 6.2 Speed Limits

Schedules 1-3 and Schedules 5-12 of this Bylaw details the speed limits set by Council under this Bylaw.

### 6.3 Discrepancies between Descriptions and Maps

For the avoidance of doubt, where a speed limit or urban traffic area is described with both a map and a description, and there is an inconsistency between the map and the description, the description prevails.

**Explanatory Note:**

In setting speed limits and designating urban traffic areas, Council is required to comply with the requirements of the Land Transport Rule: Setting of Speed Limits 2017.

**Part 3 – Enforcement, Offences and Penalties**

Offences and penalties are provided for in the relevant provisions of the Land Transport Act 1998.

**Schedules**

Schedule 1: Roads that have a speed limit of 20 km/h (*Schedule 1 is not used in this bylaw*).

Schedule 2: Roads that have a speed limit of 30 km/h.

Schedule 3: Roads that have a speed limit of 40 km/h (*Schedule 3 is not used in this bylaw*).

Schedule 4: Urban traffic areas - roads that have a speed limit of 50 km/h.

Schedule 5: Roads that have a speed limit of 60 km/h (*schedule 5 is not used in this bylaw*).

Schedule 6: Roads that have a speed limit of 70 km/h.

Schedule 7: Roads that have a speed limit of 80 km/h.

Schedule 8: Rural areas - roads that have a speed limit of 100 km/h.

Schedule 9: Roads that have a holiday speed limit (*Schedule 9 is not used in this bylaw*).

Schedule 10: Roads that have a variable speed limit (*Schedule 10 is not used in this bylaw*).

Schedule 11: Roads that have a minimum speed limit (*Schedule 11 is not used in this bylaw*).

Schedule 12: Designated locations that have a speed limit of 30km/h

**Schedule 1: 20 km/h (Not used in this bylaw)**

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 20 km/h.

**Schedule 2: 30 km/h**

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 30 km/h.

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S2/1	1 All roads marked on the maps labelled KDC 05/01 Sheets 1 to 32, except for State Highways, and identified in the legend as having a speed limit of 30km/h.	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/2	Aranga Coast Road (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/3	Glinks Road (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/4	Mahuta Gap Road (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/5	Marine Drive (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/6	Omamari Beach Road (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S2/7	Parawanui Road (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/8	Pouto Road South (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S2/9	Te Maire Beach Road (Beach Access, previously Limited Speed Zone)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778

**Schedule 3: 40 km/h (*not used in this bylaw*)**

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 40 km/h

#### Schedule 4: Urban Traffic Areas - 50 km/h

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to be urban traffic areas that have a speed limit of 50 km/h, except for those roads or areas that are:

- a) described as having a different speed limit in the appropriate schedule of this bylaw; or
- b) shown on a map as having a different speed limit, as referenced in the appropriate schedule of this bylaw.

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S4/1	All roads marked on the maps labelled KDC 05/01 Sheets 1 to 32, and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for State Highways and those roads or areas that are marked on the said map and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S4/2	Old Golf Course Road (previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S4/3	Hook Road (previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S4/4	Thelma Road, off Molesworth Drive (previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S4/5	Estuary Drive, off Molesworth Drive (previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S4/6	Tomarata Road, from Moir Street for 900m generally to the south east to the southern abutment of the Tomarata Road Bridge (part of this length was previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S4/7	Molesworth Drive, from 0 (the start of Moir St intersection) to 683m (125m past Old Waipu Rd intersection). The speed limit was previously 70km/h between 558m and 683m. Move the 80km/h to 50km/h speed limit transition sign from rp2553 to rp2473 (closer to the 2nd Bridge on Molesworth Drive).	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	
KDC S4/8	Mangawhai Heads Road West, from 238m (Parklands Ave) to 583m (just past Jack Boyd Drive). The 50km/h speed limit will also apply to Jack Boyd Drive.	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	
KDC S4/9	Moir Street	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	
KDC S4/10	Tara Road from the Kaiwaka Mangawhai Road intersection to 100m past Darmah Lane	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	
KDC S4/11	Kaiwaka-Mangawhai Road, from Tara Road for 300m generally to the west (previously 70km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	

**Schedule 5: 60 km/h (Not used in this bylaw)**

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 60 km/h.



### Schedule 6: 70 km/h

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 70 km/h.

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S6/1	All roads marked on the maps labelled KDC 05/01 Sheets 1 to 32, except for State Highways, and identified in the legend as having a speed limit of 70km/h.	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S6/2	Paparoa Oakleigh Road, from Hook Road for 80m generally to the north east (previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S6/3	Mangawhai Heads Road West, from Molesworth Drive for 900m generally to the west (part of this length was previously 100km/h)	One month from date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778
KDC S6/5	Mangawhai Heads Road West, from 792m (near Gumdiggers Lane) to 1020m (Cove Rd West)	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	

### Schedule 7: 80 km/h

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 80 km/h.

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S7/1	Molesworth Drive, from 683m (125m past Old Waipu Rd intersection) to 2473m (120m east of Thelma Rd South). Previously the 80km/h ended at 2553m.	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	
KDC S7/2	Settlement Road: Reduce the speed limit from 100km/h to 80km/h from 335m (265m from Puawai St) to 1335m and from 7335m to 7818m (intersection with Kaiwaka / Mangawhai Rd)	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	

### **Schedule 8: Rural Areas - 100 km/h**

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a speed limit of 100 km/h.

<b>Reference Number</b>	<b>Description</b>	<b>Date Speed Limit Comes into Force</b>	<b>Legal Instrument</b>	<b>Previous Legal Instrument</b>
KDC S8/1	All roads marked on the maps labelled KDC 05/01 Sheets 1 to 32, except for State Highways, and identified in the legend as having a speed limit of 100km/h or identified in a Schedule of this Bylaw.	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778

### **Schedule 9: Holiday Speed Limits *(Not used in this bylaw)***

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a holiday speed limit as specified in this schedule.

### **Schedule 10: Variable Speed Limits *(Not used in this bylaw)***

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a variable speed limit as specified in this schedule.

### **Schedule 11: Minimum Speed Limits *(Not used in this bylaw)***

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a minimum speed limit as specified in this schedule.

**Schedule 12: Designated locations that have a speed limit of 30km/h**

<b>Reference Number</b>	<b>Description</b>	<b>Date Speed Limit Comes into Force</b>	<b>Legal Instrument</b>	<b>Previous Legal Instrument</b>
30km/h DA	All roads marked on the map labelled and identified in the legend as having a speed limit of 30km/h.	01 December 2014	Kaipara District Speed Limit Bylaw 2005	
30km/h DA	From the intersection of Marine Drive North, Marine Drive and Glinks Road including the beach entrance, 1km North of the entrance and 1.5km South of the beach entrance for the width of the beach.	01 December 2014	Kaipara District Speed Limit Bylaw 2005	
30km/h DA	From 150m (from towards the beach) from the intersection Bayly Street and Seaview Road, including the Beach entrance, 1.1km North and 1.1km South for the width of the beach.	01 December 2014	Kaipara District Speed Limit Bylaw 2005	





# Tara Road, Kaiwaka- Mangawhai Road and Moir Street

Speed Limit Review – 31 October 2018

## ABSTRACT

Proposed amendments to the Kaipara District Speed Limits Bylaw 2005, resulting from a full review of the speed limits, incorporating Tara Road to Darmah Lane, Moir Street and 300m of Kaiwaka-Mangawhai Road.

Shawn Baker

Organisational Solutions Ltd.

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## Overview

Kaipara District Council (Council) is a Road Controlling Authority (RCA) within the Kaipara District, and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (*Section 22AB(1)(d)*).

Council is proposing to amend the posted speed limit in an area of Moir Street; as well as Tara Road from the intersection with Moir Street to Darmah Lane; and 300m of Kaiwaka-Mangawhai Road.

In addition, Council are proposing to make some amendments to the "body" of the Speed Limits Bylaw 2005. These additional changes do not impact on the effect of the bylaw.

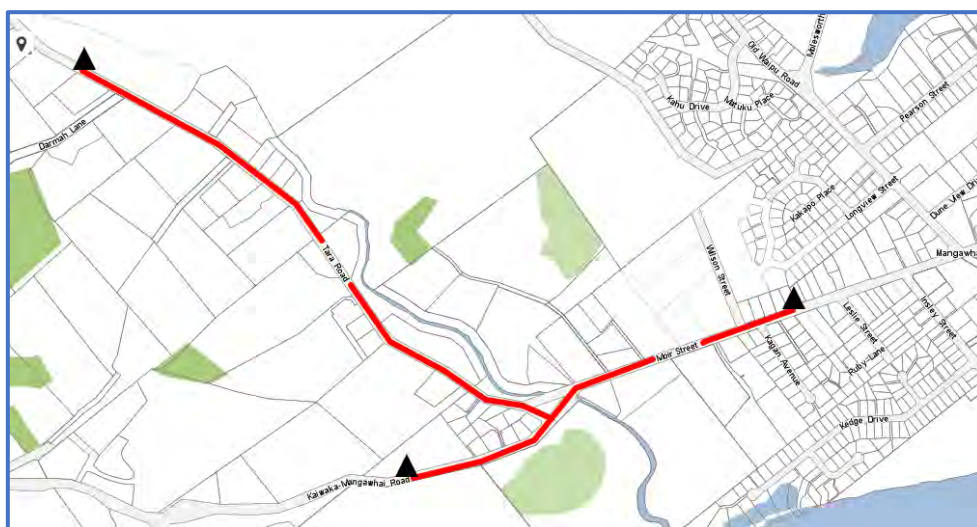
This Report sets out the proposed changes to the Kaipara Speed Limits Bylaw 2005, including the main body of the Bylaw and the schedules to the Bylaw, along with the matters that Council has considered in proposing the new speed limit, including:

- A summary of the proposed changes to the Kaipara Speed Limits Bylaw 2005
- Reasons for the proposed changes
- Targeted consultation process
- Matters considered under Section 4.2(2) of the Setting of Speed Limits Rule 2017
- Options analysis

Submissions are sought from any person or organisation and must be received by Council no later than 5pm on Monday 15<sup>th</sup> October 2018.

## Review Area

The review area extends from Moir Street, at a point 280m west of Insley Street where the current 50km/hr to 70km/hr speed limit boundary is located, to a point on the Kaiwaka-Mangawhai Road, 300m to the west of the intersection with Tara Road. The review area also includes Tara Road, from the intersection with Moir Street to a point 100m north of Darmah Lane (refer Figure 1).



**Figure 1: Tara Road, Kaiwaka-Mangawhai Road, and Moir Street – Speed review area (proposed 50km/hr zone).**

## Background

Mangawhai, located on Kaipara's East Coast, presents attractive lifestyle opportunities with good access to a variety of beach and fishing activities, as well as Kaiwaka and the larger urban centres of Whangarei and Auckland.

Mangawhai is a popular recreational destination and experiences an influx of visitors during the peak summer holiday period. In recent years, the township has transitioned from a seasonal beach holiday and rural farming community to a rapidly growing coastal urban centre. This growth is expected to continue.

Community transport is evolving with ongoing subdivision and growth with road user demographics changing from a rural, vehicle-based community, to an urbanised population that are increasingly utilising the road environment for walking and cycling purposes.

To cater for the expanding residential environment and population, Council has embarked on constructing new footpaths and completing connections with partially completed footpaths. Kaipara District Council Engineering Standards require new residential sub-divisions to include footpaths.

Council's programme of improved pedestrian access to new and existing sub-divisions includes a new footpath along Tara Road, which connects to the existing Moir Street footpath that currently terminates at the Mangawhai Domain.

To complete the pedestrian access to and along Tara Road, a crossing is required on Moir Street near the Mangawhai Domain. An additional crossing is required on Tara Road to enable access to existing residential dwellings and new subdivisions. A further crossing will be required at Wilson Street to enable pedestrians from the planned Wilson Street sub-division to access the Moir Street footpath, Domain, and other community facilities.

Council is undertaking a review of the current speed limit on Moir Street, Tara Road (to Darmah Lane), and 300m of the Kaiwaka-Mangawhai Road as part of the construction of the new footpath along Tara Road, and the need for additional uncontrolled pedestrian crossings on both Tara Road and Moir Street.

The speed limit review area extends from Moir Street (at a point 280m west of Insley Street) where the current 50km/hr to 70km/hr speed limit boundary is located, to a point on the Kaiwaka-Mangawhai Road, 300m to the west of the intersection with Tara Road. The review area also includes Tara Road, from the intersection with Moir Street to a point 100m north of Darmah Lane.

Within the review area, it is proposed to reduce the current posted speed limits to 50km/hr.

This proposed lower speed limit will:

- Improve alignment with current and future land-uses in the area
- Significantly increase pedestrian safety, particularly at new crossing points
- Significantly lower the risk of serious injury crashes resulting from direct access onto the main carriage way.



## Summary of Proposed Amendments

The proposed amendments to the Kaipara District Council Speed Limit Bylaw includes amendments to the introductory and interpretation clauses of the Bylaw (Appendix 1) so that they reference updated legislation and clarify the legislation under which the bylaw is made. These amendments are also aimed at achieving greater consistency between all three of Northland's Speed Limit Bylaws (Kaipara-, Whangarei-, and Far North District Council).

In Kaipara District Council's capacity as the Road Controlling Authority (RCA), the following amendments are also proposed:

The overall reduction in the posted speed limit to 50km/hr in the following area:

- Moir Street and Kaiwaka-Mangawhai Road from the existing 70km/hr speed threshold on Moir Street, located 280m west of the intersection between Moir Street and Insley Street, to the 100km/hr speed threshold on Kaiwaka-Mangawhai Road located 300m west of the Tara Road intersection.
- Tara Road from the intersection with Moir Street / Kaiwaka-Mangawhai Road to a point 100m north of Darmah Lane.

The proposed amendments are set out in Appendix 1.

## Reasons For change

Amendments to the introductory body of the Bylaw are being proposed to provide clarification that the Bylaw is made under the Land Transport Act 1998, and to ensure that the Bylaw is consistent with the Land Transport Act 1998; the Land Transport Rule: Setting of Speed Limits 2017; and the other Speed Limit Bylaws operative in Northland.

Section 22AB(1)(d) of the Land Transport Act 1998 provides for a Road Controlling Authority to make a Bylaw to set a speed limit for the safety of the public, or for the better preservation of any road. Council made a Speed Limit Bylaw in 2005.

Periodically it is necessary to set a new speed limit, which requires the amendment of the Bylaw Schedules. These changes are often in response to changes in the road environment. In response to increased urbanisation and the construction of a new footpath and crossings on Tara Road and Moir Street, Council is proposing to amend the speed limit in this area. The primary reasons for the amendment are:

- To better match the road speed limit with the wider environment to lower the potential for fatal and serious injury crashes resulting from existing, new, and planned access from residential land-uses onto the main carriageway.
- Lower the potential for fatal and serious injury crashes involving pedestrians and cyclists within a growing urban environment.
- Enable the safe usage of new and existing pedestrian facilities and pedestrian crossings.

Mangawhai is an expanding community with increasing pressure for residential development, resulting in a corresponding change in the road environment and usage. The development of new footpaths will increase the number of pedestrians, cyclists and mobility scooters, and the need for new uncontrolled pedestrian crossings. This has the effect of changing the road environment and increases the risk of conflict between the different modes of transport. A reduction in the speed

environment will provide significant safety benefits, without the requirement for extensive engineered solutions.

## Significance of Change

The Kaipara Speed Limits Bylaw 2005 is made under the Land Transport Act 1998 (LTA). Section 22AD of the LTA requires Council to consult with the community in accordance with the requirements of Section 156 of the Local Government Act 2002.

There are two components to the proposed amendments to the Bylaw:

- The introductory body of the Bylaw
- The Schedules to the Bylaw (the actual speed review)

Both components of the amendments to the Speed Limits Bylaw 2005 have been assessed against Kaipara District Council's Significance and Engagement Policy (2018). A determination has been made that neither of the components, either individually or cumulatively meet the significance criteria in the Significance and Engagement Policy (2018).

### Introductory Body of Bylaw – Section 156 Assessment

The proposed amendments to the body of the Bylaw have the effect of updating the Bylaw to reference new or updated legislation and make other minor changes.

The proposed amendments are minor in nature and do not change the effect of the Bylaw, and do not affect any existing right, interest, title, immunity, or duty of any person to whom the bylaw applies. Nor does the proposed change effect existing status or capacity of any person.

The proposed amendments to the Body of the Bylaw meet the Section 156(2) test, and as such, Council may make the proposed changes by public resolution.

Although the proposed amendments to the body of the Bylaw meet the tests of Section 156(2) of the Local Government Act 2002, Council has chosen to undertake a concurrent consultation process, alongside that of the speed review. In doing so, Council believes that a more transparent process than a public resolution can be achieved.

### Schedules of Bylaw – Section 156 Assessment

The proposed amendments to the Schedules of the Bylaw are limited in their nature.

The proposed amendments seek a lowering of an existing speed limit within a limited area. The amendment does have some impact on the community within the immediate review area. However, the amendments do not restrict the ability of any person to undertake any activity. The proposed amendment has a less than minor affect outside of the specified review area.

In accordance with Section 156 of the Local Government Act 2002, it has been determined that the proposed amendments to the Speed Limits Bylaw 2005 Schedules:

- Is not significant in terms of Council's significance and Engagement Policy (2018)
- Do not give rise to a significant impact on the public, nor is it likely to.

Given the above assessment, and in accordance with Section 156(1)(b) of the Local Government Act 2002, it is appropriate that Council consult on the proposed amendments to the Schedules of the Speed Limit Bylaw in a way that gives effect to the requirements of Section 82 of the Local Government Act 2002 (Principles of consultation).

## Consultation Process

Consultation is undertaken in accordance with the requirements of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017.

### Local Government Act Requirements

In accordance with Section 156(1)(b) of the Local Government Act 2002, Council is required to consult in a way that gives effect to the principals of consultation set out in Section 82.

Section 82 and 82A of the Local Government Act 2002 requires that the following be made publicly available:

- The proposal and the reasons for the proposal
- An analysis of the reasonably practicable options
- Details of the proposed changes to the plan, policy, or other document.

This Speed Review Report contains the information that is to be made publicly available in accordance with Section 82A. In addition, this Report also contains information on the consultation process and how persons who may be affected can present their views to Council. To assist with communicating the proposal to the community, a summary document has also been produced and is available to the community, via Council's website, or at Council service centres.

### Setting of Speed Limits Rule Requirements

Section 2.5 of the Setting of Speed Limits Rule 2017 sets out the consultation requirements when setting a speed limit, and includes a requirement to consult with the following:

- The occupiers of any properties adjoining the road to which the proposed bylaw applies
- Any affected local community
- The Commissioner of Police
- Any other organisation or road user group that the road controlling authority considers affected
- The New Zealand Transport Agency

In terms of "other organisations or road user groups", Kaipara District Council has determined that the Automobile Association (AA) should be consulted by direct notification of the proposed changes and be invited to make a submission.

### Giving Effect to Consultation Requirements

The consultation requirements of the Local Government Act and the Setting of Speed Limits Rule will be given effect to via direct notification of the occupiers of properties adjoining the speed review area, and the organisations identified above. Direct notification will include:

- A summary of the proposed amendments
- Where further information is available
- How to present your views to Council (Having your say)

In addition, a public notice will be placed in various media across the District with the information able to be viewed at Council service centres.

Following the close of submissions, a public meeting will be held to provide an opportunity for anyone who wishes to present their views to Council.

## Matters Considered

The purpose of the Setting of Speed Limits Rule 2017 is to give effect to a nationally-consistent and evidence-based approach to speed management and to provide a mechanism for road controlling authorities to set speed limits for roads in their jurisdictions.

Section 4.2(2) of the Setting of Speed Limits Rule 2017 requires a range of matters to be considered when reviewing and setting a speed limit. The following sets out the matters which Council has had regard to in setting the proposed speed limit within the review area.

### NZTA Information

NZTA provide larger scale information and crash data. The defined area of the review area does not give rise to regionally significant data and as such, NZTA does not identify the review area as a high priority for a speed review. However, NZTA data does not take account of local conditions and local changes to the road environment that are the key drivers of this review.

### Speed Management Guidance

NZTA provides guidance for the setting of speed limits within *the NZTA National Speed Management Guide 2016*. The Speed Management Rule 2017 provides the process for reviewing speed limits across the District.

This Speed Management Review departs from NZTA speed management guidance in-so-far as the guidance focusses on reviews being undertaken on a road catchment scale, rather than in a more piecemeal fashion looking at small sections of a road.

The current review area is a limited area that does not incorporate the wider road catchment area. In this case, the primary reason for the review is a significant change in the road environment driven by ongoing residential and rural residential development and the construction of footpaths and pedestrian crossing points.

It is therefore considered appropriate that a review of the speed environment is undertaken within this discreet area to ensure a safe pedestrian environment.

### Function and use of the Road

The One Network Road Classification (ONRC) is a framework that provides a consistent system for the classification of roads throughout New Zealand. The ONRC considers the needs of all road users, be they motorists, cyclists or pedestrians. Based on the function and classification of the road, an initial assessment of appropriate levels of service, safety features and speed ranges can be made.

The review area consists of three separate roads, with the following ONRC classification:

Road	ONRC Classification	Type of Road
Moir Street	ONRC Class 3	Primary Collector
Mangawhai – Kaiwaka Road	ONRC Class 3	Primary Collector
Tara Road	ONRC Class 3	Secondary Collector

**Table 1: ONRC classifications**

The review area is a transition zone between a true urban area and the rural area. However, current and future development within, and adjacent, to the review area has increased the residential and non-rural land uses. The urban road ONRC guidance has therefore been used to determine appropriate speed ranges.

**Moir Street and Kaiwaka-Mangawhai Road** have been classified as Primary Collector Routes under the ONRC system. This means that the road provides links to significant local economic areas and areas of population. In the case of the Moir Street and Kaiwaka-Mangawhai Road, the Primary Collector road provides a linkage to the neighbouring town of Kaiwaka; and is the most direct route between Mangawhai township and Kaiwaka.

The Proposed Safe and Appropriate Speeds Classification Method (NZ Speed Management Guidance 2016) identifies an appropriate speed of 50km/hr where there is non-commercial adjacent land-uses, for example, residential and organised recreational land uses.

**Tara Road** has been classified as a Secondary Collector road under the ONRC system. This means that the road provides links to local areas of population and economic sites. Tara Road is the principle route linking residential dwellings on Tara Road with Mangawhai township.

The Proposed Safe and Appropriate Speeds Classification Method (NZ Speed Management Guidance 2016) identifies an appropriate speed range of 30- 50km/hr within an urban environment. Given that Tara Road is within an urban-rural transition zone where residential land-uses are prevalent, but not at the density expected in a fully urbanised area, the proposed speed limit selected is 50km/hr. This proposed speed limit is consistent with an area that has adjacent residential land uses, and Personal Risk is rated as less than or equal to medium-high and the infrastructure risk rating is low-medium.

### Crash Risk

There is limited crash data available for the review area. This does not imply a lack of risk as the data available is that which is reported to NZTA from the NZ Police, and often does not report minor crashes, or near misses. This data provides a current collective risk rating for a specified road.

- Tara Road and Kaiwaka-Mangawhai Road, within the review area has a current Collective Risk Level of “Low-to-Medium”.
- Moir Street within the review area has a current Collective Risk Level of “Low”.

The principle cause of crashes reported to NZTA within the review area are resulting from vehicles turning or gaining access to the road and not seeing the other vehicle. This cause is consistent with multiple accesses from residential dwellings onto a road with a speed limit greater than 50km/hr.

### Characteristics of the Road

Moir Street is an urbanised street on the outskirts of the Mangawhai township. Moir street has two lanes with a carriageway width of 6.2m. There is no median barrier. The street is generally straight, and open in its characteristic, leading to an impression of a higher speed being acceptable to some drivers, particularly as they accelerate out of town.

Tara Road has a rural-residential characteristic, with curves and undulations. Tara Road has two-lanes with a carriageway width of 6.9m. There is no median barrier. The undulations and curves, coupled with adjacent land-uses and geography creates an impression of slightly more closed in road, where high speed may not be advisable.

Kaiwaka-Mangawhai Road transitions from the Tara Road intersection into a true rural environment. There are two lanes with a carriageway width of 6.2m. The road curves up a moderate hill, producing limited visibility on the approaches to the Tara Road intersection. From a point approximately 300m west of the Tara Road intersection (the current unrestricted speed boundary) the road provides the impression of a rural open road.

## Adjacent Land-use

Mangawhai is a growing coastal community with easy access to Auckland. The township is located less than an hour south of Whangarei. There has been significant growth in residential development in the Mangawhai area.

Within the review area, Moir Street has several significant community facilities, including the Mangawhai Domain and sports complex, Toy Library, camping ground and Plunket Rooms. New subdivisions have either direct or indirect access to Moir Street, including off the newly formed Wilson Street. The section of Moir Street from Insley Street to Tara Road has become increasingly urbanised.

Kaiwaka-Mangawhai Road has residential development on the northern side of the road. Few of these properties have direct access onto the Kaiwaka-Mangawhai Road. Approximately 250m (West) from the Tara road intersection, the land-use undergoes a rapid transition into a rural environment.

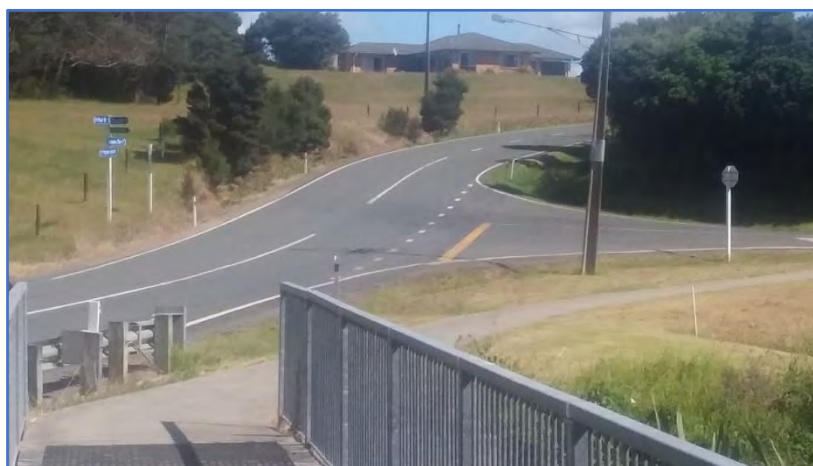
Tara Road, from the intersection with Kaiwaka-Mangawhai Road to Darmah Lane is characterised by residential land uses. Within the review area, there are approximately 45 residential dwellings with direct access to Tara Road. There are additional residential lots that have indirect, communal access to Tara Road. In addition, there are three planned subdivisions that will have access onto Tara Road.

Overall the land-use within the speed review area is semi-urban in nature with low density urban land-use and extensive rural residential land-uses. Urban land-uses and the density of development is expected to increase over time.

## Intersections and Property Access

The review area has a major three-way intersection, connecting Moir Street, Kaiwaka-Mangawhai Road and Tara Road. There is a small bridge leading into the intersection on Moir Street. There is limited visibility of the intersection when approaching along the Kaiwaka-Mangawhai Road from the south.

There are direct property accesses onto Tara Road within the first 100m of Tara Road.



**Figure 2: Moir Street, Kaiwaka-Mangawhai Road and Tara Road Intersection**

There is an existing footbridge that leads into the intersection along Moir Street. This footbridge will be connected to the new Tara Road footpath approximately 50m from the intersection with an uncontrolled pedestrian crossing. An additional uncontrolled pedestrian crossing will link the footbridge with an existing footpath on Moir Street (location still to be determined).



**Figure 3: Moir Street Footbridge leading to Tara Road Intersection**



**Figure 4: Intersection with Tara Road showing existing footpath (google maps)**

Direct access onto Moir Street includes residential dwellings, as well as the Mangawhai Domain and sports complex and a camping ground.



**Figure 5: Moir Street east of Tara Road intersection**



**Figure 6: Moir Street – Mangawhai Domain access**

There are approximately 45 residential dwellings with direct access onto Tara Road within the review area. In addition, there are several existing multi-lot subdivision developments that have communal access to Tara Road, with a further three subdivisions currently in the planning phase.



**Figure 7: Tara Road approach to intersection – Approximate location of pedestrian crossing**





**Figure 8: Direct residential access onto Tara Road – new footpath located on right side of road**



**Figure 9: Darmah Lane – end of review area**

The number and nature of accesses onto Moir Street and Tara Road increases the risk of crashes between vehicles accessing the road and those that are travelling at a high speed along the road (Tara road is primarily 100km/hr).

The main intersection is characterised by low visibility, residential access and pedestrian crossing.

## Traffic Volumes

Traffic volumes on Moir Street, Tara Road and Kaiwaka-Mangawhai Road are Average Daily Traffic Flows over a 7-day period.

Location	Average Daily Traffic Flow	% Heavy Vehicles
Tara Road (250m from Moir St intersection)	1197	3% (approx. 36)
Moir Street (at Footbridge)	3441	3% (approx. 103)
Kaiwaka-Mangawhai Road (50m from Tara road intersection)	2250	6% (approx. 68)

**Table 2: Estimated traffic Volumes**

The Kaiwaka-Mangawhai serves a dual purpose, including the carriage of longer distance traffic from Kaiwaka or other larger centres such as Auckland. This includes the transport of goods from these commercial centres. In addition, the Kaiwaka-Mangawhai Road provides access to Mangawhai for an extensive rural area.

Tara Road acts as a collector road, providing access to Mangawhai for short distance commuters from residential land uses. In addition, it also provides access to both Mangawhai and commercial centres to the south for an extensive rural area.

There is a consistent distribution between light vehicles and heavy commercial vehicles on both Tara Road and Kaiwaka-Mangawhai Road.

## Planned Modifications to the Road

The Kaipara District Council Long Term Plan (LTP) does not identify funding to upgrade or make significant engineering improvements to the roads within the review area.

Council is currently installing a new footpath on the southern side of Tara Road. This footpath connects to a footbridge located East of the intersection with Moir Street and the Kaiwaka-Mangawhai Road.

The installation of the new footpath will require at least two uncontrolled pedestrian crossings, located on Tara Road and Moir Street (still to be determined). An additional uncontrolled pedestrian crossing is also anticipated near the corner of Wilson Street and Moir Street, to cater for new planned subdivisions and community developments.

New footpaths and pedestrian crossings are expected to increase the number of pedestrians and cyclists utilising the road environment.

## Views of Interested Persons and Groups

Community views were informally canvassed in a limited manner as part of the preparation of the Tara Road Footpath Background and Options report prepared by MWH Ltd (now known as Stantec).

Feedback included an observation that people are willing to walk, but resist doing so due to speed related safety concerns. The safety concerns arise mainly from the lack of dedicated space along the road for walking or cycling.

Direct feedback from one resident indicated that, over a 10-year period, an approximate threefold increase in vehicle movements within the review area has been observed. Vehicles often exceed the

posted speed limit of 70km/hr on Tara Road. The resident also indicated that it was dangerous to walk or cycle on Tara Road because of the speed.

### **Community Engagement**

Consultation was undertaken in accordance with the requirements of the Local Government Act 2002 and the Setting of Speed Limits Rule 2017.

Property owners and occupiers within and adjacent to the speed review area were directly notified of the proposed amendments to the Bylaw; including the proposed amendments to the speed limit within the review area, and the proposed changes to the body of the Bylaw. Direct notification included:

- A summary of the proposed amendments
- Where further information could be obtained
- How to make a submission

Statutory consultees, as identified in the Setting of Speed Limits Rule 2017 were also directly notified, either by mail, or where available, Email.

The wider community were notified of the proposed amendments by public notice in the main media for both Mangawhai and throughout Kaipara.

In addition, both the summary information and full report on the proposed changes, including all of the background information and matters that must be considered was made available at Council service centres. This information was also made available on Council's website.

### **Community feedback**

No submissions were received relating to the proposed amendments to the introductory body of the Bylaw. The lack of submissions for this component of the proposed amendments reflects that the proposals do not impact on any person, or the enforcement of the Bylaw. The changes proposed were administrative in nature.

There were 13 submissions on the proposed changes to the speed limit in Moir Street, Tara Road and Kaiwaka-Mangawhai Road. A detailed Report summarising the submissions received and how those submissions were considered has been provided to Council.

The proposed amendments to the Kaipara District Speed Limits Bylaw 2005 was publicly notified on 17<sup>th</sup> September 2018. The following provides an overview of the submissions received.

14	Total submissions were received
11	Supporting the proposed amendments
02	Seeking amendments to the proposal
00	Opposing the proposed amendments
01	Opposing, but seeking amendments

**Table 3: Submissions Received**

Overall the community views received were supportive of the proposed changes in the speed limit within the review area. A general theme of the submissions received was the need to slow vehicles down within the area to make it safer for residents, particularly children.

Some submitters suggested extending the slower speed limit, both along Kaiwaka-Mangawhai Road and Tara Road. Whilst these submissions were considered, it was noted that the area concerned was outside of the current review scope.

One submitter opposed the amendment to the speed limit on the basis that the provision of a single footpath is insufficient reason to reduce the speed limits in the area. This submitter also suggested that the speed limit along Tara Road should be 80kmph, rather than the proposed 50kmph. This submission was rejected for the following reasons:

- The suggested 80kmph limit on Tara Road would increase the speed limit for the first 200m of Tara Road
- Not lowering the speed limit, to some degree, would not achieve the desired safety outcomes and does not reflect the current and future road environment.

A more detailed assessment of the submissions received is contained in the Report “*Tara Road Submissions and Recommendations, October 2018*”.

Following the consideration of all the community views presented, it has been recommended that the speed limit within the review area be reduced to 50kmph.

## Options Analysis

In assessing the options, a range of matters were considered, including the matters required by the Setting of Speed Limits Rule 2017 (refer above), and future development within, and adjacent to the review area.

In determining the proposed amendments to the speed limit within the review area, the following options have been considered:

- Option A:** No change to the current speed environment
- Option B:** Reduce the speed limit in the full review area to 50km/hr
- Option C:** Reduce the speed limit to 50km/hr with revised locations
- Option D:** Undertake a staged drop in speed

### Option A – No Change to the Current Speed Environment

The current speed environment within the review area ranges from 70km/hr along Moir street and the first 300m of the Kaiwaka-Mangawhai Rd, and 100km/hr after the first 210m of Tara Road. The “no change” option would retain the existing speed limits.

The “no change” option has not been pursued because:

- The current 70km/hr and 100km/hr speed environments do not provide for a safe environment for increased uncontrolled pedestrian crossings that are being installed within the review area.
- The number of residential dwellings with direct access to Tara Road has increased in recent years. Planned residential and rural residential development will further increase the number of dwellings with direct or indirect access onto Tara Road. These changes will increase the urban uses of the road. A revised speed limit, reflecting adjacent land-use changes is considered appropriate.
- Tara Road has a relatively narrow carriageway, with undulations and curves. A continuation of the 100km/hr speed limit would require eventual engineering solutions to create a safer environment for the increasing residential land-uses and number of pedestrians.
- The current 70km/hr section of Moir Street has a range of developments, either planned or currently being constructed. In addition, there are a number of community facilities that attract

pedestrians and young people in this area, including the Domain, camping grounds, Toy Library and Plunket Rooms. The retention of the 70km/hr speed limit within an increasingly urban environment is not considered appropriate.

Although it is possible to engineer solutions to retain a safe environment at the current posted speed limits, it is considered that these solutions would result in undesirable effects, including:

- Unsustainable cost to the community to design, engineer and construct an engineered solution
- Creation of community severance between current and future development along Moir Street with existing community facilities.

The “no change” option is not recommended.

#### Option B - Reduce the speed limit in the full review area to 50km/hr

Reducing the speed limit from the current 70km/hr (and 100km/hr on Tara Road) to 50km/hr is the preferred option. This option sets a 50km/hr speed limit for the remainder of Moir Street and the first 300m of the Kaiwaka-Mangawhai Road past the Tara Road intersection. The new proposed 50km/hr speed limit will extend along Tara Road to 100m past Darmah Lane.

A reduction of the speed limit within the review area is recommended because:

- The proposed speed limit reflects an appropriate speed environment for review area, based on current and planned adjacent land-uses.
- The reduction in speed will have significant safety benefits:
- When a pedestrian or cyclist is involved in a crash with a vehicle travelling at 70km/hr, there is a 96% risk of a fatality. When a pedestrian or cyclist is involved in a crash with a vehicle travelling at 50km/hr, the risk of fatality is reduced to 40%.
- According to the KDC Engineering Standards 2011, the calculated safe stopping distance at 70km/hr is 113m, whereas at 50km/hr the safe stopping distance is 64m. This means a vehicle has the ability to stop 49m earlier, thus significantly improving the road user safety.
- No new engineering solutions will be required to create a safe road and pedestrian environment.
- Pedestrian crossings can be uncontrolled, eliminating the potential requirement for pedestrian prioritisation mechanisms or the need for pedestrian refuges.

The “full review” option is the recommended option.

#### Option C - Reduce the speed limit to 50km/hr with revised locations

The “revised locations” option has the same effect as the preferred option, however, the location of the speed zone boundaries could be altered from that proposed.

To achieve the road safety outcomes of a safer environment for an increased number of pedestrians the proposed 50k/hr speed zone must extend to the Tara Road intersection. The extent to which the 50km/hr zone extends along the Kaiwaka-Mangawhai Road and Tara Road may be considered.

The placement of a speed zone boundary must provide the driver sufficient distance or opportunity to notice the new posted speed limit and to react by slowing down. The geometry of Kaiwaka-Mangawhai Road does not provide the opportunity to move the proposed speed boundary closer to the Tara Road intersection.

Moving the 50km/hr boundary further west (away from the Tara Road intersection) than that currently proposed will have no perceptible road safety benefit and will extend the 50km/hr zone further into the rural environment. Extending the 50km/hr zone further along the Kaiwaka-Mangawhai Road is inconsistent with the aims of NZTA’s One Network Road Classification (ONRC) System.

The preferred option for the Tara Road 50km/hr zone boundary is to locate it to the north of Darmah Lane. There is potential to relocate the proposed boundary closer to the intersection (south of Darmah Lane).

The footpath being installed along Tara Road is planned to extend to just south of Darmah Lane to provide for existing and new residential developments along Tara Road. Relocating the boundary closer to the Moir Street intersection will not provide for future planned development along Tara Road, which includes access for subdivision onto Tara Road.

The “revised locations” option is not recommended.

#### Option D - Undertake a staged drop in speed

A staged speed reduction has the effect of providing the driver warning of a reduced speed zone ahead. The staged reduction slows the driver in a graduated way over a greater distance, increasing compliance with the lower speed limit where pedestrians may be encountered. However, to enable a staged reduction in speed, the boundary of the lower speed zone needs to be increased.

The Setting of Speed Limits Rule 2017 and the Speed Management Guidance recommends that, where speed limits change, there should be a minimum 20km/hr change in the speed. This is because it is more difficult for a driver to perceive and therefore comply with a smaller change in the speed limit. To achieve this, the Speed Limits Rule envisages that most amended speed limits will be 100, 80 and 60, with urban roads being 50, 40 or 20 km/hr. New speed limits of 70km/hr and 90km/hr require additional approval from NZTA.

Given the Speed Management Guidance, a step-down speed from 100km/hr would be in minimum increments of 20km/hr, so 100km/hr would step down to 80km/hr and then to either 60km/hr or 50km/hr.

The Setting of Speed Limits Rule 2017 identifies the minimum road length between different speed limits.

Speed Limit (Km/hr)	Minimum Length (m)
50	500
60	500
70	As approved by NZTA under Clause 4.5 of the Speed Management Rule
80	800
90	As approved by NZTA under Clause 4.5 of the Speed Management Rule
100	2000

**Table 3: Minimum Speed Zone Lengths (NZTA)**

Given the general road environment, a 50km/hr is recommended to at least the intersection of Moir Street, Tara Road and Kaiwaka-Mangawhai Road. As an example, changing the speed limit at the intersection to 80km/hr requires a minimum length of 800m before the limit changes to 100km/hr. This would push the current 100km/hr speed boundary a further 500m into the rural area.

Travelling in an easterly direction toward Mangawhai and the Tara Road intersection, the road descends a hill and curves to the left, limiting visibility. A lower speed zone immediately to the west

of the Tara Road intersection would not provide the driver sufficient time to react and slow down. Given visibility limitations, the boundary between speed zones would need to be 250-300m to the west of the intersection. This requirement would push the current 100km/hr speed boundary a further 800m into the rural area.

The current 100km/hr speed zone boundary is located 210m along Tara Road. Given that the newly installed footpath is approximately 960m long, the proposed 50km/hr zone would need to extend to Darmah Lane, to provide for new residential development and footpaths. A step-down solution would extend the current 100km/hr zone boundary to approximately 800m past Darmah Lane.

The “staged reduction” option is not recommended because:

- The boundary of the 100km/hr zone would extend significantly into a clearly rural area, reducing the perception of credibility of the posted speed limit.
- No significant road safety improvements will be achieved

### Options Conclusions

Following an assessment of the options available with respect to the proposed amendments to the speed environment at Moir Street, Tara Road and Kaiwaka-Mangawhai Road, and having considered the matters set out the setting of Speed Limits Rule 2017, it is recommended that Option B is adopted by Council for consultation.

The proposed reduced speed limit will provide significant safety benefits for pedestrians and cyclists using the new footpath and uncontrolled pedestrian crossings; better alignment with the current road environment; and provide “future proofing” for planned development in the area.

## Making a Submission

Any person or organisation can make a submission on the proposed amendments to speed limits at Moir Street / Tara Road.

Submissions can be made, either electronically online, by email or on paper and should:

- State the submitters name, address and contact phone number or Email
- Clearly state the Bylaw amendments that the submission point relates to.
- Whether you support or oppose the provision.
- The reasons for supporting or opposing the provision.

**All submissions must be received by 5pm on Monday 15<sup>th</sup> October 2018.**

You can make a submission online at: [www.kaipara.govt.nz/haveyoursay](http://www.kaipara.govt.nz/haveyoursay), or

Email your submission to: [speedreview@kaipara.govt.nz](mailto:speedreview@kaipara.govt.nz), or

Post your submission to:

Tara Rd Speed Review  
Kaipara District Council  
Unit 6  
The Hub  
6 Molesworth Drive  
**Mangawhai 0505**

Submissions can also be hand delivered to any Kaipara District Council Office listed below.

<b>Mangawhai</b>	Unit 6 – The Hub: 6 Molesworth Drive
<b>Dargaville</b>	42 Hokianga Road

A public meeting will be held, following the close of submissions to enable any submitter or member of the public to expand upon their submission, or otherwise make their views known to Council.

Feedback received from the community will be considered, along with a range of other matters in reaching a final decision on the proposals within this document.

The Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter. The submissions, including all contact details provided, will be available to the public, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you consider there to be a compelling reason why your contact details and/or submission should be kept confidential, you should contact Council Bylaw Planner, Paula Hansen on 0800 727 059 or 09 439 7059



## Where Can I Get More Information?

Copies of this Report and the Summary Document can be viewed on Kaipara District Councils website at [www.kaipara.govt.nz/haveyoursay](http://www.kaipara.govt.nz/haveyoursay).

Alternatively, copies of this Report and the Summary Document can be viewed at Kaipara District Council Offices at:

<b>Mangawhai</b>	Unit 6 – The Hub: 6 Molesworth Drive
<b>Dargaville</b>	42 Hokianga Road

Alternatively, call the Kaipara District Council on 0800 727 059.

or email: [Speedreview@kdc.govt.nz](mailto:Speedreview@kdc.govt.nz)

# Appendix 1 – Proposed Amendments to Kaipara Speed Limits Bylaw 2005

Amend the introductory and interpretation clauses of the Bylaw, including any consequential numbering amendments.

## **1. ~~Interpretation~~**

1.1 ~~In this Bylaw, unless the context otherwise requires –~~

~~ROAD means the same as in Land Transport Rule 54001: Setting of Speed Limits 2003:~~

~~SPEED LIMIT means the same as in Land Transport Rule 54001: Setting of Speed Limits 2003:~~

~~URBAN TRAFFIC AREA means the same as in Land Transport Rule 54001: Setting of Speed Limits 2003~~

## **2. ~~Speed Limits~~**

2.1 ~~The roads or areas described in the schedules specified in Clause 3 or as shown on the maps referenced in the schedules are declared to have the speed limits specified in the schedules or on the maps, which are part of this bylaw.~~

## **3. ~~Schedules~~**

~~Schedule 1: Roads that have a speed limit of 20 km/h (Schedule 1 is not used in this bylaw).~~

~~Schedule 2: Roads that have a speed limit of 30 km/h.~~

~~Schedule 3: Roads that have a speed limit of 40 km/h (Schedule 3 is not used in this bylaw).~~

~~Schedule 4: Urban traffic areas – roads that have a speed limit of 50 km/h.~~

~~Schedule 5: Roads that have a speed limit of 60 km/h (schedule 5 is not used in this bylaw).~~

~~Schedule 6: Roads that have a speed limit of 70 km/h.~~

~~Schedule 7: Roads that have a speed limit of 80 km/h.~~

~~Schedule 8: Rural areas – roads that have a speed limit of 100 km/h.~~

~~Schedule 9: Roads that have a holiday speed limit (Schedule 9 is not used in this bylaw).~~

~~Schedule 10: Roads that have a variable speed limit (Schedule 10 is not used in this bylaw).~~

~~Schedule 11: Roads that have a minimum speed limit (Schedule 11 is not used in this bylaw).~~

~~Schedule 12: Designated locations that have a speed limit of 30km/h~~

The following text is to be inserted:

Pursuant to the Land Transport Act 1998, Kaipara District Council makes the following Bylaw about speed limits and urban traffic areas in the Kaipara District.

**1. Title**

This bylaw is the Kaipara District Council Speed Limits Bylaw 2018.

**2. Commencement**

This Bylaw comes into effect on the [insert day, month] 2018 – **to be confirmed by Council resolution.**

**3 Application**

This Bylaw applies to roads under the care, control or management of the Kaipara District Council

**Part 1 – Preliminary Provisions**

**4 Purpose**

The purpose of this Bylaw is to allow Kaipara District Council to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2017 on all roads under the care, control or Management of Kaipara District Council.

**5 Interpretation**

In this Bylaw, unless the context otherwise requires –

Act means the Land Transport Act 1998

Council means Kaipara District Council

ROAD has the same meaning as in section 2(1) of the Land Transport Act 1998

SPEED LIMIT has the same meaning as in Part 2 (1) of the Land Transport Rule: Setting of Speed Limits 2017

URBAN TRAFFIC AREA means an area designated as an Urban Traffic Area in accordance with Clause 3.5 of the Land Transport Rule: Setting of Speed Limits 2017:

**Part 2 – Speed Limits and Urban Traffic Areas**

**6. 1 Urban Traffic Areas**

Schedule 4 of this Bylaw details the areas designated as Urban Traffic Areas by Kaipara District Council.

**6.2 Speed Limits**

Schedules 1-3 and Schedules 5-12 of this Bylaw details the speed limits set by Council under this Bylaw.

**6.3 Discrepancies between Descriptions and Maps**

For the avoidance of doubt, where a speed limit or urban traffic area is described with both a map and a description, and there is an inconsistency between the map and the description, the description prevails.

### **Explanatory Note:**

In setting speed limits and designating urban traffic areas, Council is required to comply with the requirements of the Land Transport Rule: Setting of Speed Limits 2017.

### **Part 3 – Enforcement, Offences and Penalties**

Offences and penalties are provided for in the relevant provisions of the Land Transport Act 1998.

### **Schedules**

Amend the following Schedules of the Kaipara District Speed Limits Bylaw 2005:

#### **Schedule 4: Urban traffic areas - roads that have a speed limit of 50 km/h.**

Insert the following into the Schedule 4 Table:

<b>Reference Number</b>	<b>Description</b>	<b>Date Speed Limit Comes into Force</b>	<b>Legal Instrument</b>	<b>Previous Legal Instrument</b>
<u>KDC S4/9</u>	<u>Moir Street</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	
<u>KDC S4/10</u>	<u>Tara Road from the Kaiwaka Mangawhai Road intersection to 100m (Past Darmah Lane)</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	
<u>KDC S3/11</u>	<u>Kaiwaka-Mangawhai Road, from Tara Road for 300m generally to the west (previously 70km/h)</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	

#### **Schedule 6: Roads that have a speed limit of 70 km/h.**

Delete the following from the Schedule 5 Table:

<u>KDC S6/4</u>	<u>Kaiwaka Mangawhai Road, from Tara Road for 300m generally to the west (part of this length was previously 100km/h)</u>	<u>One month from date of adoption of Bylaw</u>	<u>Kaipara District Speed Limit Bylaw 2005</u>	<u>Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778</u>
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## Amend Schedule 8

### Schedule 8 Rural Areas – 100 km/h

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to be rural areas that have a speed limit of 100km/h.

Reference Number	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
KDC S8/1	All roads marked on the maps labelled KDC 05/01 Sheets 1 to 32, except for State Highways, and identified in the legend as having a speed limit of 100km/h, <u>or identified in a Schedule to this Bylaw.</u>	On date of adoption of Bylaw	Kaipara District Speed Limit Bylaw 2005	Notice in the NZ Gazette, 18 December 2003, No.173, Page 4778

### Maps

Amend Kaipara District Speed Limits Bylaw 2005 Map – *Mangawhai (South) District Speed Limit Locations – KDC 05/01 Sheet No. 32.*



**File number:** 4801.0 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** 29 November 2018  
**Subject:** **Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions**  
**Date of report:** 12 November 2018  
**From:** Curt Martin, General Manager Infrastructure  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

The Dargaville and Maungaturoto water supply schemes in particular are at risk from a security of supply perspective during dry conditions and Council imposes water restrictions in the district in accordance with the Drought Management Plan(s). Currently Dargaville and Maungaturoto have Drought Management Plans, however water restrictions can be applied to any part of the district where Council provide reticulated water supply.

Section 1609 of the Kaipara District Council General Bylaw 2008 requires that the imposition and rescission of water restrictions be executed by resolution of Council. There is a risk that the timing of the trigger to impose water restrictions will not align with Council meeting dates. This report requests Council to delegate authority to the Mayor and Chief Executive to impose and rescind water restrictions if required.

### Recommendation

*That the Kaipara District Council:*

- 1 *Receives the General Manager Infrastructure's report 'Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions' dated 12 November 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 authority to the Mayor and Chief Executive to impose and rescind water restrictions if required within the Kaipara district in accordance with Clauses 1609.1 and 1609.2 of the Kaipara District Council's General Bylaws 2008, Part 16, Water Supply; and*
- 4 *Instructs the Chief Executive to report to the next available Council meeting the details of any water restrictions imposed or rescinded.*

### Reason for the recommendation

It may be impractical to wait for a Council resolution to impose and rescind water restrictions.

## Reason for the report

To delegate authority to the Mayor and Chief Executive to impose and rescind water restrictions when required in the district in accordance with the Kaipara District Council's General Bylaws 2008.

## Background

Section 1609 of the of the Kaipara District Council's General Bylaws 2008 requires that the imposition and rescission of water restrictions be executed by a publicly notified Council Resolution (the Water Supply section of the Bylaws is currently being reviewed to allow the Chief Executive to impose and rescind water restrictions and the amended bylaw will be presented to Council in due course):

### **1609 Prohibition or Restriction of Supply**

- 1609.1 The local authority may at any time, by resolution publicly notified, and until a further public notice of the rescission of such resolution has been given, restrict or prohibit the use of water for any one or more of the purposes covered in the definition of extraordinary supply, and thereupon it shall be an offence against this part of this bylaw for any person to use water in the manner so restricted or prohibited.
- 1609.2 If any time the local authority considers that because of drought or for any other reason the available water supply is not sufficient to allow the unrestricted consumption of water, and that extraordinary measures are necessary in order to conserve such available water supply, the local authority may by resolution publicly notified, and until public notice of the rescission of such resolution has been given, restrict or prohibit the use of water whether an ordinary or extraordinary supply for any specified purpose or for any specified period or may restrict the quantity which may be used. Any such restriction or prohibition may apply to the whole of the district or if the circumstances so require to a portion only of the district.
- 1609.3 No consumer shall in case of any such restriction or prohibition be entitled to any payment or compensation whatsoever.
- 1609.4 Any person offending against or failing to observe or comply with any of the provisions of any such resolution commits an offence against this part of this bylaw.
- 1609.5 In the case of urgency the Engineer or Authorised Officer may prohibit the use of water for any extraordinary purpose they deems necessary pending the next succeeding meeting of the local authority.

Council has Drought Management Plans (DMP) for the Dargaville/Bayllys Beach, and Maungaturoto Water Supply Schemes that have been prepared to ensure compliance with their respective Northland Regional Council resource consents authorising the take of raw water to supply the schemes. These DMPs include triggers that require Council to manage the raw water takes that include the imposition of water restrictions.

## Issues

In some instances the triggers to impose or rescind the water restrictions do not coincide with the dates of Council meetings so it becomes impractical to wait for a Council resolution. As an example, water restrictions were imposed for Dargaville/Bayllys Beach on 17 January 2017 in accordance with the



approved DMP and clause 1609 of the Council's General Bylaw 2008. At the time it was impractical to wait for a Council meeting to impose the water restrictions and the Chief Executive, in consultation with the Mayor, imposed water restrictions which were then retrospectively ratified by Council.

The implementation of water restrictions or conservation at Dargaville/Baylys Beach has been necessary during three of the last five summers, with specific targeting of large water users during the 2012/2013 drought to reduce consumption.

The current Kaihu River flows (Dargaville/Baylys Beach raw water source) are generally lower than they were at the same time last year, and if the current dry conditions persist it is likely that water restrictions will be required this summer.

## **Factors to consider**

### ***Community views***

The affected communities have generally accepted the restrictions well in the past. However there are concerns about the need for a long term solution to water restrictions during the dry periods considering that these could be more prevalent in the future if the predictions of more frequent and prolonged dry periods due to climate change do eventuate.

If a significant investment in future water sources was to be considered, community consultation would be essential to obtain their views on the financial implications and how this would affect them.

### ***Policy implications***

None

### ***Financial implications***

None

### ***Legal/delegation implications***

The imposition and rescission of water restrictions requires a Council resolution.

## **Options**

**Option A:** Council delegates authority to the Mayor and Chief Executive to impose and rescind water restriction within the Kaipara District in accordance with Council General Bylaw 2008.

**Option B:** Council does not delegate authority to the Mayor and Chief Executive to impose and rescind water restrictions.

## **Assessment of options**

Option A: Delegation of authority to the Mayor and Chief Executive to impose and rescind water restrictions would provide flexibility for the imposition of water restrictions to ensure compliance with the DMPs and resource consents.

Option B: Either an Extraordinary Council meeting would be required, or Council would be at risk of not complying with its resource consents.

### **Assessment of significance**

Not significant in relation to Council's Significance and Engagement Policy as:

- it does not involve more than \$3,000,000 or more budgeted expenditure;
- it does not involve \$300,000 or more unbudgeted expenditure;
- the decision will not impact by increasing individual rate levies by 10%;
- it does not involve a proposal or decision to transfer ownership or control of a strategic asset to or from the Council; and
- it does not involve a proposal or decision to alter significantly the intended level of service provision for any significant activity.

### **Recommended option**

The recommended option is **Option A**.

### **Next step**

Continue to monitor the raw water supplies and, if required, impose water restrictions in accordance with the DMPs.

### **Attachments**

- None

**File number:** 4303.24-Raupo **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **29 November 2018**  
**Subject:** **Murphy Bower Stopbank, Raupo, Options Report**  
**Date of report:** 19 November 2018  
**From:** Donnick Mugutso, Waters and Waste Manager  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

Through a raft of historical issues the original stopbank on **SECT 73-75 PT 44 BLK XV TOKATOKA SD** was removed and a new stopbank was instituted in its current location. The main issue is that the stopbank has been created in an unsuitable way and that the original stopbank that was removed has caused a section of the Raupo Drainage network to become a liability. This has left the Raupo Drainage District, the Kaipara District Council (KDC) and the residents of the nearby township of Ruawai open to flooding issues if the unsuitable stopbank fails in an irredeemable way.

Previous reports have been submitted to the Council regarding issues and costs associated with remediation including options to remediate to current engineering standards, which proved to be cost prohibitive. Due to these significant cost implications, the Raupo Drainage Committee then requested an option regarding remediation of the stopbanks using a different methodology to be presented at the next meeting of the Committee. An addendum report has been commissioned and received and the findings are attached in **Appendix A** of this report.

The addendum Geotechnical report was commissioned asking the questions surrounding construction of the target stopbanks using the same methodology as the existing stopbanks in the district, and the findings are that stopbanks constructed in this fashion would not meet the minimum factor of safety required by the current design standards, although there is a valid argument that the remainder of the stopbanks (69.4km) in the district are currently constructed in the original fashion, and therefore it is reasonable to assume the risk associated with the approximate 300m portion of the stopbank proposed to be constructed would be similar.

This issue was discussed at the Raupo Drainage Committee's meeting on 15 November 2018.

### Recommendation

*That the Kaipara District Council:*

- 1 *Receives the Waters and Waste Manager's report 'Murphy Bower Stopbank, Raupo, Options Report' dated 19 November 2018 and its circulated Appendix A; 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 recommendation to Council by the Raupo Drainage Committee at the Committee's meeting of 15 November 2018; and*
- 4 *Resolves that the Murphy Bower stopbank located on **SECT 73-75 PT 44 BLK XV TOKATOKA SD** is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under **New Stop Bank** and the upgrade of the existing section of the stopbank as highlighted by the area marked under **Option 2** as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST; and*
- 4 *Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank:*
- a) *\$128,000 to come from financial year capital works projects;*
  - b) *\$50,000 from Management services (identified to start hydraulic modelling);*
  - c) *\$42,000 from the stopbank maintenance budget; and*
- 5 *Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded.*

**Reason for the recommendation**

To confirm the Raupo Drainage Committee's preferred method of remediation prior to seeking additional capital funds for the reinstatement of the Murphy Bower stopbank in the Raupo Land Drainage District.

**Reason for the report**

To request Council to consider the decision by the Raupo Drainage Committee and make a decision on the construction of the stopbank on SECT 73-75 PT 44 BLK XV TOKATOKA SD.

**Background**

This issue has been outstanding for quite some time. There have been previous reports which have tried to identify and find an option to remediate this section of stopbank in a way that is suitable to all parties which have not been successful.

These previous reports have been commissioned to try and fully outline the options available to the Committee and Council to resolve this longstanding issue and repair the stopbank in question. The previous options identified, although meeting the current engineering standards, were considered uneconomical by the Committee who then requested investigation of the option that would result in a stopbank built to the same standard as the existing 69km of stopbanks in the district. The investigation by consultants WSP Opus, who had done the previous investigation, culminated into the addendum report attached to this document. The report makes a few assumptions which are outlined below:

- 1 A finished height of the bank as RL 3.2m which is the standard of the remainder of the drainage district.
- 2 Assumed flood levels of RL 0.0m, 1.5m, and 3.0m.
- 3 Two groundwater scenarios of steady state seepage (groundwater is at or near peak flood level for a long period of time causing the bank to become fully saturated), and sudden drawdown (a

prolonged flood scenario saturates a portion of the stopbank and then suddenly drops faster than the soil can drain i.e. the Wairoa River is full for a period of days and then clears relatively quickly with the outgoing tide).

### **Findings**

- 1 Under all of the above scenarios the stopbank is predicted to have a factor of safety less than 1.5 (a 1.5 safety factor is the minimum required by current design standards).
- 2 The construction of the stopbank would be the same as the remainder of the Raupo Drainage District's stopbanks, therefore the risks associated with failure are no more than are currently existing through various processes of over topping, or rotational failure due to poor founding conditions.
- 3 It would however be of a higher standard than the portion of existing substandard stopbank.

**Option 1 (see Fig 1 Appendix A):** refers to the remediation of the substandard stopbank on the existing alignment of the stopbank on **SECT 73-75 PT 44 BLK XV TOKATOKA SD.**

**Option 2 (see Fig 1 Appendix A):** refers to the remediation of the substandard stopbank on the pre-existing alignment of the stopbank on **SECT 73-75 PT 44 BLK XV TOKATOKA SD.**

At its meeting of 15 November 2018, the Raupo Drainage Committee, made the following resolution:

*“That the Raupo Drainage Committee:*

- 1 *Receives the Waters and Waste Manager’s report ‘Murphy Bower Stopbank Options Report’ dated 05 November 2018 and its circulated Appendix A; 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 Council that the Murphy Bower stopbank located on **SECT 73-75 PT 44 BLK XV TOKATOKA SD** is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under **New Stop Bank** and the upgrade of the existing section of the stopbank as highlighted by the area marked under **Option 2** as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST; and*
- 4 *Recommends to Council to defer the following capital works and operational projects to fund the proposed stopbank:*
  - a) *\$128,000 to come from financial year capital works projects;*
  - b) *\$50,000 from Management services (identified to start hydraulic modelling);*
  - c) *\$42,000 from the stopbank maintenance budget; and*
- 5 *Recommends to Council to approve an additional budget of \$45,000 to be loan funded; and*

- 6 *Recommends to Council, in regards to the landowner, that:*
- a) *There be no compensation granted to the landowner for any disruption to business activities, or for loss of land and/or grazing area;*
  - b) *If compensation is sought for the land area under the stopbank from the landowner, that Council acquire the land as an area of interest to the Raupo Drainage District; and*
  - c) *A Raupo Land Drainage Targeted Rate remission be granted for the land area that would lie outside of the protection of the Raupo Drainage District.*

**Carried”**

## **Issues**

There are many issues surrounding this particular section of stopbank:

- 1 The location of the stopbank was changed in the past, and it lies on private property.
- 2 The new owners claim they did not know about the issue and do not see why they should have the stopbank reconstructed in the proposed location.
- 3 If the stopbank is not reconstructed to an acceptable standard in this area it is leaving the township open to an unacceptable risk.
- 4 If the owners do not accept the findings of the report and the decision of the Council, they may start Court proceedings to utilise the Public Works Act.
- 5 If challenged the process to obtain legal right to construct may be through the Courts and this may take a long time and may have financial implications for Council.

## **Factors to consider**

### ***Community views***

There is a current risk to the Ruawai community because of the state of the current substandard section of the stopbank (this was also highlighted in the presentation by Northland Regional Council at the recent Ruawai Climate Change meeting).

### ***Policy implications***

Procurement has been through an invitation to local contractors who understand the conditions and have provided costs for this issue in the past.

### ***Financial implications***

In order to repair the land drainage stopbank back to its original design and capabilities utilising the most up-to-date construction standards, with associated factors of safety to protect the community from the risk of inundation through coastal flooding processes by bringing it back up to the currently identified height of RL 3.2m OTP, the repair methodology identified as construction of the original 300m alignment of the historical stopbank would incur capital works costs of \$718,000 (approximately) which is approximately \$608,000 above the current remaining budget of \$110,000.

- 1 There is \$130,000 allocated to Raupo Land Drainage for the 2018/2019 fiscal year, and utilising these funds would not achieve the desired result but would not increase the current rates.

- 2 An additional \$588,000 capital expenditure (loan funded) would result in an increase of the Raupo District Land Drainage targeted rate of approximately 12%.
- 3 Any additional capital expenditure would also result in an increase in Council's external level of debt.

To repair the stopbank utilising the new methodology but without the ground improvements (i.e. to the same standard as the remainder of the stopbanks), the capital works would be approximately \$375,000, which is approximately \$265,000 above the current budget of \$110,000.

There is \$130,000 allocated to Raupo Land Drainage for the 2018/2019 fiscal year, and utilising these funds would not achieve the desired result but would not increase the current rates. There are existing funds within the current year's budget that could be utilised, though it would mean deferring some capital and operational projects:

- a) \$128,000 to come from financial year capital works projects.
- b) \$50,000 from Management services (identified to start hydraulic modelling).
- c) \$42,000 from the stopbank maintenance budget.

This would leave the required budget short by \$45,000 which would need to be loan funded.

#### ***Legal/delegation implications***

There is a risk that the affected parties may seek alternative legal advice upon receipt of Council's decision. This may result in a higher cost to Council either in defending this, or in instituting an alternative repair methodology.

Another risk is that if the property owner disapproves the Council's request to undertake construction work on their property, getting approval may be through the District Court and this process is time-consuming and has legal financial implications.

#### **Options**

**Option A:** Status quo.

**Option B:** Council to reinstate the historical stopbank located on **SECT 73-75 PT 44 BLK XV TOKATOKA SD** along the approximately 300m long section outlined under **New Stop Bank** and the upgrade of the existing section of the stopbank as highlighted by the area marked under **Option 2** as per Fig 1 in the Appendix A report. This allows for consolidation, settlement and increase in shear strength with a minimum factor of safety of 1.5, utilising the most recent construction standards, angles of the banks shoulders to be at 27° up to a height of 3.5m RL OTP to allow for settlement, ground improvements to be carried out to improve side slope stability, and bearing capacity that will comprise a 0.5m thick and 7.5m wide 'brown rock' filled berm with two layers of geogrid underneath both the sides and the stopbank. An estimated cost of this would be \$718,000.

**Option C:** Council to reinstate the historical stopbank located on **SECT 73-75 PT 44 BLK XV TOKATOKA SD** along the approximately 300m long section outlined under **New Stop Bank** and the upgrade of the existing section of the stopbank as highlighted by the area marked under **Option 2** as per Fig 1 in the Appendix A report, without associated ground improvements. Whilst this would come at a lower cost of \$375,000 (approximately), the risks associated with future failure would lie solely with

Council, though the risks would be no greater than the remainder of the Raupo Drainage District's stopbanks (69.4km), and as such it would be reasonable to assume this risk as it is the current level of service.

**Option D:** Council to reinstate the existing substandard stopbank, section is approximately 1,400m long and identified as **Option 1** on the Appendix A report, but without the associated ground improvements. This would come at a cost of \$746,000 (approximately) and the risks associated with future failure would lie solely with Council, though the risks would be no greater than the remainder of the Raupo Drainage District's stopbanks (69.4km), and as such it would be reasonable to assume this risk as it is the current level of service.

**Option E:** Council to reinstate the existing substandard stopbank, section is approximately 1,400m long and identified as **Option 1** on the Appendix A report, allowing for consolidation settlement and increase in shear strength with a minimum factor of safety of 1.5, utilising the most recent construction standards, angles of the banks shoulders to be at 27° up to a height of 3.5m RL OTP to allow for settlement, ground improvements to be carried out to improve side slope stability, and bearing capacity that will comprise a 0.5m thick and 7.5m wide 'brown rock' filled berm with two layers of geogrid underneath both the sides and the stopbank. An estimated cost of this would be \$1,600,000.

### **Assessment of options**

Option A would not improve the level of surface by eliminating the risk of failure as a result of the substandard stopbank, and would unlikely be well received by the potentially affected residents of the Raupo Land Drainage District. Failure to address the issue that has been raised may not absolve Council of responsibility in the event of a stopbank failure.

Option B would provide an appropriate level of service and protection of the Raupo Land Drainage District as per current standards. This will also provide a better platform for future improvements in response to changes in the environment.

Option C - based on historical information and performance of the Raupo Land Drainage District stopbanks, there is an opinion that as they have performed well in the past, the risks associated with constructing a stopbank contrary to current engineering advice is acceptable. This has a risk of being proven false in the face of expected best practice guidelines and the changing environment, and it does not have 100 years of settlement and consolidation prior to having to perform in a significant weather event. This option would also require additional works in the future should Council elect to increase the height of all the stopbanks to defend against sea level rise.

Option D would be the same as the above option with associated risks, but would be along a greater length with more cost.

Option E: This would provide the same level of service and protection as Option B, though the extra portion of cost is likely to be at an unacceptable level to the Raupo Drainage District ratepayers, though this would be a good result for the drainage district and the property owner as all affected land and residents would be appropriately protected by the Raupo Land Drainage District stopbanks.



### **Assessment of significance**

Option B would involve more than \$588,000 unbudgeted expenditure and would trigger the Significance and Engagement Policy because the proposal requiring consultation with the community:

- does involve \$300,000 or more unbudgeted expenditure; and
- will impact by increasing individual rate levies by more than 10%.

Option C would involve an extra \$265,000 of unbudgeted expenditure, though as identified in the document it may be able to be mostly covered by the Raupo Drainage District's existing financial budgets by possibly deferring other projects that may not be of such a high priority. This proposal would not trigger the Significance and Engagement Policy.

### **Recommended option**

**Option C** is the option recommended by the Raupo Drainage Committee as this is the most cost-effective option to provide the same level of service as per the remainder of the scheme's stopbanks.

### **Next step**

If approved, undertake consultation with the affected property owners and the Raupo Drainage Committee. Limited public consultation may still need to be undertaken with the Raupo community who pay the targeted rate for the Raupo Drainage District if an alternative option is chosen.

### **Attachments**

- Appendix A – Opus Addendum Geotechnical Appraisal Report.





# Addendum Geotechnical Appraisal Report

Bowergate Farms - Ruawai, Dargaville

Contact Details

*Name: Stefano Rotatori*

125A Bank Street,  
Mansfield Terrace Service Lane,  
PO Box 553, Whangarei 0140  
New Zealand

Telephone: +64 9 430 1700  
Mobile: +64 21 0813 4155

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*Prepared By*

  
-----  
Stefano Rotatori  
Senior Geotechnical Engineer

*Reviewed By*

  
-----  
Glyn East  
Principal Geotechnical Engineer

*Approved for Release By*

  
-----  
Eros Foschieri  
Team Leader - 3 Waters

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## Appendix

Appendix A – Slope Stability Analysis Outputs

## Document History and Status

Revision	Date	Author	Reviewed by	Approved by	Status
DRAFT 1	28/08/18	S. Rotatori	-	E.Foschieri	For Review
Final	04/09/18	S. Rotatori	Glyn East	E.Foschieri	Final

## Revision Details

Revision	Details

## Executive Summary

This report outlines the stability analyses performed on the proposed stopbank upgrade and new stopbank construction without the proposed ground improvement (as presented on the previous WSP-Opus "Preliminary Geotechnical Appraisal and Options Report" dated 09 February 2018).

The outcomes of the analyses revealed that the adequate margin of safety for all the groundwater scenarios considered are NOT achieved and potential failure of the stopbank is expected to occur.

A summary of the geotechnical and construction risks for both the stopbank upgrade and new stopbank is presented in Table 2 and Table 3.

## 1 Scope

Kaipara District Council (KDC) has engaged WSP Opus (the Consultant) to consider new design scenarios with respect to those presented within our *Preliminary Geotechnical Appraisal and Options Report* referenced as 1-13583.00 and dated 09/02/2018.

The new analyses comprise a review of the existing stopbank upgrade and new stopbank construction considering different flood levels to assess the sensitivity of the models to groundwater without the recommended ground improvement.

## 2 Introduction

KDC provided the following inputs that have been taken into account in our analyses:

- Target protection height of stop banks should be minimum at 3.0mRL<sup>1</sup>. In accordance to our settlement analyses, the stopbank height should be constructed at minimum 3.5m R.L. as settlement are estimated in 500mm (versus 3.2m RL suggested by KDC). Thus, the level of 3.5m R.L. has been considered as target for the construction of the stopbank;
- Stopbank crest should be 3.0m wide for providing vehicle accessibility;
- Stopbank face gradients should consider access and grazing requirements.

As requested by KDC, we have analysed two scenarios nominated as Option 1 and Option 2.

### 2.1.1 Option 1

It consists in upgrading the existing stop banks located at the north and southwest side of the site up to the required height for flooding protection level. This will involve the widening and top-up of the existing stop bank. Stop bank widening will be carried out only on one side of the existing stop bank to facilitate construction operation. Once the stopbank has been widened, a fill top-up will be carried out to achieve the required protection height.

### 2.1.2 Option 2

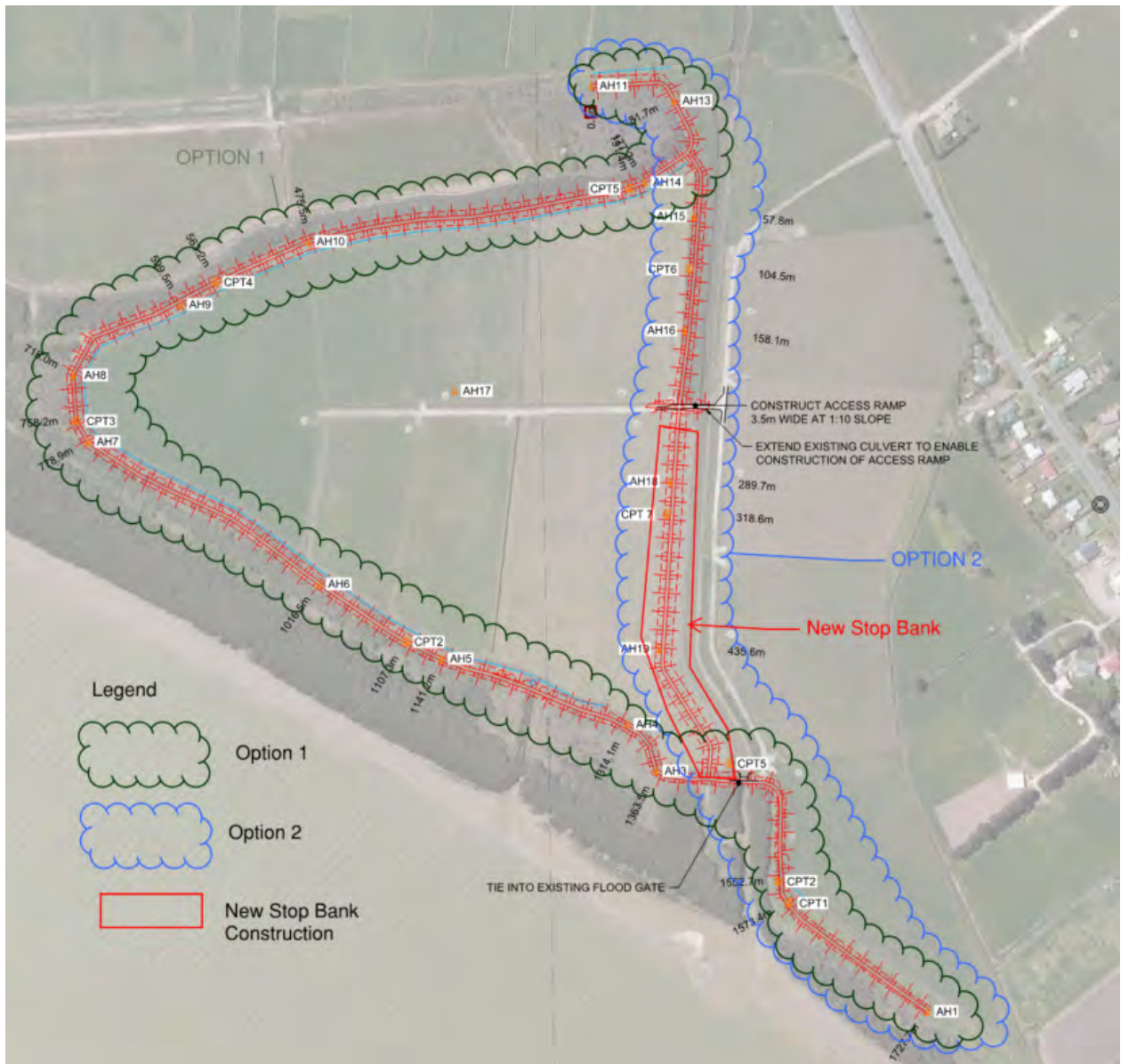
It consists of the upgrading of the eastern stop bank as described in Option 1 and rebuilding approximately 300m long section of the south-eastern stop bank.

Figure 1 below depicts locations of Option 1 and Option 2 interventions.

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<sup>1</sup> Levels are in terms of NZ Vertical Datum

Figure 1: Option 1 & Option 2 Interventions



### 3 Additional Geotechnical Analyses

#### 3.1 Flood Levels

A stability assessment of the existing stopbank upgrade and for the new stopbank construction has been carried out considering different flood levels to assess the sensitivity of the models to water table. We have considered three water levels as 0m; 1.5 and 3.0m. The former level representing the projected target protection level of the stopbank (after settlement occur).

#### 3.2 Groundwater Scenarios

Two groundwater scenarios have been analysed to simulate the groundwater variations:



- **Scenario 1 – Steady State / Seepage Conditions**

This condition occurs when the water remains at or near peak flood level long enough that the embankment becomes fully saturated and a condition of steady seepage occurs. This condition may be critical for landside slope stability, because steady seepage may develop an excess of pore water pressure in the landside of the stopbank.

- **Scenario 2 – Sudden Groundwater Drawdown**

This case represents the condition whereby a prolonged flood stage saturates at least the major part of the water side slope and then falls faster than the soil can drain. This causes the development of excess pore water pressure which may result in the waterside slope becoming unstable.

### 3.3 Analyses

An assessment of the stopbank stability for the existing stopbank upgrade and for the new stopbank construction has been carried out varying the groundwater levels and, adopting the two groundwater scenarios described in sections above. Long and short-term conditions have been considered in the design. Specifically, both the short term and long-term conditions have been considered for Scenario 1, and the long-term conditions have been considered for Scenario 2, as more relevant for this design case. Short-term conditions represent the normal operating conditions before the full consolidation of the foundation soils occurs (long term conditions).

No ground improvement has been considered within the modelling.

The stopbank stability analyses have been undertaken using the computer software Slide by Rocscience, to determine the global stability of the stop banks.

Results of these analyses are presented as a Factor of Safety (FoS) which is a ratio of the forces resisting failure (RF) versus the forces driving the slope toward failure (DF) i.e.:

$$FOS = RF/DF$$

The Factor of Safety Design Criteria in Table 1 have been adopted for this analytical check and are based on the NZ Transport Agency's Bridge manual SP/M/022. Slope stability was modelled using the general limit equilibrium Bishop simplified method for circular failure surfaces. In accordance with the Bridge Manual SP/M/022 a FoS in excess of 1.5 is considered to be stable, while a FoS of less than 1.5 is considered to be unstable for the static case.

The sudden drawdown cases allow for a safety factor of 1.25 unless there is potential for significant damage or loss of life in which case a minimum factor of safety of 1.5 shall apply. On this project a factor of safety of 1.5 has been applied for the rapid drawdown case.

Table 1 and Table 2 provide a summary of the results of the stability analysis for the stopbank upgrade and for the new stop bank construction, respectively. Stability analyses have been carried out for two typical cross sections, and for both the short and long-term conditions, considering a 1V:2H embankment slope.

Table 1: Slide Software Analysis Results for the Existing Stopbank Upgrade

Interventions	Modelled Conditions	Groundwater Level (m)	Groundwater Scenario	Required F.S.	F.S.	Result	Risks
Existing Stop Bank Upgrade	Static Case – Short Term (Undrained) No ground improvement	0	Scenario 1: Steady State / Seepage Conditions	≥1.5	1.4	<b>Not OK</b>	Potential Failure expected in the landside slope. Ground Improvement is required
		1.5		≥1.5	1.3	<b>Not OK</b>	Potential Failure expected in the landside slope. Ground Improvement is required
		3.0		≥1.5	1.0	<b>Not OK</b>	Potential Failure expected in the landside slope. Ground Improvement is required
	Static Case – Long Term (Drained) No ground improvement	0	Scenario 1: Steady State / Seepage Conditions	≥1.5	1.3	<b>Not OK</b>	Potential Failure expected in the landside slope. Ground Improvement is required
		1.5		≥1.5	1.2	<b>Not OK</b>	Potential Failure expected in the landside slope. Ground Improvement is required
		3.0		≥1.5	1.0	<b>Not OK</b>	Potential Failure expected in the landside slope. Ground Improvement is required
	Static Case – Long Term (Drained) No ground improvement	1.5	Scenario 2 – Sudden Groundwater Drawdown	≥1.5	1.0	<b>Not OK</b>	Potential Failure expected in the waterside slope. Impervious layers placed on the waterside slope would be beneficial
		3.0		≥1.5	0.8	<b>Not OK</b>	Potential Failure expected in the waterside slope. Impervious layers placed on the waterside slope would be beneficial

Table 2: Slide Software Analysis Results for the New Stopbank Construction

Interventions	Modelled Conditions	Groundwater Level (m)	Groundwater Scenario	Required F.S.	F.S.	Result	Risks
New Stop Bank Construction	Static Case - Short Term (Undrained) No ground improvement	0	Scenario 1: Steady State / Seepage Conditions	≥1.5	1.4	Not OK	Potential Failure expected in the landside slope. Ground Improvement is required
		1.5		≥1.5	1.4	Not OK	Potential Failure expected in the landside slope. Ground Improvement is required
		3.0		≥1.5	1.1	Not OK	Potential Failure expected in the landside slope. Ground Improvement is required
	Static Case - Long Term (Drained) No ground improvement	0	Scenario 1: Steady State / Seepage Conditions	≥1.5	1.4	Not OK	Potential failure on the landside expected. Ground Improvement is required.
		1.5		≥1.5	1.4	Not OK	Potential failure on the landside expected. Ground Improvement is required.
		3.0		≥1.5	1.2	Not OK	Potential failure on the landside expected. Ground Improvement is required.
	Static Case - Long Term (Drained) No ground improvement	1.5	Scenario 2 - Sudden Groundwater Drawdown	≥1.5	1.1	Not OK	Potential Failure expected in the waterside slope. Impervious layers placed on the waterside slope would be beneficial
		3.0		≥1.5	0.8	Not OK	Potential Failure expected in the waterside slope. Impervious layers placed on the waterside slope would be beneficial

The analyses indicate that for different groundwater levels and for both the groundwater scenarios, all the design cases do not achieve an adequate margin of safety against shear failure within the stopbank sides and foundation. Also, the bearing capacity failure could be a potential issue without any ground improvement.

The stability analysis models are attached to this report as Appendix A.

### 3.4 Summary of the Instability Risks

In Table 3 and Table 4 below there is a summary of the instability risks for the both the stopbank upgrade and new stopbank construction.

Table 3: Instability Risks of the upgraded stopbanks without ground improvement

Interventions	Feature	List of Risks without Ground Improvement
Existing Stop Bank Upgrade	Stopbank Foundation / Stopbank Sides	<ul style="list-style-type: none"> <li>• The existing ground is extremely sensitive, consisting of very sift-soft clays and silty clays. Instability of the proposed stopbank widening and top up may occur due to the lack of capacity of the founding ground.</li> <li>• Foundation failures is likely to occur and it could be preceded by lateral displacement of material beneath the embankment toe and by noticeable heave of material just beyond the toe.</li> <li>• Instability has been observed within the stability analyses at the base of the stopbank widening (landside slope) for all the groundwater scenarios and water levels analysed. Ground improvement would increase the global stability of the stopbanks to acceptable levels in the landside slope. .</li> <li>• Also, seepage control measures such as placement of impervious layers could be beneficial for the stability of the waterside slope, of which stability is decreased in case of rapid groundwater drawdown. The impervious layers would reduce the volume of seepage entering the stopbank and foundation.</li> <li>• Stability and settlement of mud foundation can be minimised by the proposed ground improvement.</li> </ul>
	Construction	<ul style="list-style-type: none"> <li>• Constructability of the stopbank widening and top up would be difficult because the saturated and soft founding material (mud) will make the compaction of the new material difficult, and compaction standards problematic to achieve.</li> <li>• Construction operation will be difficult on site as the proposed ground improvement, consisting of a “brown rock” filled berm with two layers of geogrid, would be used as a working path for excavators, trucks during construction, minimising the risk of sticking in the mud.</li> </ul>

Table 4: Instability Risks of the new stopbank construction without ground improvement

Interventions	Feature	List of Risks without Ground Improvement
New Stop Bank Construction	Stopbank Foundation / Stopbank Sides	<ul style="list-style-type: none"> <li>The existing ground is extremely sensitive, consisting of very sift-soft clays and silty clays. Instability of the proposed new stopbank construction may occur due to the lack of capacity of the founding ground.</li> <li>Foundation failures is likely to occur and it could be preceded by lateral displacement of material beneath the embankment toe and by noticeable heave of material just beyond the toe.</li> <li>Instability has been observed within the analyses within the waterside and landside of the stopbank for both the groundwater scenarios and ground water levels. Ground improvement would increase the global stability of the stopbanks to acceptable levels.</li> <li>Stability and settlement of mud foundation can be minimised by the proposed ground improvement.</li> </ul>
	Construction	<ul style="list-style-type: none"> <li>Constructability of the new stopbank would be difficult because the saturated and soft founding material (mud) will make the compaction of the new material difficult, and compaction standards problematic to achieve.</li> <li>Construction operation will be difficult on site as the proposed ground improvement, consisting of a "brown rock" filled berm with two layers of geogrid, would be used as a working path for excavators, trucks during construction, minimising the risk of sticking in the mud.</li> </ul>

## 4 Limitations

The results presented in this report are taken from discrete test locations associated with the geotechnical investigations. Ground conditions may change from those described or inferred from the specific test sites. This report has been prepared for the benefit of the Kaipara District Council only, for the purpose of providing geotechnical information on the ground conditions at the site. It is not to be relied upon or used out of context by any other person without further reference to WSP Opus.

## 5 References

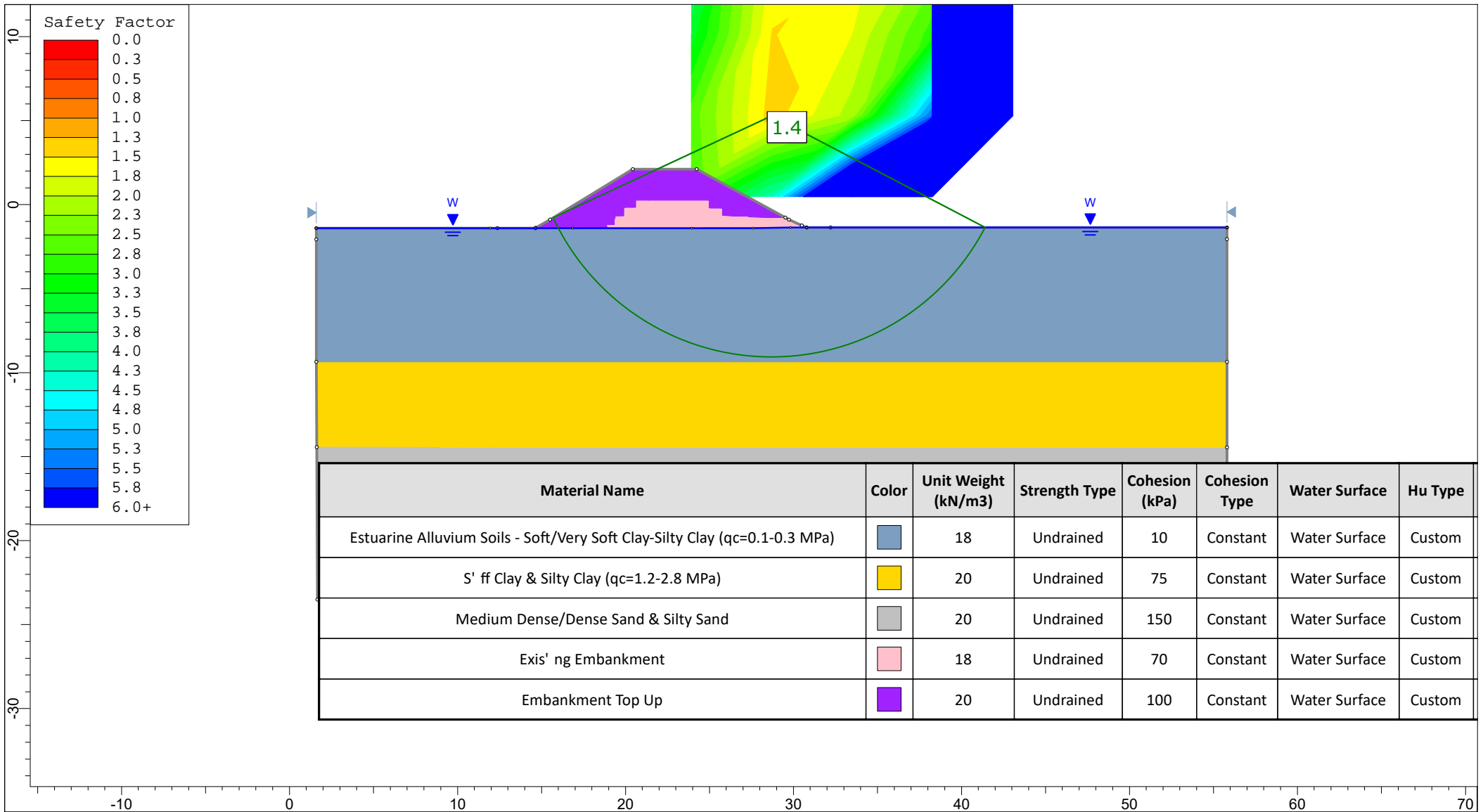
- Rocscience, Slide Modeler Version 8.016 64-bit - a 2D limit equilibrium slope stability program.
- Opus International Consultants Ltd, Preliminary Geotechnical Appraisal and Options Report, February 2017.
- NZ Transport Agency's Bridge manual SP/M/022 Third edition, Amendment 2, Effective from May 2016.
- T+T Report – Coastal Flood Hazard Zones for Select Northland Sites, May 2016.
- Linz Data Service <https://www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/tidal-level-information-for-surveyors>.
- Stopbank Design and Construction Guidelines, Bay of Plenty Regional Council Guideline 2014/01.




# Appendix A

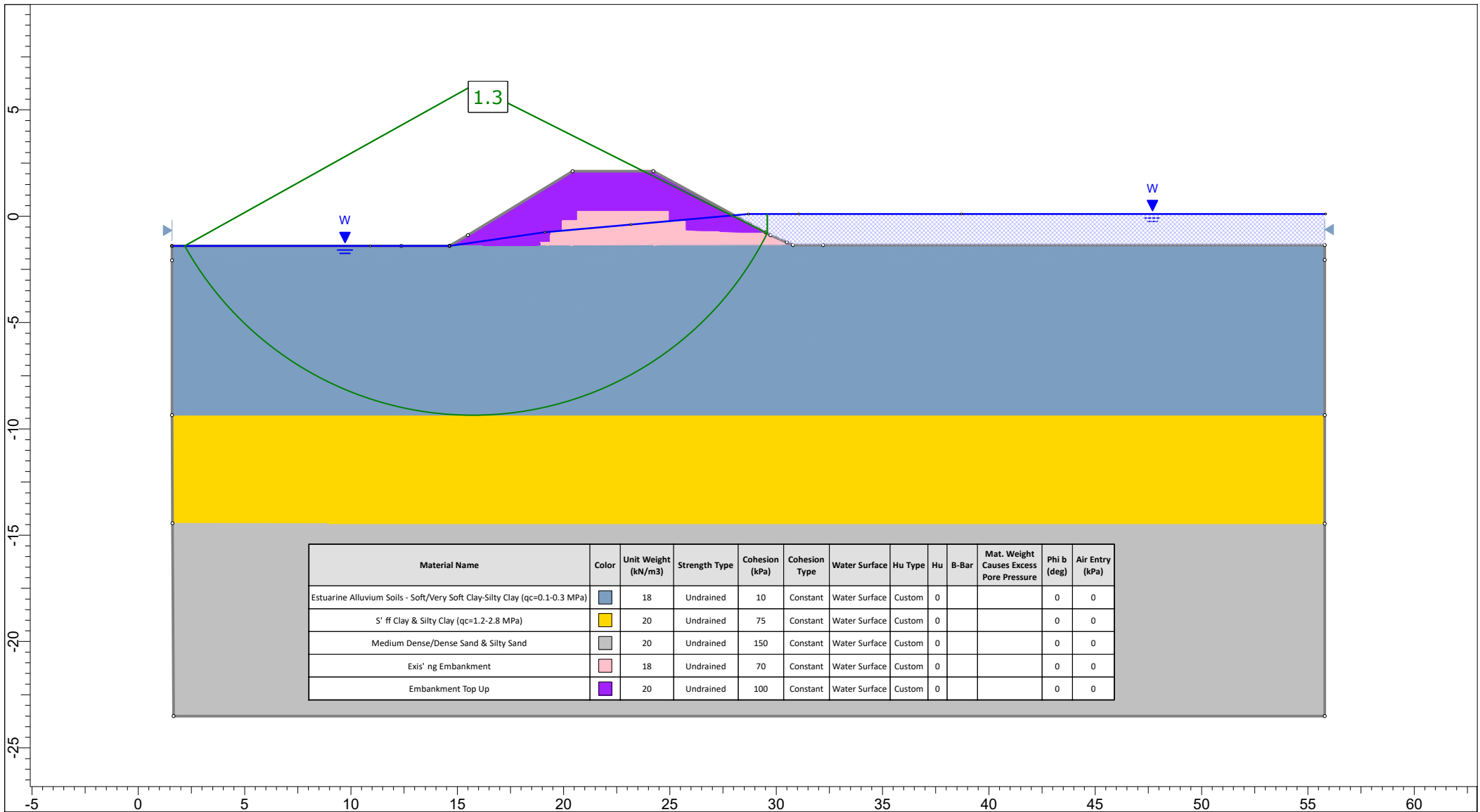
## Slope Stability Analysis Outputs





	Project			Bowergate Farm								
	Analysis Description						Short Term - Existing Stop Bank upgrade without ground improvement (GW=0m - Scenario 1)					
	Drawn By		SR		Scale		1:317		Company		WSP - Opus International Consultants	
	Date		23/08/2018, 3:59:23 PM				File Name		(GW=0, Scenario 1) Static Conditions-Undrained- no GI.slim.slim			

SLIDEINTERPRET 8.016

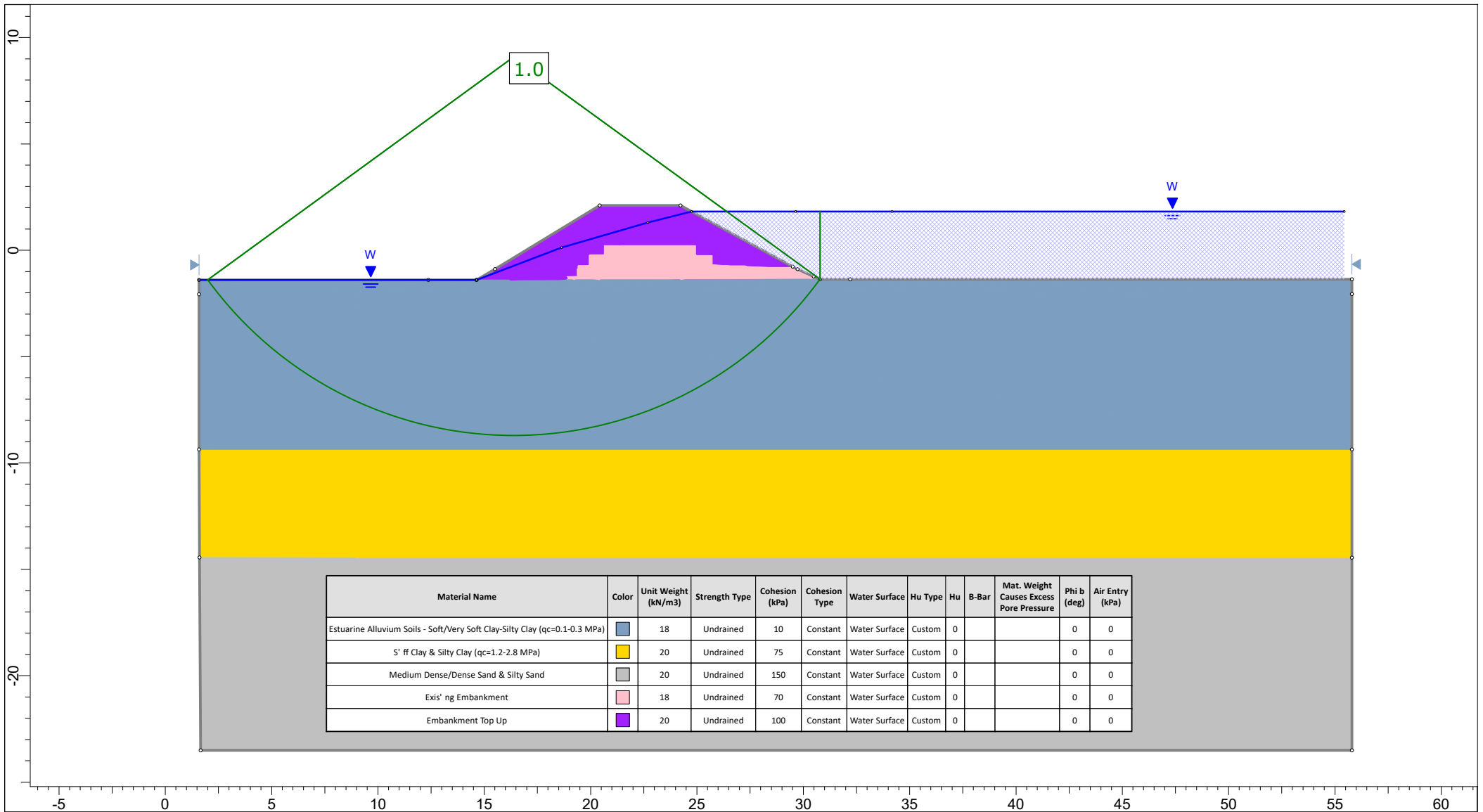



Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Cohesion Type	Water Surface	Hu Type	Hu	B-Bar	Mat. Weight Causes Excess Pore Pressure	Phi b (deg)	Air Entry (kPa)
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)	Blue	18	Undrained	10	Constant	Water Surface	Custom	0			0	0
5' ff Clay & Silty Clay (qc=1.2-2.8 MPa)	Yellow	20	Undrained	75	Constant	Water Surface	Custom	0			0	0
Medium Dense/Dense Sand & Silty Sand	Grey	20	Undrained	150	Constant	Water Surface	Custom	0			0	0
Existing Embankment	Pink	18	Undrained	70	Constant	Water Surface	Custom	0			0	0
Embankment Top Up	Purple	20	Undrained	100	Constant	Water Surface	Custom	0			0	0



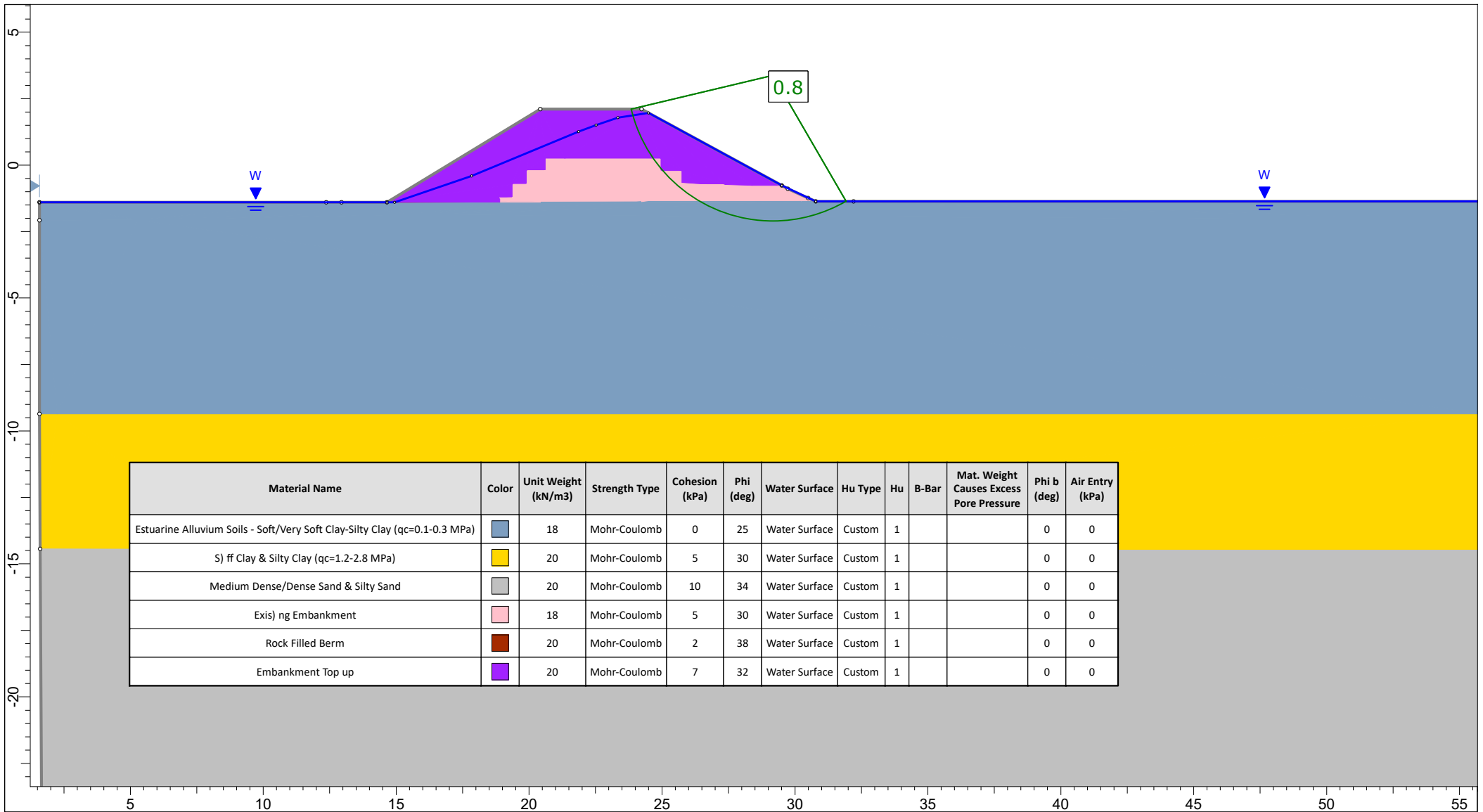
<i>Project</i>		Bowergate Farm	
<i>Analysis Description</i>		Short Term - Existing Stop Bank upgrade without ground improvement (GW=1.5m - Scenario 1)	
<i>Drawn By</i>	SR	<i>Scale</i>	1:250
<i>Date</i>	02/02/2018, 3:59:23 PM	<i>Company</i>	WSP - Opus International Consultants
		<i>File Name</i>	(GW=1.5, Scenario 1) Static Conditions-Undrained- no GI.slim.slim

SLIDEINTERPRET 8.016



	Project			Bowergate Farm		
	Analysis Description			Short Term - Existing Stop Bank upgrade without ground improvement (GW=3.0m - Scenario 1)		
	Drawn By	SR	Scale	1:250	Company	WSP - Opus International Consultants
	Date	02/02/2018, 3:59:23 PM		File Name	(GW=3.0, Scenario 1) Static Conditions-Undrained- no GI.slim.slim	

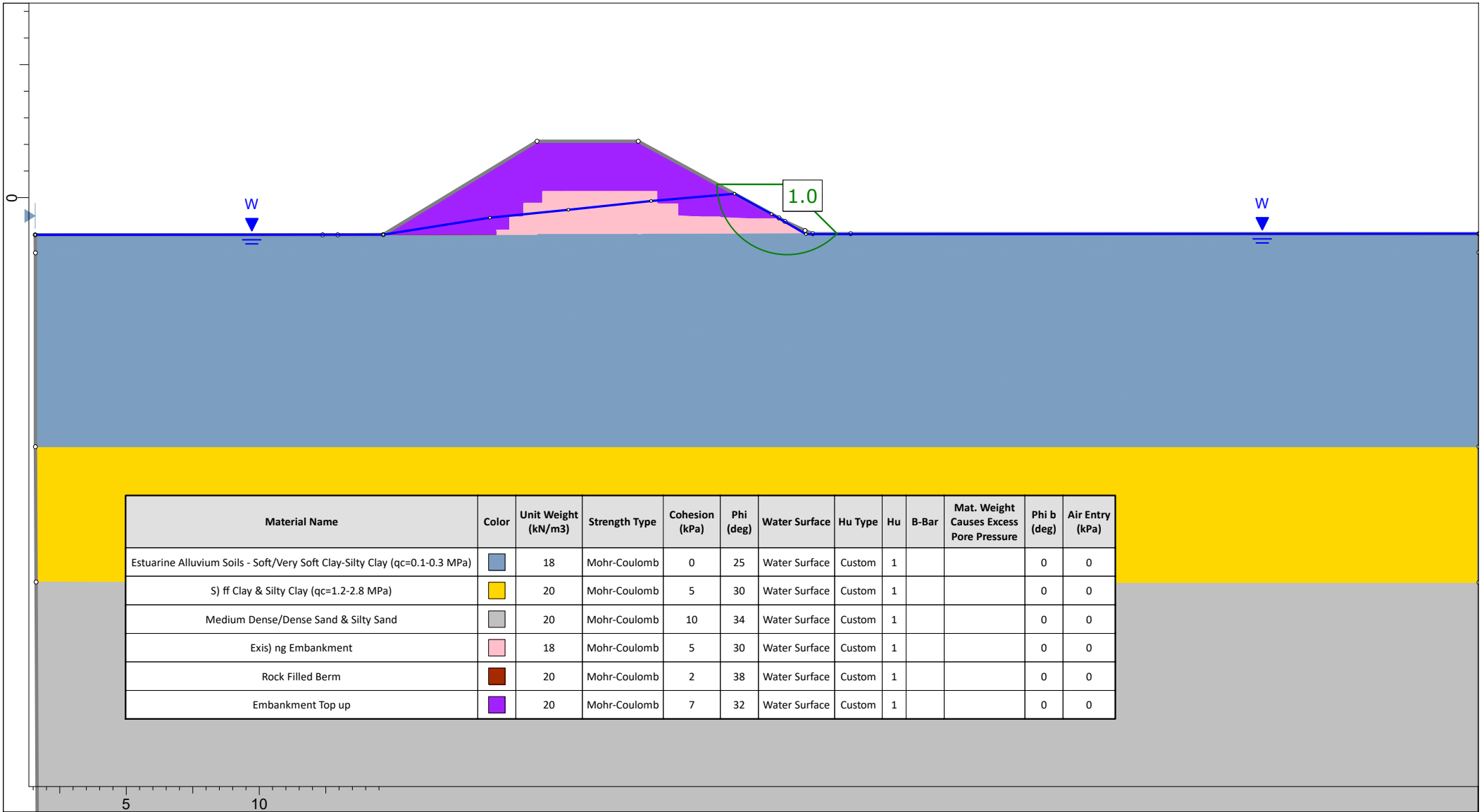
SLIDEINTERPRET 8.016



Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type	Hu	B-Bar	Mat. Weight Causes Excess Pore Pressure	Phi b (deg)	Air Entry (kPa)
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)	Blue	18	Mohr-Coulomb	0	25	Water Surface	Custom	1			0	0
S ff Clay & Silty Clay (qc=1.2-2.8 MPa)	Yellow	20	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Medium Dense/Dense Sand & Silty Sand	Grey	20	Mohr-Coulomb	10	34	Water Surface	Custom	1			0	0
Existing Embankment	Pink	18	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Rock Filled Berm	Brown	20	Mohr-Coulomb	2	38	Water Surface	Custom	1			0	0
Embankment Top up	Purple	20	Mohr-Coulomb	7	32	Water Surface	Custom	1			0	0

<i>Project</i>	Bowergate Farm		
<i>Analysis Description</i>	Static conditions - Long term - Existing Stop Bank upgrade without ground improvement (GW=3.0m, Scenario 2)		
<i>Drawn By</i>	SR	<i>Scale</i>	1:200
<i>Company</i>	WSP - Opus International Consultants		
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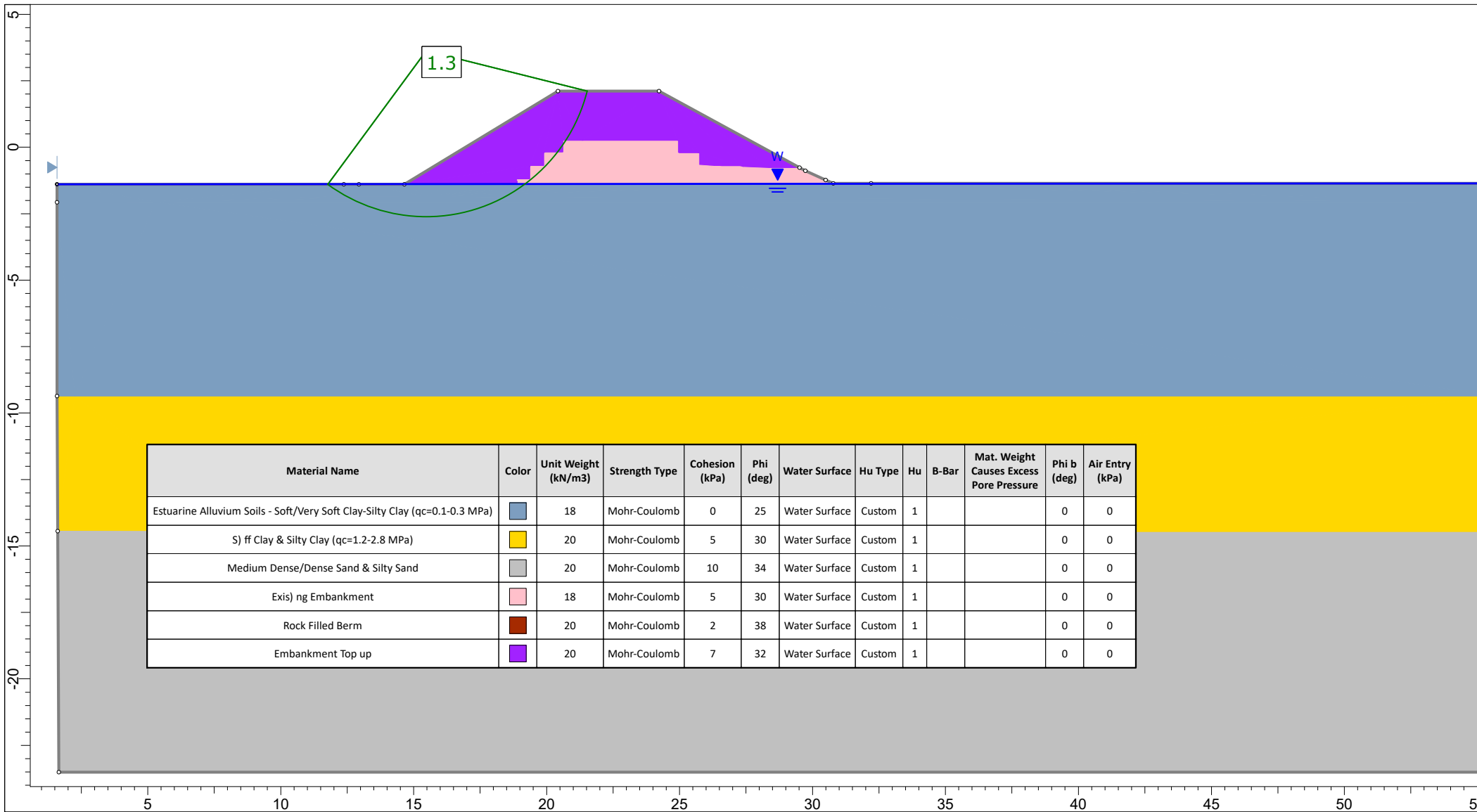
SLIDEINTERPRET 8.016



Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type	Hu	B-Bar	Mat. Weight Causes Excess Pore Pressure	Phi b (deg)	Air Entry (kPa)
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)		18	Mohr-Coulomb	0	25	Water Surface	Custom	1			0	0
S) ff Clay & Silty Clay (qc=1.2-2.8 MPa)		20	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Medium Dense/Dense Sand & Silty Sand		20	Mohr-Coulomb	10	34	Water Surface	Custom	1			0	0
Exis) ng Embankment		18	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Rock Filled Berm		20	Mohr-Coulomb	2	38	Water Surface	Custom	1			0	0
Embankment Top up		20	Mohr-Coulomb	7	32	Water Surface	Custom	1			0	0



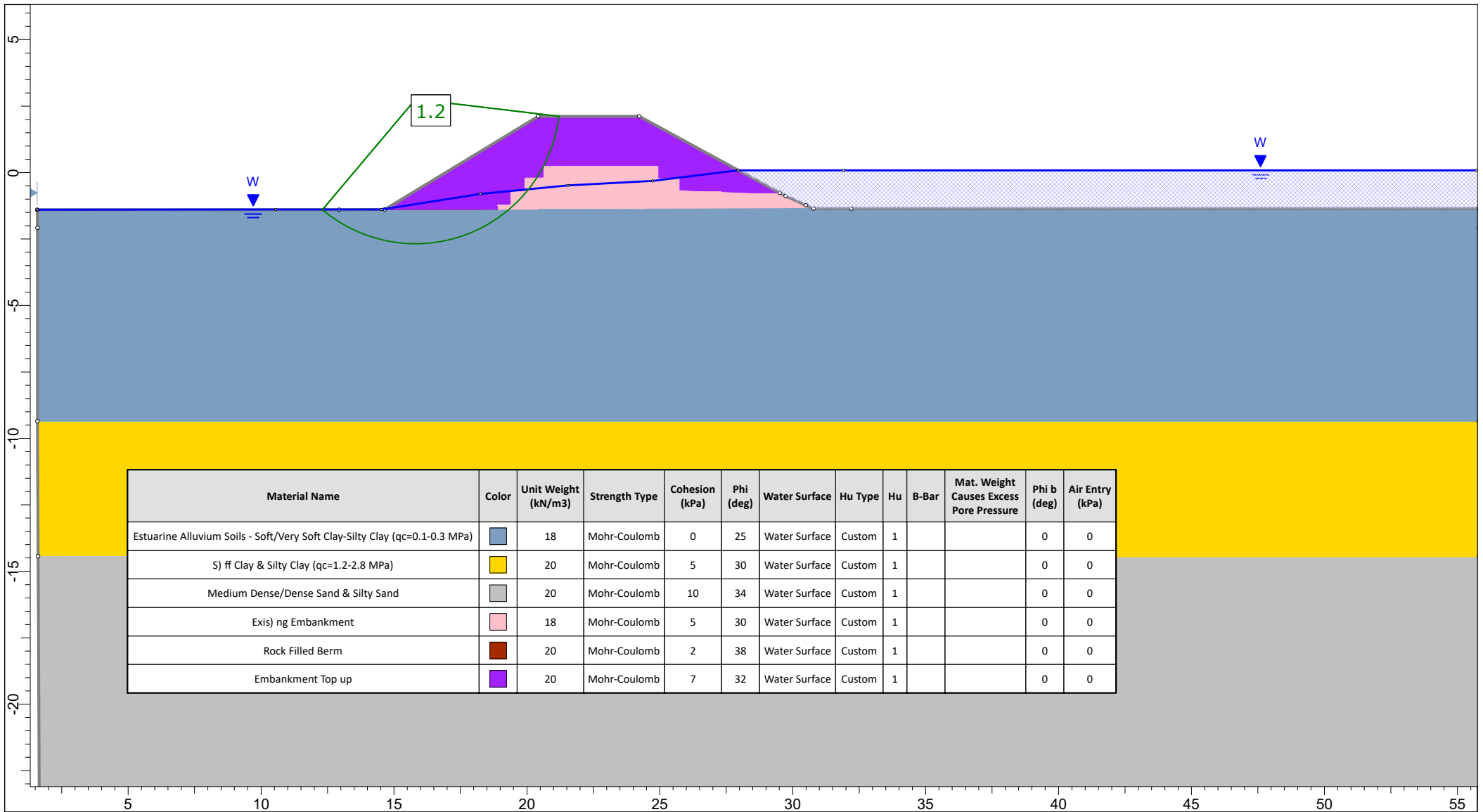
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<i>Analysis Description</i>		Static conditions - Long term - Existing Stop Bank upgrade without ground improvement (GW=1.5m, Scenario 2)	
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		<i>Company</i>	WSP - Opus International Consultants
<i>Date</i>	02/02/2018, 3:59:23 PM		<i>File Name</i>
		Static Conditions-Drained- with GI (GW=1.5; Scenario 2).slim	




Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type	Hu	B-Bar	Mat. Weight Causes Excess Pore Pressure	Phi b (deg)	Air Entry (kPa)
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)		18	Mohr-Coulomb	0	25	Water Surface	Custom	1			0	0
S) ff Clay & Silty Clay (qc=1.2-2.8 MPa)		20	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Medium Dense/Dense Sand & Silty Sand		20	Mohr-Coulomb	10	34	Water Surface	Custom	1			0	0
Existing Embankment		18	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Rock Filled Berm		20	Mohr-Coulomb	2	38	Water Surface	Custom	1			0	0
Embankment Top up		20	Mohr-Coulomb	7	32	Water Surface	Custom	1			0	0

	Project			Bowergate Farm		
	Analysis Description					
	Static conditions - Long term - Existing Stop Bank upgrade without ground improvement (GW=0m, Scenario 1)					
	Drawn By		Scale		Company	
SR		1:200		WSP - Opus International Consultants		
Date			File Name			
02/02/2018, 3:59:23 PM			Static Conditions-Drained- with GI (GW=0; Scenario 1).slim			

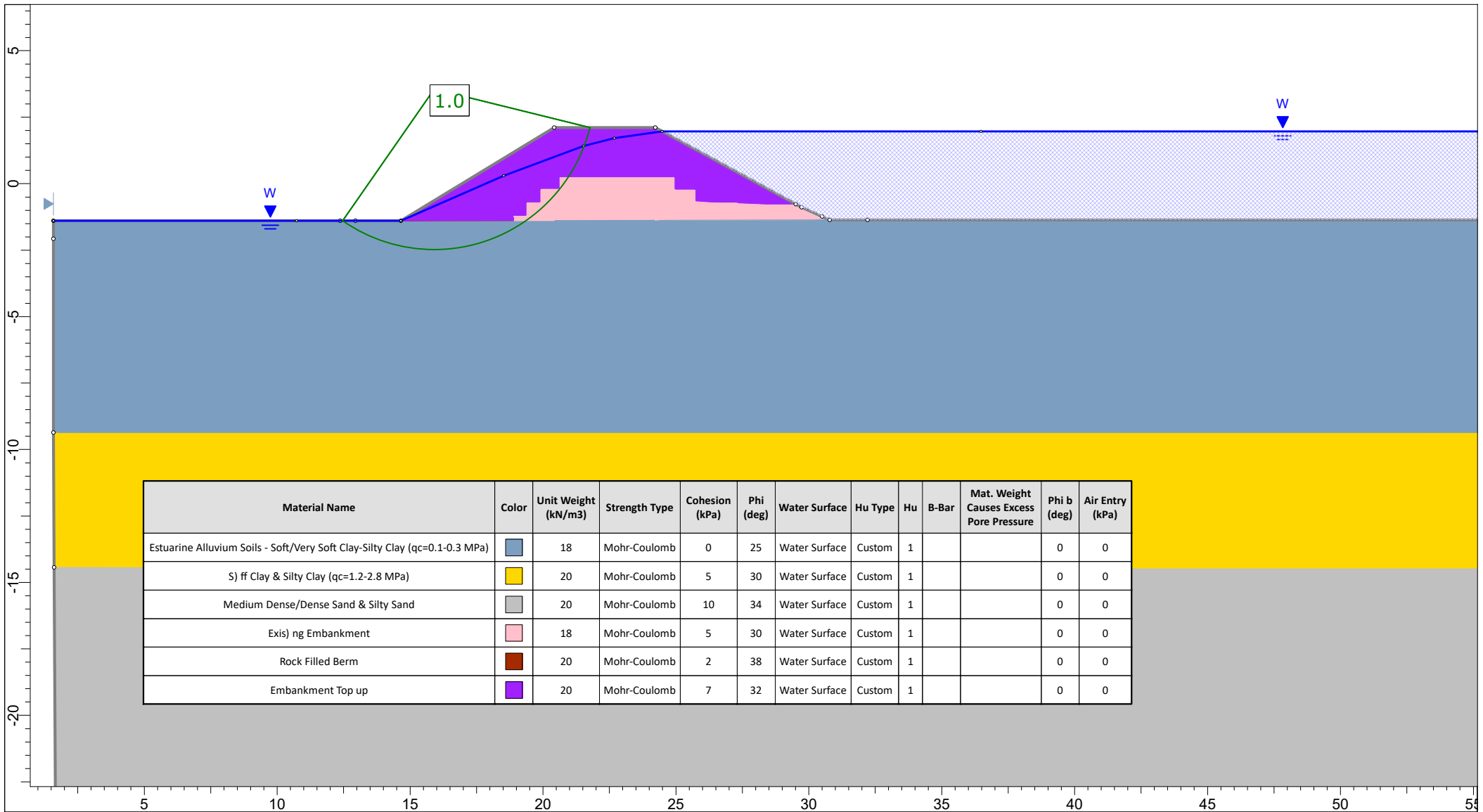
SLIDEINTERPRET 8.016




Material Name	Color	Unit Weight (kN/m3)	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type	Hu	B-Bar	Mat. Weight Causes Excess Pore Pressure	Phi b (deg)	Air Entry (kPa)
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)	Blue	18	Mohr-Coulomb	0	25	Water Surface	Custom	1			0	0
Soft Clay & Silty Clay (qc=1.2-2.8 MPa)	Yellow	20	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Medium Dense/Dense Sand & Silty Sand	Grey	20	Mohr-Coulomb	10	34	Water Surface	Custom	1			0	0
Existing Embankment	Pink	18	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Rock Filled Berm	Brown	20	Mohr-Coulomb	2	38	Water Surface	Custom	1			0	0
Embankment Top up	Purple	20	Mohr-Coulomb	7	32	Water Surface	Custom	1			0	0

	Project			Bowergate Farm																			
	Analysis Description						Static conditions - Long term - Existing Stop Bank upgrade without ground improvement (GW=1.5m, Scenario 1)																
	Drawn By			SR			Scale			1:200			Company			WSP - Opus International Consultants							
	Date						02/02/2018, 3:59:23 PM						File Name						Static Conditions-Drained- with GI (GW=1.5; Scenario 1).slim				

SLIDEINTERPRET 8.016

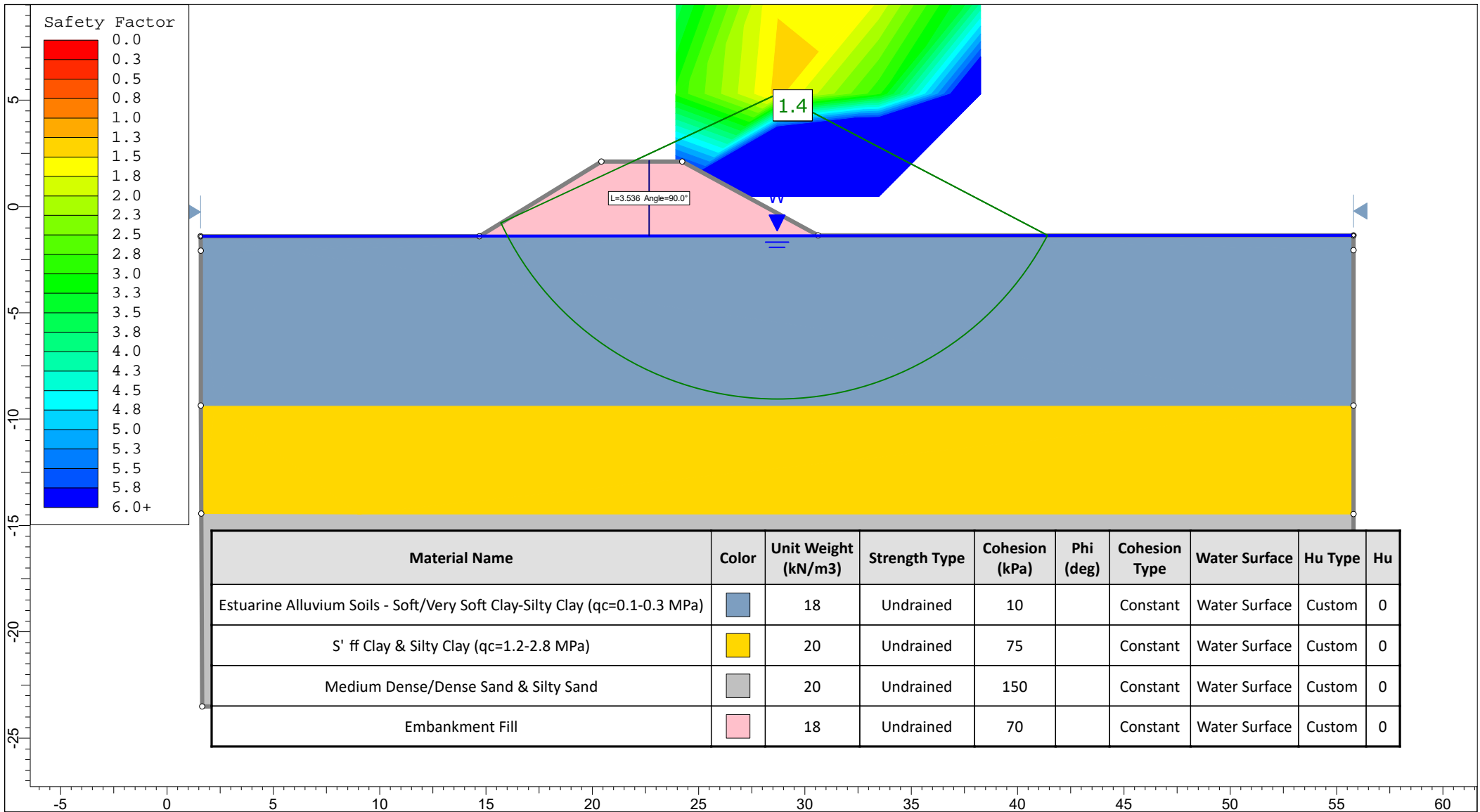


Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type	Hu	B-Bar	Mat. Weight Causes Excess Pore Pressure	Phi b (deg)	Air Entry (kPa)
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)	Blue	18	Mohr-Coulomb	0	25	Water Surface	Custom	1			0	0
Soft Clay & Silty Clay (qc=1.2-2.8 MPa)	Yellow	20	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Medium Dense/Dense Sand & Silty Sand	Grey	20	Mohr-Coulomb	10	34	Water Surface	Custom	1			0	0
Existing Embankment	Pink	18	Mohr-Coulomb	5	30	Water Surface	Custom	1			0	0
Rock Filled Berm	Brown	20	Mohr-Coulomb	2	38	Water Surface	Custom	1			0	0
Embankment Top up	Purple	20	Mohr-Coulomb	7	32	Water Surface	Custom	1			0	0

	Project			Bowergate Farm								
	Analysis Description						Static conditions - Long term - Existing Stop Bank upgrade without ground improvement (GW=3.0m, Scenario 1)					
	Drawn By			Scale			Company					
	SR			1:200			WSP - Opus International Consultants					
Date			02/02/2018, 3:59:23 PM			File Name			Static Conditions-Drained- with GI (GW=3.0; Scenario 1).slim			

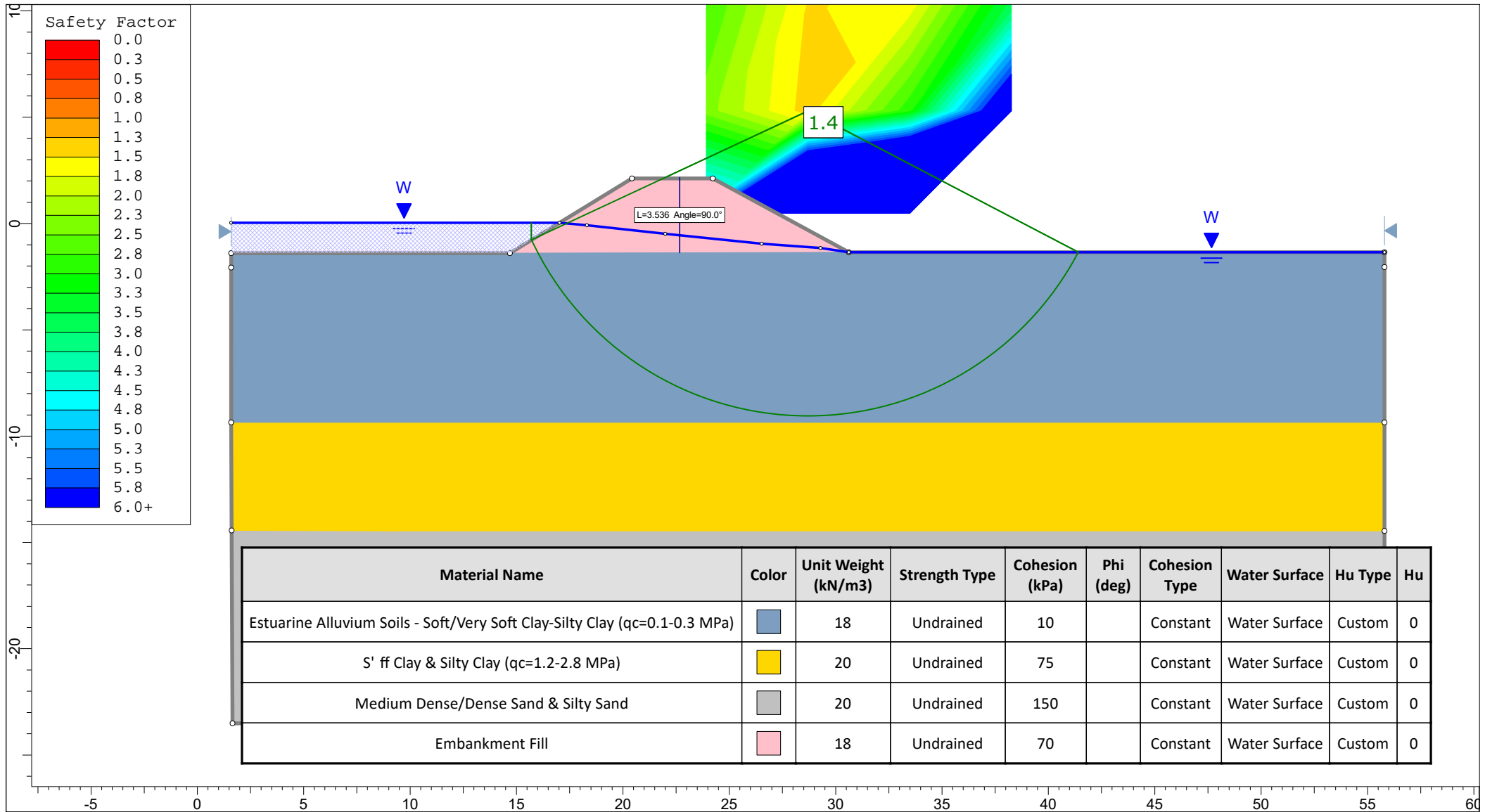
SLIDEINTERPRET 8.016





	Project			Bowergate Farm		
	Analysis Description			Static conditions - Short term - New Stop Bank (GW=0m, Scenario 1)		
	Drawn By	SR	Scale	1:250	Company	WSP - Opus International Consultants
	Date	02/02/2018, 3:59:23 PM		New embankment - Static Conditions-Undrained-no GI (GW=0m, Scenario 1) slim		

SLIDEINTERPRET 8.016



Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Cohesion Type	Water Surface	Hu Type	Hu
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)		18	Undrained	10		Constant	Water Surface	Custom	0
S' ff Clay & Silty Clay (qc=1.2-2.8 MPa)		20	Undrained	75		Constant	Water Surface	Custom	0
Medium Dense/Dense Sand & Silty Sand		20	Undrained	150		Constant	Water Surface	Custom	0
Embankment Fill		18	Undrained	70		Constant	Water Surface	Custom	0

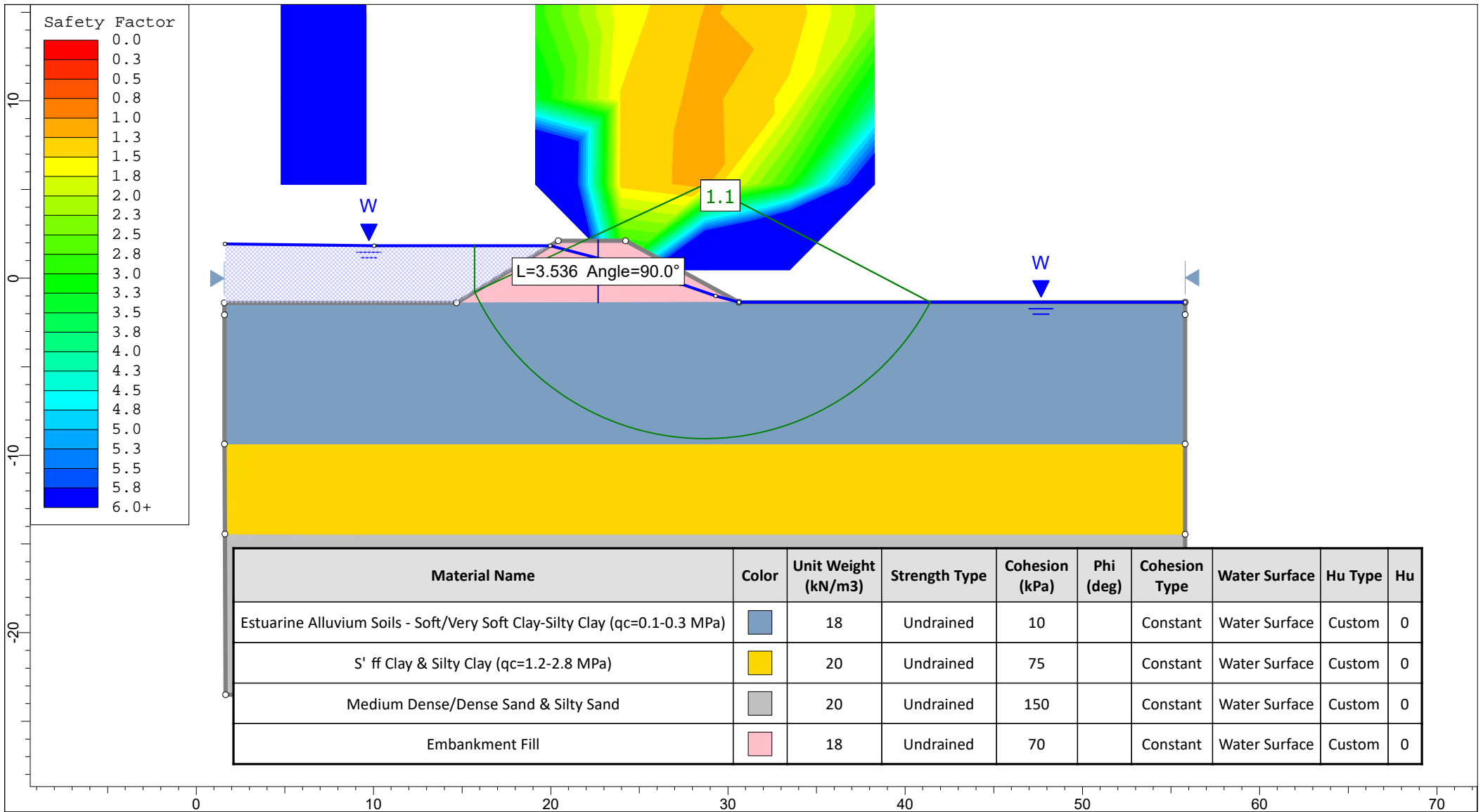
**Project** Bowergate Farm


**Analysis Description** Static conditions - Short term - New Stop Bank (GW=1.5m, Scenario 1)

**Drawn By** SR **Scale** 1:250 **Company** WSP - Opus International Consultants

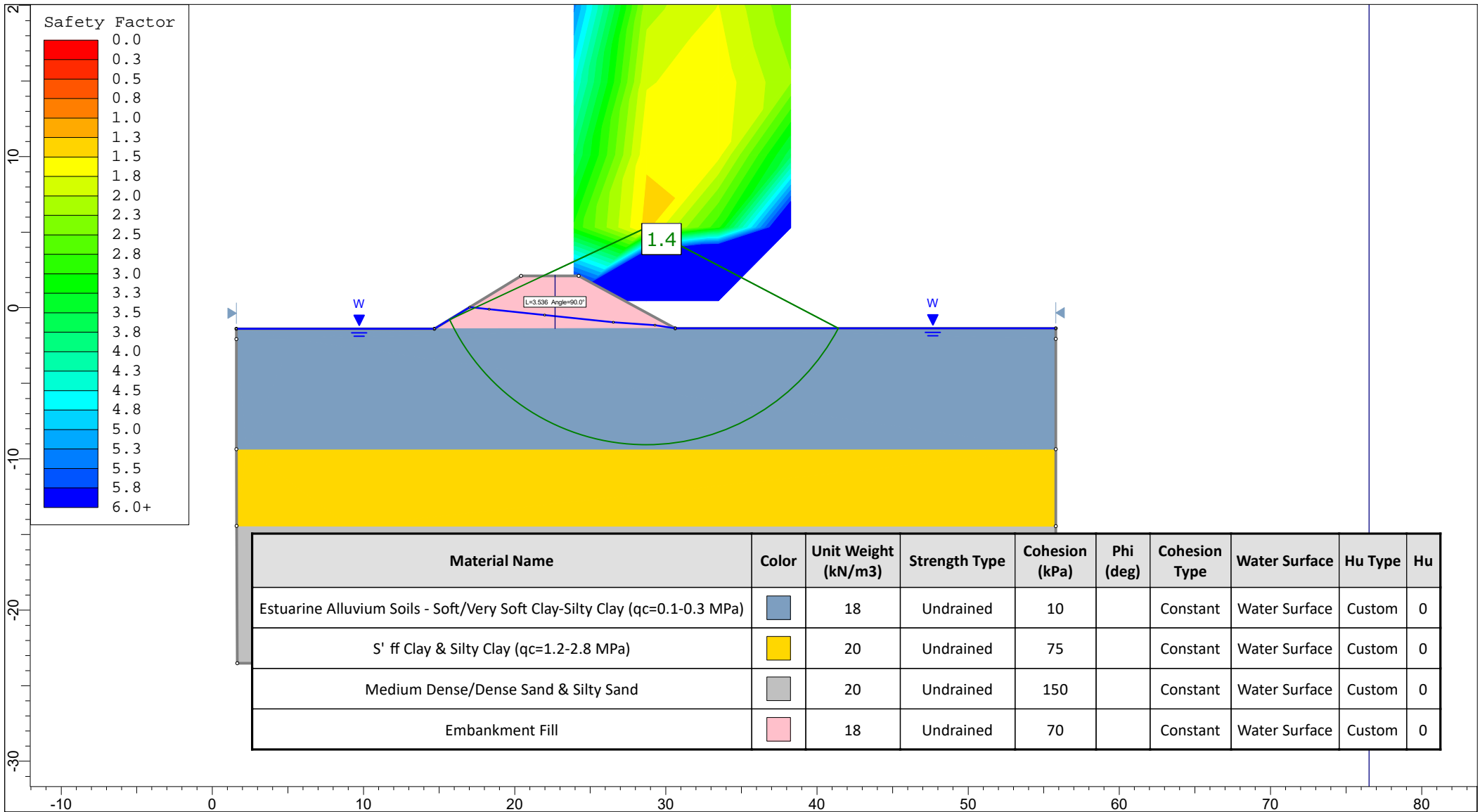
**Date** 02/02/2018, 3:59:23 PM **File Name** New Embankment - Static Conditions-Undrained-no GI (GW=1.5m, Scenario 1) - Conv slim

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	Project			Bowergate Farm		
	Analysis Description			Static conditions - Short term - New Stop Bank (GW=3.0m, Scenario 1)		
	Drawn By	SR	Scale	1:300	Company	WSP - Opus International Consultants
	File Name			New Embankment - Static Conditions-Undrained-no GI (GW=3.0)		

SLIDEINTERPRET 8.016

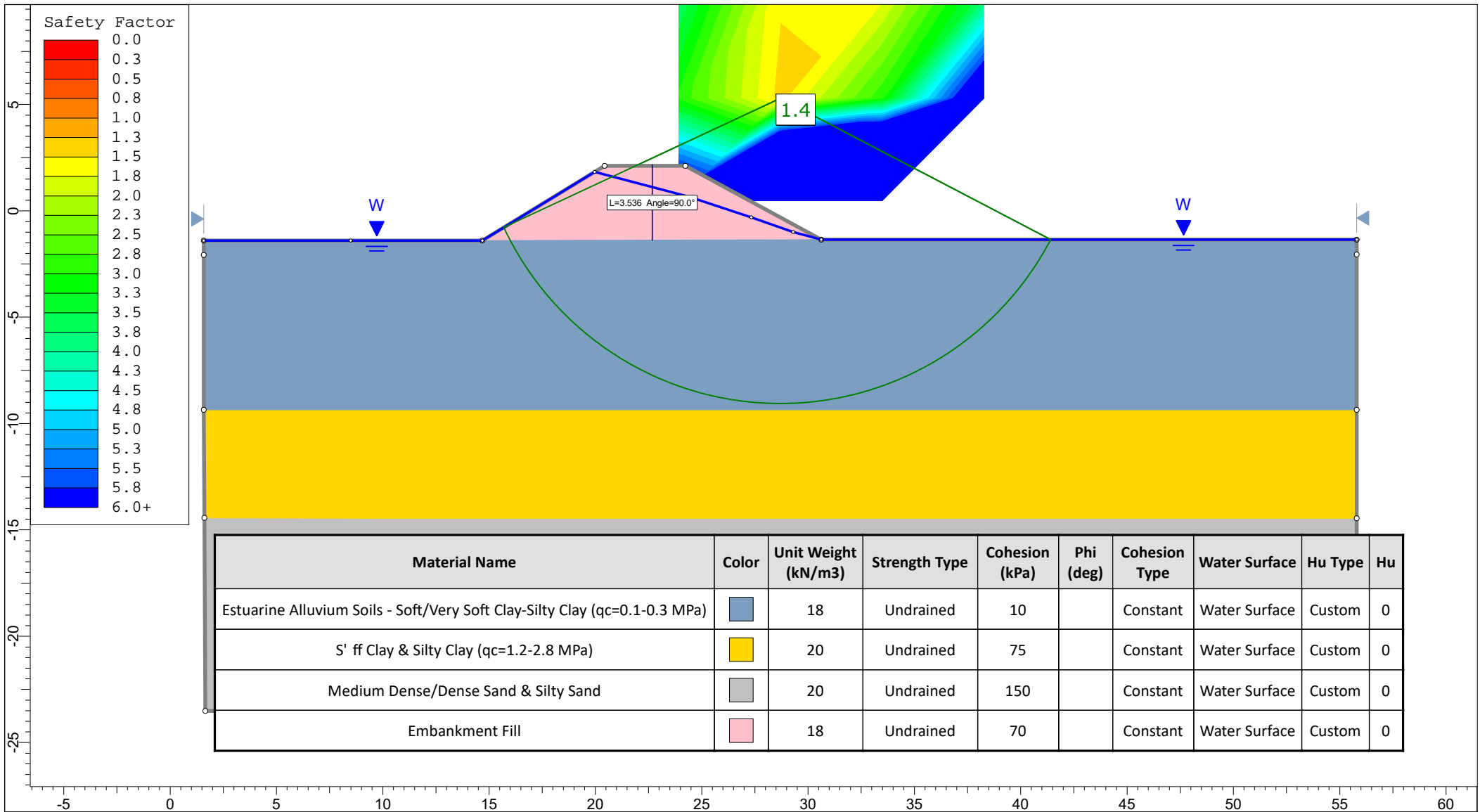



Material Name	Color	Unit Weight (kN/m3)	Strength Type	Cohesion (kPa)	Phi (deg)	Cohesion Type	Water Surface	Hu Type	Hu
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)		18	Undrained	10		Constant	Water Surface	Custom	0
S' ff Clay & Silty Clay (qc=1.2-2.8 MPa)		20	Undrained	75		Constant	Water Surface	Custom	0
Medium Dense/Dense Sand & Silty Sand		20	Undrained	150		Constant	Water Surface	Custom	0
Embankment Fill		18	Undrained	70		Constant	Water Surface	Custom	0



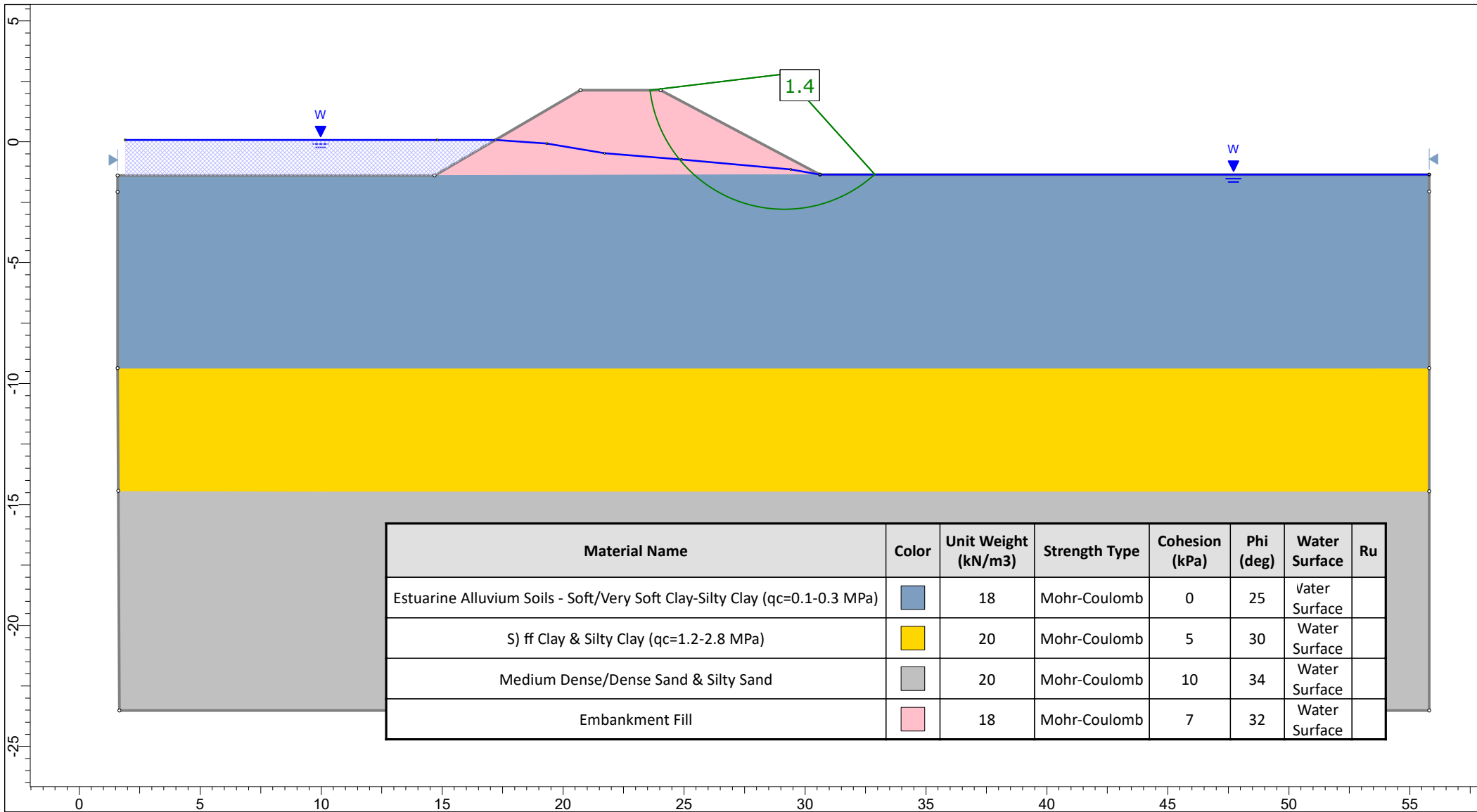
Project		Bowergate Farm	
Analysis Description		Static conditions - Short term - New Stop Bank (GW=1.5m, Scenario 2)	
Drawn By	SR	Scale	1:352
Date		02/02/2018, 3:59:23 PM	
Company		WSP - Opus International Consultants	
File Name		New Embankment - Static Conditions-Undrained-no GI (GW=1.5m, Scenario 2) slim	

SLIDEINTERPRET 8.016



	<i>Project</i>			Bowergate Farm		
	<i>Analysis Description</i>			Static conditions - Short term - New Stop Bank (GW=3.0m, Scenario 2)		
	<i>Drawn By</i>	SR	<i>Scale</i>	1:250	<i>Company</i>	WSP - Opus International Consultants
	<i>Date</i>	02/02/2018, 3:59:23 PM		<i>File Name</i>	New Embankment - Static Conditions-Undrained-no GI (GW=3.0m, Scenario 2).slm	

SLIDEINTERPRET 8.016

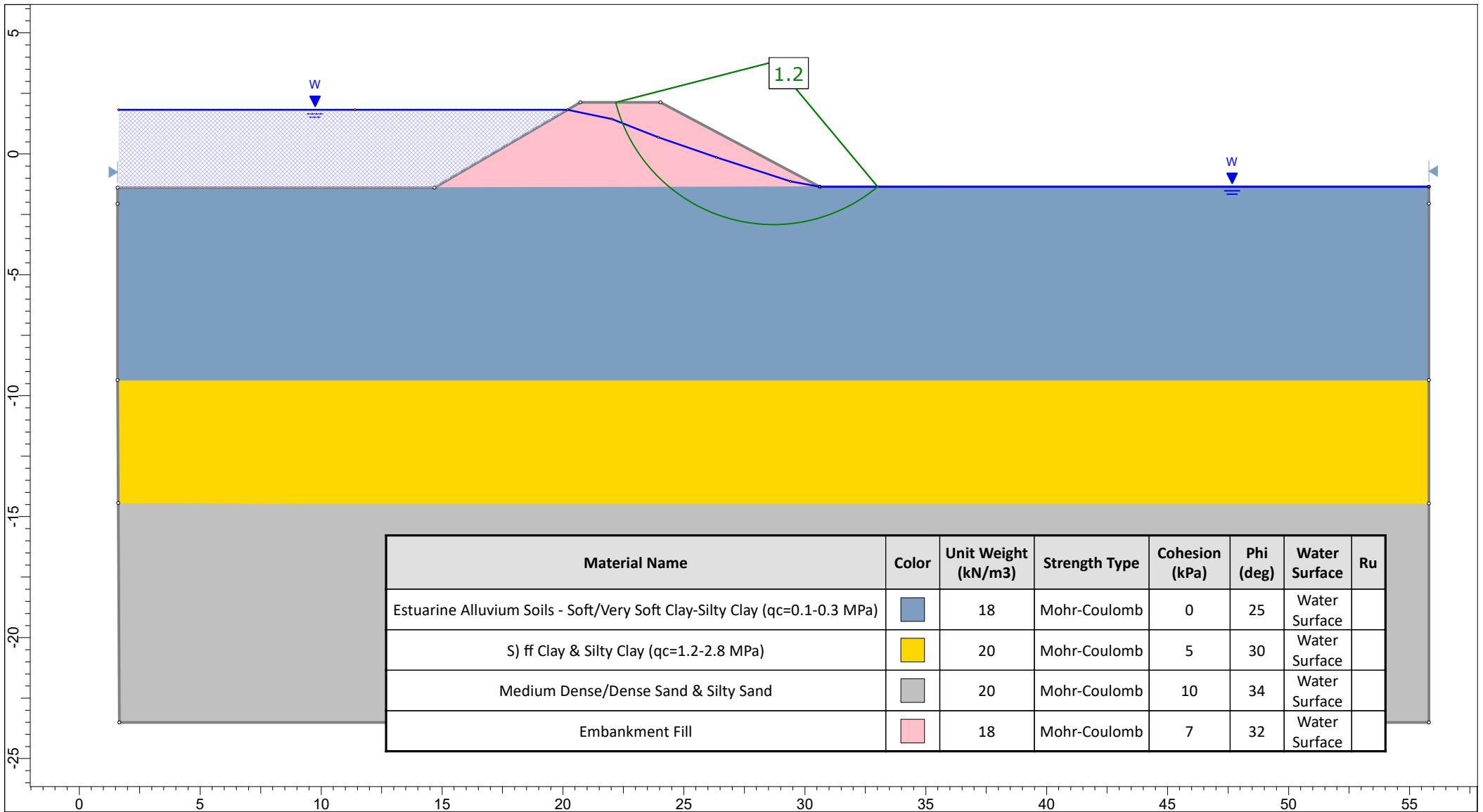



Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Ru
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)		18	Mohr-Coulomb	0	25	Water Surface	
S ff Clay & Silty Clay (qc=1.2-2.8 MPa)		20	Mohr-Coulomb	5	30	Water Surface	
Medium Dense/Dense Sand & Silty Sand		20	Mohr-Coulomb	10	34	Water Surface	
Embankment Fill		18	Mohr-Coulomb	7	32	Water Surface	



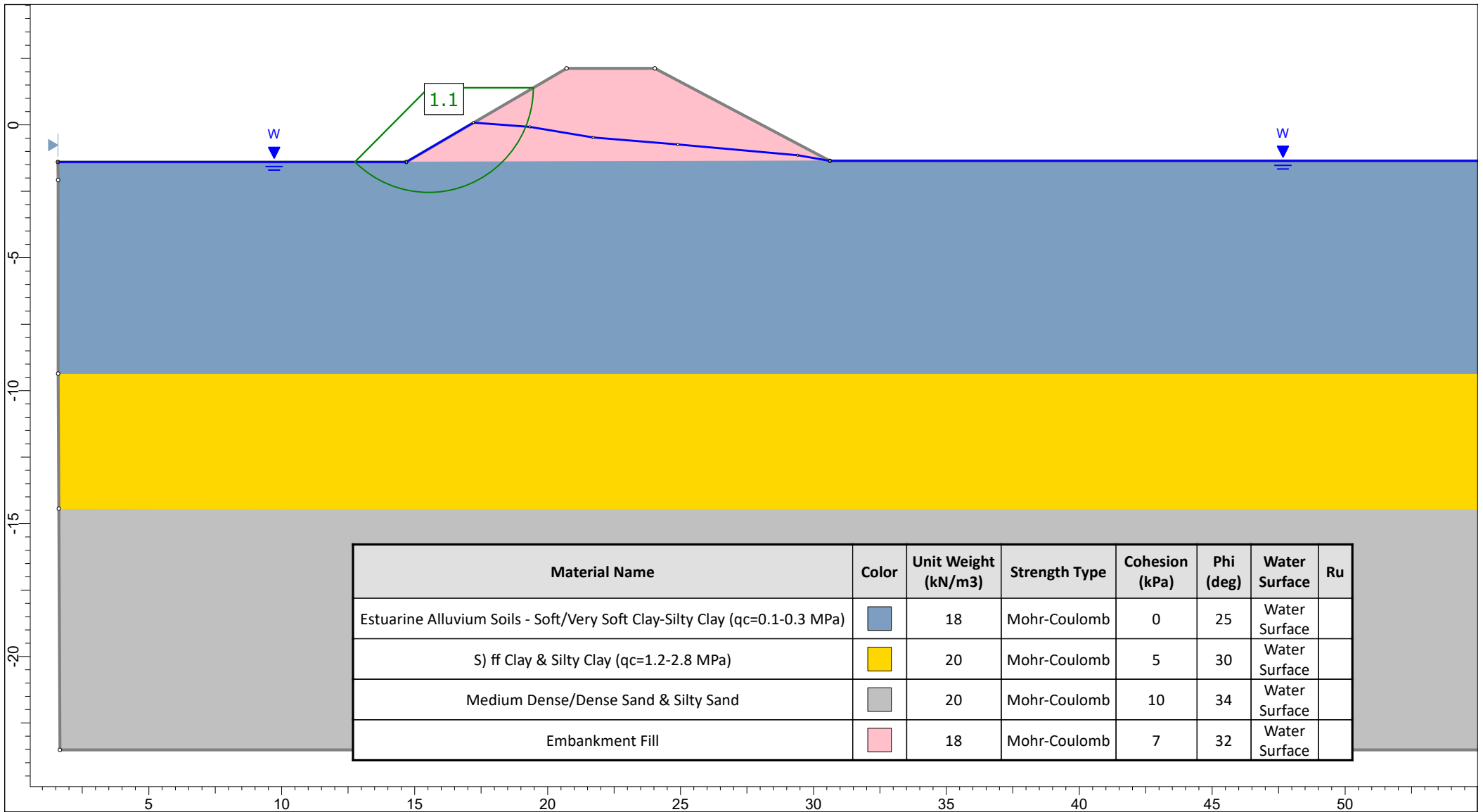
<i>Project</i>				Bowergate Farm			
<i>Analysis Description</i>				Static conditions - Short term - New Stop Bank no GI (GW=1.5m, Scenario 1)			
<i>Drawn By</i>	SR	<i>Scale</i>	1:220	<i>Company</i>	WSP-Opus International Consultants		
<i>Date</i>	23/08/2018, 3:59:23 PM			<i>File Name</i>	New Embakment - Static-Drained-no GI (GW=1.5m, Scenario 1).slim		


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	Project			Bowergate Farm								
	Analysis Description						Static conditions - Short term - New Stop Bank no GI (GW=3.0m, Scenario 1)					
	Drawn By		SR		Scale		1:220		Company		WSP-Opus International Consultants	
	Date		23/08/2018, 3:59:23 PM				File Name		NEW Embakment - Static-Drained-no GI (GW=3.0m, Scenario 1).slim			

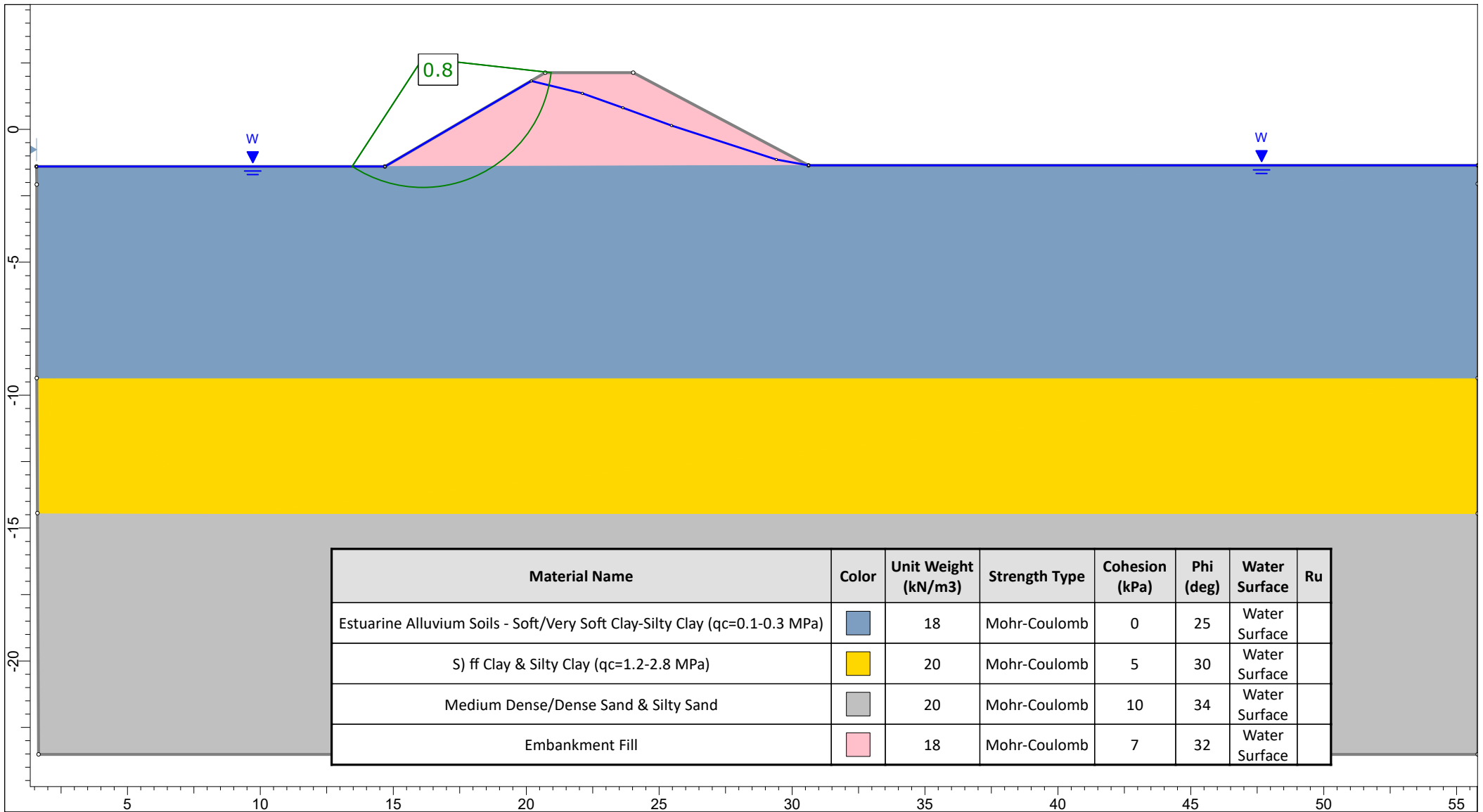
SLIDEINTERPRET 8.016



	Project			Bowergate Farm		
	Analysis Description			Static conditions - Short term - New Stop Bank no GI (GW=1.5m, Scenario 2)		
	Drawn By	SR	Scale	1:200	Company	WSP-Opus International Consultants
	Date	23/08/2018, 3:59:23 PM		File Name	NEW Embakment - Static-Drained-no GI (GW=1.5m, Scenario 2).slim	

SLIDEINTERPRET 8.016





Material Name	Color	Unit Weight (kN/m <sup>3</sup> )	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Ru
Estuarine Alluvium Soils - Soft/Very Soft Clay-Silty Clay (qc=0.1-0.3 MPa)		18	Mohr-Coulomb	0	25	Water Surface	
S) ff Clay & Silty Clay (qc=1.2-2.8 MPa)		20	Mohr-Coulomb	5	30	Water Surface	
Medium Dense/Dense Sand & Silty Sand		20	Mohr-Coulomb	10	34	Water Surface	
Embankment Fill		18	Mohr-Coulomb	7	32	Water Surface	



<i>Project</i>		Bowergate Farm	
<i>Analysis Description</i>		Static conditions - Long term - New Stop Bank no GI (GW=3.0m, Scenario 2)	
<i>Drawn By</i>	SR	<i>Scale</i>	1:200
		<i>Company</i>	WSP-Opus International Consultants
<i>Date</i>	23/08/2018, 3:59:23 PM		<i>File Name</i>
		New Embakment - Static-Drained-no GI (GW=3.0m, Scenario 2).slim	

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## **5 Information**

### **5.1 Quarterly Performance Measures for First Quarter Ending 30 September 2018**

**Administration Manager                      2002.02.17**

#### **Recommended**

*That Kaipara District Council receives the Administration Manager's report 'Quarterly Performance Measures for First Quarter Ending 30 September 2018' and the information contained therein.*





# **Quarterly Performance Measures**

**First Quarter Ending 30 September 2018**



## **Quarterly Performance Measures – for the first quarter ending 30 September 2018**

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## 1 Introduction

This Quarterly Performance Report measures Council's performance on its activities as adopted in Council's Long Term Plan 2018/2028. The report is based on the measuring performance, planned improvements and changes as per year one of the Long Term Plan (LTP). It also includes highlights and risks associated with each of the activities.

The performance measures were extensively reviewed as part of the 2018 LTP process and will be applicable until the 2021 LTP is adopted. Each future report will show upwards or downwards arrows, trending movements. Some of the measures are based on levels of service while others are based on statutory obligations.

The coloured circle in the annual target column indicates progress.

Within this Report there are 60 measures, 15 of these have no results available yet. Of the 45 measures remaining, 38 (84%) were achieved. Green is either achieved or on target to be achieved by the end of the financial year. Amber is looking like it may not be achieved. Red is not achieved or highly unlikely to be achieved. There are 3 (7%) measures recording amber and 4 (9%) recording red. Some measures will only be available at the end of the financial year. As such, they will be reported in the 2018/19 Annual Report.

A summary of the 'not achieved' measures to date is as follows:

Resource consenting	1	Sewerage	1	Building	1	Roads and Footpaths	1
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The LTP 2018/2028 bases the measures on an annual target. The Quarterly Performance Report measures progress quarterly. July to September represents the first quarter and is also the year to date result.

Customer satisfaction results are gathered through Key Research's Customer Perceptions Survey, which is undertaken on four occasions throughout the year. The first survey will begin in early November and results will be reported in the second quarter. The key to the traffic lights is as follows;

**Key**    ● Favourable, or achieved    ● Unfavourable – within 10% of budget, or may not be achieved    ● Unfavourable – over 10% of budget, or not achieved



## 2 Report by Activity

### Community Activities

**What has changed?** *Planned Improvements and/or change for year 1 from the 2018 LTP*

**Community Assistance** – The team are continuing to work with the Kaiwaka community on their Kaiwaka Township Improvement Plan. Actions achieved this quarter were, continuing tree planting along the State Highway, playground fencing and upgrade and re-aligning the slip lane at the Kaiwaka shops parking area.

Dargaville Placemaking planning is currently underway for the Victoria Street Reserve.

Contract for services have been issued to four community libraries – Mangawhai, Kaiwaka, Paparoa and Maungaturoto - the Kaiwaka Sports Association and the Mangawhai Cemetery.

Eight applications were received for the Creative Communities Scheme. Of these, six applications were successful and one was withdrawn with a total of \$7,778.53 being allocated to the successful applicants. 37 community grant applications were received, with a total value of \$296,796.58. The Committee has met and allocated this year's financial budget of \$100,000.

The team are working with the following communities to implement community led projects: Tangiteroria, Te Kopuru Domain, Montgomery Avenue, Matakohe, Maungaturoto, Mangawhai and Paparoa.

**Halls and Community Housing** – Review not yet started.

**Libraries** – The implementation of RFID has been deferred, as budget hasn't been allocated yet.

**Reserves and Open Space** – Work is underway on the Mangawhai Community Plan capital projects, with a Cultural Impact Assessment and Archeological Authority to work currently being organised, and working through the Procurement for project management, design and consultation.

The Taharoa Domain walking cycling tracks project has been completed.





Design has started on car parking for the Mangawhai Community Park and the Mangawhai Heads car park. We are looking to work with Northland Emergency Services Trust to relocate the Heli Landing Pad at the Heads car park to accommodate the extra parking.

All wastewater systems are currently compliant. We are working through implementing the last of the upgrade required for Pahi, and investigation and design have started for some of the public toilet projects for this year.

We are also working with the community team to implement community plans: Mangawhai, Kaiwaka and Dargaville.

The Maintenance of Parks, Reserves, Cemeteries, Public Toilets, Buildings and Dargaville Gardens contract (Contract 860) is reviewed on an ongoing basis to ensure we are meeting the service level requirements and adjusting as required.



## Highlights

**Community Assistance** - A licence to occupy stocktake has been completed. This will allow for consistency and for timely renewals in the future, including the monitoring of KPI's.

**Reserves and Open Space** – Received government funding for all three Tourism Infrastructure Fund (TIF) project applications: Baylys Beach Boardwalk, Matakohē Toilets and Maungaturoto Toilets.

The new Sportsville facilities have been opened at Memorial Park.

**Library** – September school holiday programmes were well attended. The children's winter reading challenge had enthusiastic participation with Maungaturoto, Mangawhai and Kaiwaka community libraries promoting.

## Risks and Issues

**Community Assistance** – Having more applications than funds requires careful management of the communities' expectations. Council has been assisting applicants with their applications and also suggesting other funding options they can apply to.





**Reserves and Open Space** – Implementation of the Reserves Contribution (use of) Policy is still not finalised, and this is holding up commencement of the contestable funds process.

Losing the funding from TIF if Council doesn't approve reallocation of funding for its share of some of the projects.

**Library** – Space is an issue in Dargaville Public Library with not enough room to provide necessary services to the community.

**Community Housing** – Pensioner Housing is aging and nearing end of life.



<b>Community Activities</b>					
<b>Parks and Reserves</b>	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	Percentage of residents who are very/fairly satisfied with their local parks and sport fields	%	85%	%	Quarterly survey not yet undertaken
	Percentage of residents who are very/fairly satisfied with the district's public toilets	%	>70%	%	Quarterly survey not yet undertaken
	Parks maintenance contract: a safe working environment is provided for those delivering the service, number of health and safety audits per month	Contractor:13 Council:1	Contractor:4 Council:1 	Contractor:13 Council:1	Achieved
	Compliance with parks maintenance contract specifications – monthly audits	93%	90% 	93%	Contractor has been performing well in this area.
<b>Community Housing</b>	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
<i>Measured by:</i> Council annual budget	Zero net cost to ratepayers for our pensioner housing services.	Achieved	Zero cost 	Achieved	Tracking as per budget
<i>Measured by:</i> Quarterly reporting from management agencies	Community Housing annual occupancy rate	99.98%	90% 	99.98%	Achieved



Libraries	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Percentage of library users who are very satisfied or satisfied with the district's library services	N/A	85%	N/A	Quarterly survey not yet undertaken



## Planning and Regulatory Management

**What has changed?** *Planned Improvements and/or change for year 1 from the 2018 LTP*

**Building Control** - Building Manager has met with Policy Analyst to draft a new policy on Earthquake Prone Buildings. Also met with Councillor working group for input into considerations for the community and how best to plan a rollout. Discussed the need for a presentation to all Councillors in preparation for community response. Accreditation preparation is priority to be ready for late October after which EQPB will again be a priority. BCM has also engaged an experienced CPENG to assist when required.

**Resource Consents Management** – Discussions/investigation relating to options for online resource consent processing are yet to gain traction as Council looks to develop its IT Strategy and prioritise projects accordingly. Progress should be expected to follow now that the IT Steering Committee has been established.

**Regulatory Services** – The Regulatory Manager has met with the policy team to create an updated animal management policy, alcohol control policy, General Bylaws Policy.

## Highlights

**Building Control** – The Quality Assurance Manager has assisted the Building Control Manager to overhaul the filing system as well as multiple digital forms replacing badly formatted ones. Massive changes have been made to the Building Control Authority systems including a complete re-write of the manual in line with MBIE regulation guidance checklists.

Further development in Alpha one has advanced to allow the issuing of compliance schedules within the system. A new contract wastewater engineer is now reviewing all on-site wastewater designs and this is raising the standard of design and installation within Kaipara.

**Resource Consents Management** – Training and development opportunities continue to be explored, including a workshop session on ecological assessment and environmental benefit subdivisions, delivered to all consent planners, consultant planners and Council policy staff. The team has set up new process/es for addressing the requirements of the National Environmental Standard on Plantation Forestry, and is working closely with Northland Regional Council on this. Improvements and efficiencies have been identified and implemented in relation to monthly, quarterly and annual reporting, both internally and to meet Ministry for the Environment reporting requirements.

**Regulatory Services** – The Quality Assurance Manager has assisted in creating a quality assurance manual for the food team, which is a requirement under the Food Act.





## Risks and Issues

**Building Control** –There is one High Court claim against Council with regard to consent decision. However, Council is in a strong position with this. High volume of applications has meant more reliance on Contract Processors and hence cost.



**Resource Consents Management** – Resource consent applications continue to be higher than previous years and with the nationwide difficulty of recruiting planner's it means pressure on internal staff. Complicated consenting issues are a common occurrence in the resource consent area and can require significant time to resolve. An increasing number of consent applications, which require notification, and proceed to hearings, evidences complexity.

**Regulatory Services** – Although the numbers of inspections were down for July (first month for the quarterly reporting) we are anticipating a rise in inspections and further catch up for the next quarter. Food Control Plans involve reporting to MPI and their increased complexity under this new legislation, and subsequent follow up inspections, require more time to complete. It makes reaching annual targets and goals more difficult. In addition to this the health team are experiencing an increase in complex nuisances under the Health Act.





Planning and Regulatory Management					
Building Control	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Percentage of building control customers who rate request for service responses as very satisfied or satisfied	N/A	75%	N/A	Quarterly survey not yet undertaken
	Percentage of Building Consents processed within 20 working days	92.7%	100% 	92.7%	14 consents issued over 20 days. Of the 14, 8 consents were delayed as a result of waiting for Planning checks. This would have meant 97% otherwise. Resourcing issues with Planning department.
<i>Measured by:</i> Core application Overdue Service Request Report	Percentage of illegal activity/unauthorised work complaints investigation initiated within 3 working days.	93.3%	90% 	93.3%	Achieved






Regulatory Services	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Percentage of food premises inspected or audited at least once per year under the Food Hygiene Regulations or Food Act	17%	100% 	17%	All food premises inspected include FCP, Food Hygiene inspections and National Programmes for the quarter = 30 of 177 ( (NB) 12 of the 177 food premises under FCP are verified every 18 months rather than 12 months).
	Percentage of alcohol premises inspected at least once per year	28%	100% 	28%	On target 21 of 74 inspected.





Resource Consent Management	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Percentage of non-notified resource consents processed within 20 working days	66.2%	100% 	66.2%	71 non-notified decisions issued this quarter, 47 were processed within statutory timeframes. Out of the 24 consents not processed within timeframes, 17 were for subdivision proposals, which are increasing in complexity. During this quarter, two notified subdivision consents proceeded to a hearing and were declined.
	Percentage of all new granted resource consents are audited each year to ensure they comply with relevant conditions	21%	15% 	21%	The monitoring undertaken during the period of 1 July – 30 September is reported for the actual consents granted in the period 1 June – 31 August. Due to the way monitoring is conducted there is always a one-month lag time.  There were 62 consents in total for the period 1 June – 31 August.



Resource Consent Management	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
					14 of the 62 consents required monitoring.
	Percentage of s224(c) certificates for new land titles processed within 10 working days	100%	97% 	100%	20 s224(c) certificates were issued this quarter, all within 10 working days, and an average processing time of 1 working day.
	Percentage of resource consent complaints regarding unconsented works and non-compliance with the District Plan and resource consent investigated initiated within 5 working days	100%	90% 	100%	Achieved. Target – 27 complaints investigated within 5 working days
	Percentage of Land Information Memoranda (LIM) processed within 10 working days	100%	100% 	100%	113 LIM's were processed this quarter, all within 10 working days.



## Flood Protection and Control Works

**What has changed?** *Planned Improvements and/or change for year 1 from the 2018 LTP*

- Develop a central database and Geographic Information Systems (GIS) mapping for condition assessment information and generate a renewal programme; - Information has started to be transferred to AssetFinda and waiting on GIS upgrade.
- Continue assessments of floodgates within target areas such as Raupo and Dargaville; ongoing. A contractor has assessed three floodgates for remedial works in conjunction with Council's Land Drainage Co-ordinator.
- Assess existing stopbanks, levels and conditions to help prepare for climate change and sea level rise; we have completed surveying of stopbanks in Raupo.
- Assess existing drainage districts and identify possible reductions or amalgamations; ongoing, Te Hapai Drainage District reinstated this year.
- Assess the current drainage district boundaries and identify if these are still accurate, with adjustment as required; ongoing.

## Highlights

- LIDAR surveying ongoing.
- Awakino East floodgate built.
- Sunnynook floodgate built and onsite.

## Risks and Issues

Proposed reinstatement of the Murphy/Bowers stopbank is ongoing.



<b>Flood Protection and Control Works</b>				
<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
The number of flood events not contained by the drainage schemes up to a 1:5 year flood.	0	0 ●	0	No flood events this period
Service requests for additional cleaning of drains i.e. missed by the monitoring and maintenance programmes.	0	<5 service request per year ●	0	Achieved
Biannual inspection of our drainage network to ensure that it can contain a 1 in 5 year flood.	0	2 inspections per year	0	The planned inspections are set for November 2018 and April 2019
Targeted maintenance of the stopbank system in the Raupo Drainage District to prevent tidal flows from inundating private property during high tide and/or when the river is in flood.	0	Minimum yearly inspections and targeted maintenance completed	0	The planned inspections are set for November 2018 and April 2019



## District Leadership, Finance and Internal Services

**What has changed?** *Planned Improvements and/or change for year 1 from the 2018 LTP*

**Policy and District Planning** - A comprehensive review of the District Plan supports a shift in the structure of the District Plan from a pure 'effects' based format to one that has a greater focus on activities, in order for the District Plan to be better suited to promoting the right activities in the right places. We are currently formatting review areas based on the draft National Planning Standards with the understanding that the new District Plan will need to incorporate the finalised standards. Zone maps, definitions, appendices and a full set of objectives, policies and environmental outcomes will be developed as part of our ongoing steps towards a draft District Plan in 2021 but at this stage in the review, we do not have up to date spatial maps, or baseline data. Current actions are aimed to ensure the new District Plan will better reflect community aspirations, environmental bottom-lines and overall take an integrated approach to managing the district's resources. No notifications for plan changes as per LTP measures as matters previously identified for notification were decided as part of a rolling review approach (Mangawhai Community Plan, omnibus plan changes). Decision made to move to a comprehensive review, which will mean all changes will be notified at the same time in 2021. Exceptions will be NES PF and PC4 notified changes proposed on or before December 2018.



## Highlights


**Policy and District Planning** - Successful mediation with FENZ and s274 parties has led to the Environment Court issuing a consent order for Plan Change 4 – Fire Rule. Consultation and hearing on Public Places Alcohol Control Bylaw has enabled widespread participation to define alcohol free areas and times to build public and community safety and wellbeing. District Plan, Policy and Bylaw review programmes are on track and gaining community interest.

## Risks and Issues

**Policy and District Planning** - Staff under-resourcing means larger workloads to be shared amongst fewer staff. Lack of GIS capacity means we can't progress e-planning or update files satisfactorily, so new data is not being incorporated into our business as readily as it should be.



Governance and Democracy	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Long Term Plan, Annual Plan and Annual Reports will be adopted within timeframes set in the Local Government Act 2002.	Compliant	Compliant 	Compliant	The Annual Report was adopted on 27 September 2018
	Percentage of residents that are very/fairly satisfied with how rates are spent on services and facilities provided by Council	N/A	40% 	N/A	Quarterly survey not yet undertaken

Civil Defence Management	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Conduct Civil Defence training exercises.	None	1 per year 	None	Exercise scheduled for April 2019



## **Solid Waste**

### **What has changed? *Planned Improvements and/or change for year 1 from the 2018 LTP***

*Implement preferred option for leachate disposal at Hakaru Closed Landfill* - The Preliminary design of Leachate treatment facility is current being completed. Consent application to NRC will be completed once design has been established.

*Investigate delivery of a district-wide rate-funded recycling collection in consultation with the community* - This project has not yet commenced. Consultation programmed to be undertaken in March 2019.

*Determine community interest in additional/rural drop-off locations for recycling* - This project has not yet commenced. Consultation programmed to be undertaken in March 2019.

## **Highlights**

Spur Road tomo illegal dumping has been cleaned out. This is a historically significant site on the Pouto Peninsular that was being used as an illegal dump site. It also has particular significance to the Dalmatian community of Kaipara, and there are now plans underway to protect this area from future illegal dumping.

## **Risks and Issues**



Recycling continues to be an issue due to lack of viable markets, with further plastics now requiring stockpiling. This is likely to continue for some time until New Zealand markets are established.

Illegal dumping has also been an issue this year to date with majority of the 2018/19 budget already spent on retrieving illegal dumping, exacerbated by the discovery and cleaning out of the large tomo that was filled with rubbish on Spur Road.

Illegal dumping in public litter bins is on the rise, particularly in the Dargaville and Kaiwaka area.

Neighbourhood complaints around noise are growing in the vicinity of the Dargaville Transfer Station.



<b>Solid Waste</b>				
<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to date</b>	<b>Comment</b>
Percentage of residents who are very satisfied or satisfied with waste management.	%	75%	%	Quarterly survey not yet undertaken
Total amount of recycling (diverted from landfill) as a percentage of total waste collected (The year to date waste diverted for the 2017/18 year was 21.01%)	16.62%	1% more than previous year 	16.62%	345 tonnes from 2,076 tonnes of waste was diverted from landfill. While not achieved this quarter the amount is due to increase over the summer months.
Closed landfill activities meet legislative compliance. No resource consent abatement notices, infringement notices, enforcement orders or convictions.	0	0 	0	Achieved.





## **The Provision of Roads and Footpaths**

### **What has changed? *Planned Improvements and/or change for year 1 from the 2018 LTP***

The Bridge Management Strategy remains a priority and will be advanced through the professional services contract, within the Northland Transportation Alliance. The professional services contract is expected to be delivered as a draft for review by December 2018 with a targeted implementation date of 1 July 2019. The review of Council's Risk Management Strategy is due for completion in December 2018. The Rooding Risk Management Strategy align with this, by June 2019.

### **Highlights**

The revised 2018/21 NZTA subsidised budget was approved by NZTA. The exact numbers that were asked for were approved because the numbers were justifiable, defendable and data supported and the team have built a level of trust with NZTA. Projects are now being set up for the next three-year cycle.

The new Maintenance Contract has started with in-depth training in place for the KDC Area Supervisors as well for the Contractor staff.

The Asset Manager vacancy has been appointed and starts early November 2018.



### **Risks and Issues**



Staff turnover in senior positions is impacting on business continuity and increasing workload on the remaining team who have been filling the vacuum along with support from external consultants.

The new Maintenance Contract 888 brings with it a change in roles from Network Inspectors carrying out inspections to Area Supervisors carrying out audits, requiring training and a change in mindset. The final development of Contract 888 performance reporting tools is ongoing.




**The Provision of Roads and Footpaths**

Road Safety	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
<i>Measured by:</i> coronial inquiry findings.	There are no fatalities and serious injury crashes on the local network that are directly contributable to road condition.	0	0 	0	Achieved
<i>Measured by:</i> NZ Transport Agency (NZTA) Crash Analysis System (CAS) statistic versus the 2016/2017 number of 10.	The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network.	N/A	<10	N/A	NZTA CAS data not available for this period.
Condition of the sealed local network	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
<i>Measured by:</i> NZTA Performance Measure Reporting Tool.	The average quality of ride, measured by smooth travel exposure within the following range.	N/A	<90	N/A	Annual data collected. Information will not be available until February 2019.
<i>Measured by:</i> NZTA Performance Management Reporting Tool (PMRT) and/or NZTA Annual Achievement Report	The percentage of the sealed local road network that is resurfaced.	N/A	>6.7% 	N/A	The resealing programme and designs are complete. With the construction season starting end of October the programme is on track.

Maintenance of the sealed local network	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
<i>Measured by</i> the actual spent to budget percentage for the surfacing renewal budget		N/A	>95% - <103% 	N/A	With the construction season starting end of October the programme is on track.
Maintenance of the unsealed local network	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
<i>Measured</i> using the NZTA One Road Network Classification (measurement data sourced from RAMM contractor)	The length of the unsealed local network that is graded for:  Secondary collector road Access Road Access (low volume) road	9.19km 100.48km 117.27km	140km min 1,200km min 750km min 	9.19km 100.48km 117.27km	Grading is prioritised on condition. Early onset of dry conditions may adversely affect grading, as it is not practicable to grade when the road is too dry, and it is cost-prohibitive to undertake 'wet' grades i.e. to add water prior to grading.
Execution of capital works programme	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
<i>Measured by:</i> Monthly and annual capital works programme reporting % spent to budget.	Maximum uptake, within the three-year planning programme, of the approved NZTA budget for Kaipara district, provided Council can also fund the local share.	0%	>95%	0%	Annually we can measure against planned uptake of NZTA approved budget for that year. The current year's projects are in progress. A complete picture cannot be given until the end of the 3 year cycle.



Condition of footpaths within the local road network	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
	Percentage of residents who are very/fairly satisfied with footpaths	N/A	73%	N/A	Quarter survey not yet undertaken

Response to service requests	What we measure	Current Performance	LTP Year 1 Annual Target	Year to Date	Comment
<i>Measured by:</i> core application reporting tool	The percentage of customer service requests relating to roads and footpaths to which the Council responds within the specified timeframe of two working days.	85%	90% 	85%	615 Total received 520 Responded to in time



## **Sewerage and the Treatment and Disposal of Sewage**

### **What has changed?** *Planned improvements and/or change for year 1 from the 2018 LTP*

- Develop a central database and geospatial framework for condition assessment information and generate renewal programme from the system - we have carried out a condition assessment of the Pump Station 1 catchment in Dargaville through CCTV.
- Continue the data cleansing project to improve our knowledge of our assets (including asset lives to aid renewal planning) - this is an ongoing process that has already commenced.
- Wastewater Modelling (Dargaville, Maungaturoto). Scoping exercise to determine needs and level of detail required for development of hydraulic model - we have advertised for cadets to assist with this work of data collection.
- Continue the MCWWS resource consent variation application - we have engaged a consultant to carry out investigations, the work is already underway.
- Extend the MCWWS irrigation system – contract has been awarded to complete the next stage of the irrigation system.
- Upgrade the MCWWS existing reticulation and pump stations - The design of the planned upgrade at the village pump station is almost complete.
- Upgrade the MCWWS treatment plant - we have engaged a consultant to carry out investigations and detailed design, which is already underway.




### **Highlights**

The design of Dargaville's Pump Stations 1 and 2 and the rising main is almost complete. This work will help to reduce our wet-weather overflows.





### **Risks and Issues**

Te Kopuru and Kaiwaka WWTP's continue to be non-compliant. We are investigating options through expert advice, and are liaising with NRC on these consents.



<b>Sewerage and the Treatment and Disposal of Sewage</b>					
	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	The number of dry weather sewerage overflows from Council's sewerage systems, expressed per 1,000 sewerage connections to that sewerage system. The resource consent provides for severe weather events and power failure exceptions.	0	<1 	0	Achieved
	Where Council attends to sewage overflows resulting from a blockage or other fault in the territorial authority's sewerage system, the following median response times apply: Attendance time: from the time that the territorial authority receives notification to the time that service personnel reach the site. (Department of Internal Affairs measure).	41 mins	<2 hours 	41 mins	Achieved
	Where Council attends to sewage overflows resulting from a blockage or other fault in the territorial authority's sewerage system, the following median response times apply: Resolution time: from the time that the territorial authority receives notification to the time that service personnel confirm resolution of the blockage or other fault.	1 hour 40 mins	<48 hours 	1 hour 40 mins	Achieved



	The total number of complaints received by Council about sewage odour. Expressed per 1,000 sewerage connections.	0.5	<10 	0.5	Achieved Based on a total of 3 complaints and 5,614 connections
	The total number of complaints received by Council about sewage system faults e.g. blockages, breaks Expressed per 1,000 sewerage connections (Department of Internal Affairs)	5.5	<27 	5.5	Achieved Based on a total of 31 faults and blockages and 5,614 connections
	The total number of complaints received by Council about Council's response to issues with its sewerage system. Expressed per 1,000 sewerage connections. (Department of Internal Affairs measure)	0.2	<48 	0	Based on 1 complaint received and 5,614 connections
	The number of abatement notices, infringement notices, enforcement orders and convictions received by Council in relation to its resource consents for discharge from its sewerage systems.	1	0 	1	Not Achieved 1 abatement for Kaiwaka WWTP due to discharge non-compliance.
	Major capital projects are completed within budget.	N/A	Achieved	N/A	To be reported at year end.



## Stormwater Drainage

### What has changed? *Planned Improvements and/or change for year 1 from the 2018 LTP*

- Develop a central database and Geographic Information Systems (GIS) mapping for condition assessment information and generate a renewal programme - this project is ongoing with CCTV already started in catchments at Fagan Place, Holiday Crescent, Robert Street and Margaret Street in Mangawhai and Dargaville at catchment O.
- Continue the data cleansing project to improve our knowledge of our assets, including asset life to help with renewal planning - this is an ongoing process that has already commenced.
- Develop a renewals programme based on performance and condition ratings of critical stormwater assets - this project is ongoing with CCTV already started in catchments at Fagan Place, Holiday Crescent, Robert Street and Margaret Street in Mangawhai and Dargaville at catchment O.
- Complete and adopt an updated Stormwater Catchment Management Plan (SWCMP) for Mangawhai - SWCMP has been completed, however yet to be adopted.

### Highlights





The Quail Way Stormwater Improvements construction has commenced, this will rectify the flooding issues there.

### Risks and Issues

The stormwater system in Mangawhai needs more work to reduce any risks of flooding. We have signalled to Council that more funding is likely to be required in future LTP programmes.





<b>Stormwater Drainage</b>					
	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
<b>System Adequacy</b>	For each flooding event, using a 1:5 year for Urban (Average Recurrence Interval 20%) and 1:10 year for Rural (ARI 10%), the number of habitable floors affected. (Expressed per 1,000 properties connected to the district's stormwater system.)	0	<10 	0	No urgent flooding events this quarter
<b>Response Time</b>	The median response time in a flooding event, measured from the time that the territorial authority receives notification to the time that service personnel reach the site.	N/A	<2 hours for urgent events 	N/A	No urgent flooding events this quarter.
<b>Customer satisfaction</b>	The number of complaints received by Council about the performance of its stormwater system, expressed per year. Expressed 1,000 properties connected to the territorial authorities stormwater system	1.8	18 	1.8	Achieved Based on 4 complaints and 2,222 connections
<b>Discharge compliance</b>	Abatement notices, infringement notices, enforcement orders, convictions	0	0 	0	Achieved



## Water Supply

### What has changed?

*Planned Improvements and/or change for year 1 from the 2018 LTP*



- Develop a central database and Geographic Information Systems (GIS) mapping for condition assessment information and generate a renewal programme; - focus is on completing condition assessments on Asbestos Cement water mains.
- Continue the data cleansing project to improve our knowledge of our assets, including asset life to help with renewal planning; - this is an ongoing process that has already commenced.
- An ecological study of the Kaihu River to assess the possibility of varying the water take consent; - a consultant has been appointed and they have provided draft documents for review.
- Water loss management by ensuring the contractor adheres to reactive timeframes for leak requests, and is proactive in leak detection and effective meter reading; - the operations and maintenance contractors have made improvements in water leak detection.
- Review and update water safety plans for all five water supply schemes using the latest requirements from Northland District Health Board (NDHB); - this project has started with the Mangawhai WSP currently under review by the NDHB.
- Continue with condition assessments of water supply assets in alignment with wastewater and stormwater services, and feed into the renewals programme; - focus is on completing condition assessments on Asbestos Cement water mains.
- Develop hydraulic computer models for Dargaville, Maungaturoto and Ruawai reticulation networks, predicting pressures and flows to confirm network capacity and manage growth; - we have advertised for cadets to assist with data collection for the models.






### Highlights



Waiatua Dam is now on the SCADA system - the operators can now check the dam levels and monitor discharge volumes.

### Risks and Issues

Currently investigating the SCADA issue that contributed to our Protozoa non-compliance last year due to missing data at the Maungaturoto WTP, the on-site time period for storage of data was extended from 6 months to 13 months. The data historian shows gaps from time to time, which requires further optimisation.

<b>Water Supply</b>					
	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	The extent to which Council's drinking water supply complies with Part 4 of the NZDWS (bacteria compliance criteria)	Achieved	Dargaville Maungaturoto Ruawai, Glinks Gully and Mangawhai 	Achieved	All schemes comply with the bacteria compliance criteria.
	The extent to which Council's drinking water supply complies with Part 5 of the NZDWS (protozoa compliance criteria)	Achieved	Dargaville Maungaturoto Ruawai, Glinks Gully and Mangawhai 	Achieved	All schemes comply with the protozoa compliance criteria
	The percentage of real water loss from Council's networked reticulation system (average for total network of all schemes). Real loss water is calculated by subtracting the meter readings and 'other components' from the total water supplied to the networked reticulation system.		<30%		The % of real loss water is prepared using the water information following the May water invoicing. The report will be ready by June 2019.

<b>Water Supply</b>					
	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	The median response time for attendance for urgent callouts: from the time that the local authority receives notification to the time that service personnel reach the site	1 hour 1 minute	<2 hours 	1 hour 1 minute	Achieved
	Median response time for resolution of urgent call-outs; from the time the local authority receives notification to the time that service personnel confirm resolution of the fault or interruption.	2 hours 11 mins	<48 hours 	2 hours 11 mins	Achieved
	The median response time for attendance for non-urgent callouts: from the time that Council receives notification to the time that service personnel reach the site.	58 mins	<3 hours 	58 mins	Achieved
	The median response time for resolution of non-urgent callouts: from the time that Council receives notification to the time that service personnel confirm resolution of the fault or interruption.	2 hours	3 days 	2 hours	Achieved
	The total number of complaints for the district received by Council about drinking water quality i.e. clarity, odour, taste, pressure or flow and continuity of supply. Expressed per 1,000 water connections.	2.8	<40 	2.8	Achieved Based on 10 complaints and 3,583 connections

<b>Water Supply</b>					
	<b>What we measure</b>	<b>Current Performance</b>	<b>LTP Year 1 Annual Target</b>	<b>Year to Date</b>	<b>Comment</b>
	Total number of complaints received by Council about Council's response to any of these issues. Expressed per 1,000 water connections	0	<40 	0	No complaints received
	Water take consents	100%	100% compliance with Northland Regional Council consents 	100%	Achieved
	The average consumption of drinking water per day per resident within Kaipara district. Average calculated by the billed metered consumption (m <sup>3</sup> ) × 1,000 numbered connections × 365 × 2.5 (occupancy rate)		Dargaville 275 Maungaturoto 340 Ruawai 130 Glinks Gully 52 Mangawhai 230		The consumption of drinking water is prepared using the water information following the May water invoicing. The report will be ready by June 2019.
	Major capital projects are completed within budget.	N/A	Achieved	N/A	To be reported at year end.



## **5.2 Strategic Plan Quarterly Report for July – September 2018**

**Administration Manager                      2003.01**

### **Recommended**

*That Kaipara District Council receives the Administration Manager's report 'Strategic Plan Quarterly Report for July – September 2018' and the information contained therein.*







# **Strategic Plan Quarterly Report**

July - September 2018











**Key** ● Favourable ● Unfavourable – within 10% of budget ● Unfavourable – over 10% of budget


1.0		STRATEGIC PRIORITY: GREAT PEOPLE			
Objective / Project		Lead	Quarterly Progress	Status	Due Date
1.1	Grow our leadership capability	People and Capability	Leadership survey being conducted to understand capability gaps.	●	On-going
1.2	Build an engaged values-driven culture	People and Capability	<p>September 18 pulse survey completed, 60.3% engagement. Previous surveys results were:</p> <ul style="list-style-type: none"> <li>• May 2017 – 51%</li> <li>• February 2018 – 62.73%</li> </ul> <p>This is a positive result given the amount of change in Council and leadership changes during the period of February 2018 – September 2018.</p>	●	On-going

## 2.0 STRATEGIC PRIORITY: SUPPORTING GROWTH







Objective / Project		Lead	Quarterly Progress	Status	Due Date
2.1	Design and implement District Plan review	Regulatory, Planning and Policy	<p>On target to have the draft District Plan review programme complete by December 2018. A high level discussion is planned with Elected Members at the December Council Briefing. This will cover what the 5 year programme including key milestones, topics, Elected Members involvement throughout the process, how we are going to engage with the community, and what style of consultation framework Council would like to utilise.</p> <p>Microsoft project is being used to ensure an overview and to directly manage the complex interrelationship of key milestones that are required to deliver a programme of this size. Following the formalisation of the review programme a workshop with Elected Members is planned in the New Year.</p>		December 2018 (Design)
2.2	Develop opportunities for Provincial Growth Fund and manage programme	Governance, Strategy and Democracy	<p>The Northland PGF Steering Group now meets monthly. A summary of the Kaipara District Council applications is provided as an attachment to this report.</p> <p>Applications currently being progressed are:</p> <ul style="list-style-type: none"> <li>▪ An express application for Puo tu te Rangi/Harding Park, in conjunction with the Governance Committee.</li> <li>▪ The Kaipara Moana Activation Programme application</li> </ul>		On-going

			<ul style="list-style-type: none"> <li>A possible project around Ruawai land drainage is also being considered.</li> </ul> <p>No notifications have been received from Central Government.</p>		
2.3	Review Reserves and Open Space Strategy	Infrastructure	The scope of this project is growing in what is needing to be achieved. The team are looking to make the document more user friendly, relevant taking into consideration population growth.		March 2019
2.4	Develop Climate Change Strategy	Regulatory, Planning and Policy	New project and sponsorship team being established. The Project Team are reviewing a potential strategy. The Strategy is on target for delivery in June 2019.		June 2019

### 3.0 STRATEGIC PRIORITY: EFFECTIVE DELIVERY

Objective / Project	Lead	Quarterly Progress	Status	Due Date
3.1 Plan to enable our customers and staff through Information Technology is put in place (Technology Road Map)	Risk, Information Technology and Finance	Initial meeting evaluating the project briefs has been held. Executive Team to review 6 Nov, then briefing for Council and staff on Roadmap in December 2018.		October 2018






### 3.0 STRATEGIC PRIORITY: EFFECTIVE DELIVERY

Objective / Project		Lead	Quarterly Progress	Status	Due Date
3.2	Rationalisation of surplus land to enable Council to make best of its resources (Fagan Place)	Risk, Information Technology and Finance	Initial briefing to be completed with Council in December.		June 2019
3.3	Council Civic Building Strategy	Risk, Information Technology and Finance	Scope agreed and consultants appointed		December 2018 (Stage One) June 2019 (Stage Two)
3.4	Prepare for and retain Building Consent Authorities (BCA) accreditation	Regulatory, Planning and Policy	Feedback from IANZ BCA audit was very positive. No serious non-compliance received. IANZ suggested Kaipara should be considering selling our training system. They haven't seen anything like it in NZ. Feedback is that they think we are in the top 3 in NZ, stating, "It was marvellous working with the Building Team, we can't remember working with a more proactive group in NZ."		October 2018
3.5	Adopt Risk Management Framework	Risk, Information Technology and Finance	Will be drafted in December for discussion with Audit, Risk and Finance Committee in February 2019.		December 2018
3.6	Implement Health and Safety Risk Management Improvement Programme	Infrastructure	Work has begun in this area and awaiting further resourcing for continuation.		December 2018
3.7	Region-wide shared services initiative	Governance, Strategy and Democracy	No region wide meeting held during reporting period.		On-going

<b>3.0 STRATEGIC PRIORITY: EFFECTIVE DELIVERY</b>					
<b>Objective / Project</b>		<b>Lead</b>	<b>Quarterly Progress</b>	<b>Status</b>	<b>Due Date</b>
3.8	Deliver at least 90% of the capital works programme	Infrastructure	First quarter to the end of Sept capital spend is 6.6% of total year. Main construction season commences second quarter. Programme is being progressed with no major concerns identified at this stage.		June 2019
3.9	Extend Mangawhai Community Wastewater Scheme	Infrastructure	A contractor has been appointed for the irrigation scheme extension. Reticulation system and pump stations are in the planning stages.		June 2019
3.10	Implement Mangawhai Community Plan (Priority 1 projects)	Community Customer Services	A cross functional project management team for the Mangawhai Community Plan has been established. Tenders for Parks & Recreation and Roding are being created. Quail Way works have begun as part of the Waters priorities. A Project Execution Plan and Communications Plan are in progress.		June 2019
3.11	Solid Waste delivery review	Infrastructure	Targeted questions have been added to the Customer Perceptions Survey. Working on best timing for public consultation to develop further timelines.		November 2019
3.12	3 Waters Review	Chief Executive	Still awaiting the announcement from central government in respect of the scope of the review and associated implications for Northland and KDC.		Ongoing (central-government led)



## 4.0 STRATEGIC PRIORITY: ENGAGED COMMUNITIES

Objective / Project		Lead	Quarterly Progress	Status	Due Date
4.1	Investigate and develop plan for community hub in Dargaville, encompassing Library (linked to Civic Property Strategy)	Risk, Information Technology and Finance	This PGF application is being re-scoped for future submission.		June 2019
4.2	Implement Iwi Relations programme	Governance, Strategy and Democracy	Review of the Iwi relations plan has begun. A review of Te Uri o Hau's Annual Plan is underway and discussions with Te Roroa continue. Work on a development programme for KDC is underway.		June 2019
4.3	Review management of pensioner housing; initiate development of a Pensioner Strategy	Community Customer Services	Preliminary discussions have taken place with Finance and Property to discuss necessary steps to progress a Pensioner Strategy. There will be linkage to the proposed Fagan Place Strategy when this is developed.		31 March 2019
4.4	Kaipara Moana Treaty Negotiations	Regulatory, Planning and Policy	The Mayor, Deputy Mayor and two Council officers are booked in to attend an October Kaipara Moana Working Group meeting with Kaipara Uri, Auckland Council, Whangarei District Council and Northland Regional Council.		Ongoing (central government led)
4.5	Complete Representation Review	Governance, Strategy and Democracy	The final proposal will be adopted by Council on 9 October with the appeal period closing on 12 November.		November 2018





**Strategic Plan PGF Projects**

**Attachment to Strategic Plan Quarterly Report**

July - September 2018



# Kaipara District Council applications to Provincial Growth Fund

As at 30 September 2018

Project name	Project outline	Lead	Application status	Total cost	Value of PGF request	Comments
<b>KDC Pouto Road Productivity &amp; Safety Seal Extension</b>	The proposal is to extend the sealed portion of Pouto Road from the end of the seal for a further 10kms to a point beyond the forest harvest connections.	NTA (KDC)	EOI submitted.	\$5.054m	\$5.054m	Full business case is already developed and part of EOI. Project can be fully delivered in 2018/19.
<b>KDC, 50MAX, HPMV under capacity Bridge Structures</b>	Extending the ability of 50MAX and HPMV freight vehicles access into our network for the purpose of horticulture, forestry, dairy, tourism (Buses), livestock and other farming activities.	NTA (KDC)	EOI submitted	\$3.1m	\$2.1m	This work would be carried out sequentially over the next 3yrs being 2018-19, 2019-20 & 2020-21.
<b>Kaiwaka – Mangawhai Road Bridge Two Laning</b>	This project proposes to replace this bridge with a new Two lane bridge. Bring Bridge up to HPMV-50MAX capability, Improve safety as bridge is on a bend, cater for State Highway alternate/detour route for SH1 Brynderwyn hill section closure.	NTA (KDC)	EOI submitted	\$1.42m	\$1.07m	Local share funding of \$350k from KDC. Aligns with the State Highway SHIP, Corridor Management plan with regard to the State Highway alternate routes and the resilience on the northern critical routes. Design would occur during 2018/19 and construction in 2019/20.
<b>Waipoua River Road</b>	Feasibility Study for the widening and sealing, including protection works where the road is adjacent to	KDC and Te Roroa	EOI submitted	Build cost \$1.475m	\$128,000 (for Feasibility Study)	This is a joint application by Te Roroa and Kaipara District Council supported by the other Northland councils and Northland Inc.

Project name	Project outline	Lead	Application status	Total cost	Value of PGF request	Comments
	the river, of 1.5 km of the Waipoua River Road from State Highway 12 (SH12) to the Waipoua Visitors Centre					
<b>Kai Iwi Lakes (Taharoa Domain)</b>	Bringing to reality the Reserve Management Plan <ul style="list-style-type: none"> <li>▪ Adding an education function</li> <li>▪ Research and monitoring</li> <li>▪ Cycling connections to ocean and rail trail</li> <li>▪ Protecting water quality – riparian planting, revegetation and erosion control</li> </ul>	KDC	Express application submitted		\$100,000	Feasibility funding to inform future PGF request KDC lead in association with DoC, NRC and Te Roroa.
<b>Kaihu Valley Rail Trail</b>	36km off road cycle trail from Dargaville to Donnellys Crossing along the former Kaihu Valley Railway line	KDC	EOI Submitted	\$9.675m	\$9.675m	Action Plan – Implementation and expansion of Tai Tokerau cycleway / walkway projects
<b>Pou tu te Rangi / Harding Park</b>	Development of a feasibility study that improves tourism potential for the park to showcase a significant cultural site in Northland. This would provide economic development, employment and tourism opportunities.	KDC	Express application to be submitted in December	tbc	\$100,000	Feasibility Study in next year. Application being redrafted in consultation with Governance Committee
<b>Dargaville Digital Community Hub</b>	Digital community hub – business incubator, interpretive hub (story of Kaipara cultural space), library, i-	KDC	EOI withdrawn,	tbc	tbc	Planned in coordination/collaboration with NRC. EOI withdrawn and currently being re-scoped.

Project name	Project outline	Lead	Application status	Total cost	Value of PGF request	Comments
	site facilities, community meeting spaces, established in a civic zone		being re-scoped			

### **5.3 Chief Executive's Report for the month of October 2018**

**Chief Executive**                      **2002.02.18/October**

#### **Recommended**

*That Kaipara District Council receives the Chief Executive's Report for the month of October 2018 and the information contained therein.*





# **Chief Executive's Report**

For the month of October 2018

Part One

- a) **Chief Executive's overview**
- b) Activities report
- c) Contract acceptance
- d) Looking Forward

Part Two

Financial Report for October 2018

## Part One

### a) Chief Executive Overview – October

October was my first full month with KDC and during that period, I focused a significant amount of time meeting with our staff, stakeholders and community representatives. We also had our All Staff meeting on 12 October, where we launched our new KDC Values. The event was well attended and enjoyed by all; this marks the start of new phase for us. There will be a further update on the values at an Elected Member briefing in December.

I was also lucky enough to attend the opening of Sportsville in Dargaville, which was a culmination of many volunteers working over many years to achieve a wonderful outcome for the community. As you will see in the body of the report, the community team continues to work across our district to engage and build capacity in all parts of our community.

The roading contracts are still bedding in and this is shown in the comments contained in the report. The team at NTA is working to ensure the contractors deliver to the programme. During October I have been able to spend time with our staff based in the NTA office to help maintain their links back to KDC. I was also involved in the interview panel for the new NTA Roding Manager, the final stages are being worked through with the preferred candidate.

There has been good progress across a number of four waters capital projects in the month. There have been a number of upgrades to existing assets during the period, which will ensure our systems operate effectively.

The focus on customer services continues to deliver results, with call abandonment rates being maintained at 17%. The new staff are growing in confidence which is being reflected in their ability to deal with all types of customer contact and more complex questions.

Finally, to end on a noteworthy achievement. The Building Consent Authority (BCA) IANZ audit was completed 30, 31 October and 01 November 2018 and the feedback from the auditors identified a number of examples of good practice and no serious non-compliance issues. The team has worked extremely hard to put in place the systems and procedures being audited and this was recognised in the verbal feedback provided. A full report will be received in November.

## b) Activities Report

### 1 Roads and footpaths

Staff have been consulted over the past few months about how the Northland Transportation Alliance (NTA) might operate moving forward which has now been developed into a formal Draft Restructure Proposal to further consult with staff about. The consultation process is underway and staff submissions close in November.

#### Operational and Maintenance

The maintenance contractors are now underway with this season's sealed pavement pre-reseals programme. The first stabilised patches and dig-out repairs were completed and will now rest giving time for curing, ahead of reseal later this year. This programme is set to continue through to late March.

Contract 888 key performance measures were evaluated for the first time using the KPM tool with a performance bonus payment being paid for October. There was a discrepancy with the contractor's claim this month with the identification of \$30,000 of wrongfully claimed work. This was the result of an anticipated risk with incumbent contractors, with some work claimed based on the old contract requirements rather than the new. The claim reviewing process identified the issue, which was immediately addressed with the contractor. The contractor remains on track with inspections with none overdue.

#### Capital

- Contract 884 Gorge Road Slips Separable Portion 2: Construction is almost complete with sealing in November.
- Contract 885 Garbolino Road Slip: Construction is 90% complete with pavement reinstatement and minor drainage works happening in November.
- Contract 889 P-Cat LED Streetlight Conversion: The conversion is completed and audits have been undertaken and are awaiting the results. The update of the RAMM information is ongoing.
- Contract 899 Tara Road Culvert Replacement: The culverts have been procured and construction will begin early next year.
- Contract 900 Tangowahine Valley Road Bridges: Contract awarded and physical works programmed to commence early next year.
- Contract 905 Bridge Structures Components: Tender out to the market and closing 16 November.
- Contract 914 Pukehuia Road slip remediation: Prices sought through a closed contest between pre-selected contractors are under evaluation.
- Contract 917 V-Cat LED Streetlight Conversion: The lights are in the process of being procured with supplier prices due by 16 November.
- Tomarata Bridge: NZTA has reviewed the benefit cost report for the bridge and has requested a present value calculation.
- Tara Road speed review: refer separate agenda item.

- Mangawhai Community Plan Stage 1: Concept plans have been developed for shared paths between Tara Road - Pearson Street and Insley/Moir Street intersections. Plans have also been developed for the two intersection upgrades of Moir/Insley and Molesworth/Moir intersections.

## Road Safety

The district's road toll now stands at three, with two fatalities on the State Highway within the Kaipara District Council territorial area, and one on Council's network following a head-on crash on Gibbons Road, Kaiwaka. The toll is two less than the same time last year.

The October Drive Soba course for recidivist drink drivers had six offenders registered with only four participants completing.

Of the 20 participants registered for the October Young Driver Learner Licence programme 12 completed and passed their licence.

The Volunteer Mentor Driver programmes across Dargaville and Maungaturoto had 33 students and 60 mentoring hours for October with three licences being obtained.

## 2 Parks and Reserves

### *Mangawhai Community Park: Resource Consent application update*

Work is continuing on the survey plan for the park. Once this is finalised we will be able to start processing the resource consent application.

Work has continued on the Pioneer Village buildings to get these completed for final Code of Compliance signoff. Once this is completed we can move to a Licence to Occupy as set out in the Development Agreement.

### *Taharoa Domain*

Camper and day visitor numbers are starting to increase with the finer weather. Staff are gearing up for the approaching season. It looks like it will be a busy summer again with bookings continuing to be made.

### *Pou Tu Te Rangi Harding Park*

Pricing is being sought for the landscape design and vegetation clearance for Pou Tu Te Rangi Harding Park. We are also investigating the possible installation of some traffic slowing devices.

### *Capital Works*

Staff have received the Procurement Strategy Report, Risk Register and Communications Plan for the Mangawhai Coastal Walkway and Linkages projects and are now working through these documents to progress to engage a contract team.

The three TIF projects are continuing with a Project Manager appointed to lead the Matakahe, Baylys Beach and Maungaturoto toilet projects. The Baylys Beach boardwalk project is being investigated for geotech/design.

The shade sail for Paparoa Playground has been approved. We are in discussions with Mangawhai Heads Surf Lifesaving, St John's and Northland Emergency Services Trust (NEST) regarding removing the Heli landing site

at the Mangawhai Heads carpark. Feedback has been that there are other sites in Mangawhai available for emergency helicopters to land at, and removal of the dedicated helipad at the Heads will allow for the extension of the carpark.

Te Uri o Hau Environs has been engaged to do a Cultural Impact Assessment for the Mangawhai Coastal Walkway, with Geometria doing an Archaeological Assessment at the same time. 4sight Consultants have been approached to look at doing an Environmental Impact Assessment.

#### *Maintenance Contract 860*

The maintenance contractor is performing well with staff receiving compliments about the mowing on the eastern side of the district.

### 3 Community Team Activities - October

- The Rural Travel Funding Committee Meeting was held this month. Eight applications totalling \$11,788.75 were received with available funds of \$9,500.00. There were six successful applications which totalled \$8,500.00;
- Sportsville held their Opening at Memorial Park;
- The Pomegranate Approach Workshop was held at the Paparoa War Memorial Hall. A full day workshop facilitated by Milenko Matanovic attracted 45 participants from the community and Council;
- A Climate Change meeting was held in Ruawai with 30 residents attending. Kaipara District Council and Northland Regional Council did a joint presentation;
- Mangawhai Community Plan: Planning meeting and site visit with the Mangawhai Tracks Charitable Trust to upgrade existing tracks at Thelma North Road as part of the coastal connections. Met with Te Uri O Hau to arrange an archaeological study of coastal connections route. A Communication Plan has been drafted;
- Met with the Principal and Board of Trustees of Paparoa Primary School, Councillor Jones and Roxanne Kelly of Sport Northland on a vision for the school to activate empty fields in to community. Discussed ways to involve the community in generating ideas;
- Breve Street, Mangawhai - supported Roading Department in site meeting with residents regarding process for requesting tree removal;
- Met with Richard Gunson from Mangawhai Business Association to support a "branding" project for Mangawhai. This will involve gateway signs, images, etcetera;
- Working with:
  - Dargaville Community Development Board;
  - Te Kopuru Boating Club members to discuss funding options;
  - Menz Shed - Licence to Occupy application;
  - Kaiwaka Can;
  - Hakaru Pony Club;
  - Progressive Paparoa monthly meeting; and

- Whakapirau Residents and Ratepayers.

## 4 Four Waters

The maintenance contractor, as part of the reticulation maintenance programme, is identifying leaks at old valves and hydrants. These are being repacked or replaced as identified and valve markers and concrete surrounds have been installed for better identification.

The Dargaville wastewater treatment pond sludge survey was carried in October to prepare for the programmed desludging commencing next financial year.

Inflow to the Mangawhai Wastewater Treatment Plant for the month of October 2018 totalled 17,134m<sup>3</sup> which is up approximately 4.39% when compared to October 2017 volumes. The plant is stable and continues to operate within resource consent limits.

Trility's project to upgrade the Village's dual mono pump stations with the more durable EOne pumps and controllers has been completed. These were done by Trility at no cost to the ratepayer. Improvements have also been made to the plant Supervisory Control and Data Acquisition (SCADA) system to allow independent aeration for each Cyclic Activated Sludge System (CASS) tank. These are both most welcomed improvements to the Mangawhai wastewater system to independently monitor and control each sludge tank and optimise performance.

The 2018/2019 Four Waters capital works programme is well underway and is summarised below as follows:

- Sewer pump station VA Mangawhai (CON909) is out to tender for construction;
- Sewer pump station 2 and rising main in Dargaville (CON913) is out to tender for construction;
- Dargaville High School watermain relocation (CON903.01) design has been awarded to Hawthorne Geddes;
- Baylys Coast to Logan Street watermain replacement (CON910.01) design has been awarded to Stantec;
- Maungaturoto raw watermain replacement (CON911.01) design is at evaluation stage;
- Montgomery Avenue and Ruawai watermain replacements (CON912) is at design stage;
- Mangawhai Wastewater Treatment Plant Upgrade is at the scope and early design phase with WSP OPUS;
- Quail Way Stormwater improvements (CON879) is progressing with construction along Breve Street;
- The Mangawhai Community Wastewater Scheme Irrigation extension (CON906) will commence in December 2018.

We continue to liaise with the NRC regarding our consents and compliance. Currently we are engaging a consultant to provide specialist advice for the Kaiwaka and Te Kopuru wastewater treatment plants to identify options to rectify the non-compliances.

## 5 Solid Waste

Preparation of the Tender Document for the Bickerstaffe Road Closed Landfill rehabilitation (CON907) is now complete. This has now gone out to tender with a closing date of 23 November 2018.

General refuse, recycling and litterbin clearing have been business as usual with recycling still providing challenges. However, on a positive note some of the product that has been stockpiled has now found a market albeit with no value but at least it is not going to landfill. Some litterbins in urban areas appear to be getting abused more than others. A survey on litterbin condition and location will be carried out by early next year. Some of the hotspots may need to have the bins removed as this has previously proved successful in Mangawhai along the foreshore.

## 6 Planning and Regulatory – October 2018

Planning	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Resource Consent Applications	51	43	86%	18.07	72%
224 Applications	7	8	100%	1	
Service Requests	145	131	85%		90%
<ul style="list-style-type: none"> <li>23 Lots created last month, 20 in the Mangawhai area and three in Otamatea.</li> <li>Resource consents processing efficiency was improved this month (up to 86%) with 24 out of 28 non-notified consents being processed within 20 working days. This is attributable to senior staff working additional overtime to cover staffing shortages.</li> </ul>					
Building	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Building Consent Applications	46	73	92%	13.97	92%
CCC Applications	45	47	100%	1	98%
Service Requests	150	121	90%		92%
<ul style="list-style-type: none"> <li>The total number of building consents received for October was 73. The combined value of these projects totalled \$13,390,000.</li> <li>There were 32 dwellings and relocates received for the month, of which 22 were within Mangawhai. There were five commercial consent applications received.</li> </ul>					
Regulatory	Received		% On Time	Average Working Days	YTD % On Time
	2017	2018			
Alcohol Applications	14	12		20.50	
Food Control Audits and Inspections	27	23	100%		73%
Service Requests	188	294	97%		98%
<ul style="list-style-type: none"> <li>Department tracking well. A number of complex illegal activities are being actively pursued.</li> </ul>					
BCA Accreditation	Due	Completed		YTD % Completed	
		YTD	Sept 2018		
BCA Audits	4	17	4	100%	
Competency Assessments	3	8	5	100%	
<ul style="list-style-type: none"> <li>Audit Reviews and Competency Assessments are on track.</li> <li>The BCA IANZ audit completed 30/31 October and 01 November 2018 with approximately 15 GNC's and</li> </ul>					

no SNC's. This is a fantastic result for Council's building team with verbal acknowledgement that we would be in the top three councils in New Zealand, in terms of our quality assurance management for building.

## Policy

- Regional Plan Hearing – NRC staff reply to Commissioners 06 November 2018. Still pursuing documentation to ascertain whether KDC should prepare to appeal any matters;
- Plan Change 4 – Consent order finalised by Environment Court;
- Outstanding natural features – Bruce Hayward contracted to confirm features in the district that require recognition and protection;
- Smokefree Kaipara Policy - consultation closed;
- ROSS – good direction and feedback received at Council briefing;
- Climate Change Steering group – Ongoing refinement of key messages with NRCC group needed.

## 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 October, all 51 LIM applications received were processed on time, taking an average of seven working days.

## 8 LGOIMA Overview – 01 to 31 October

Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987 (LGOIMA). Information requested as a LGOIMA must be answered within 20 working days from the day of receipt. All requests were processed within statutory timeframes.

Year to date we have received 11 LGOIMA requests to the end of October 2018.

Name	Subject	Time Taken	Number of Requests Year to Date
Peter Rothwell	41 Kahurangi Lane - property information	30 minutes	5
Mina Henare	Document on Li Liangren subdivision resource consent RM070277	1 hour	3
Clive Boonham	Reason for late delivery of rates notices	20 minutes	8
Mina Henare	Building consent information for Tinopai emergency services	1 hour	4
Hilary C	Code of Conduct	2 hours	4
Mina Henare	Wetland clearance	2 hours	5
Jeremy Browne - Henderson Reeves	Wastewater test results	2 hours	1

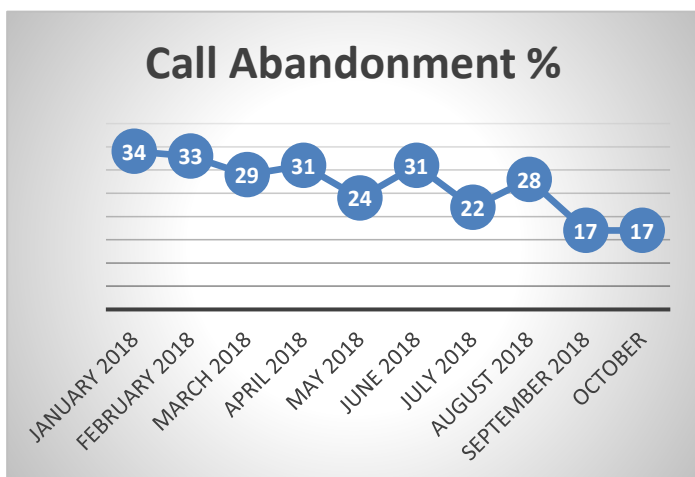


Name	Subject	Time Taken	Number of Requests Year to Date
Paul Bicknell	Opanake Road	30 minutes	2
NZ Green Building Council	Energy consumption for 2017/2018	1 hour	1
Whangarei District Council Transfer	Northland Transportation Alliance staff member names	15 minutes	1
Taxpayers Union	Legal advice relating to defamation	15 minutes	13

## 9 Customer Services

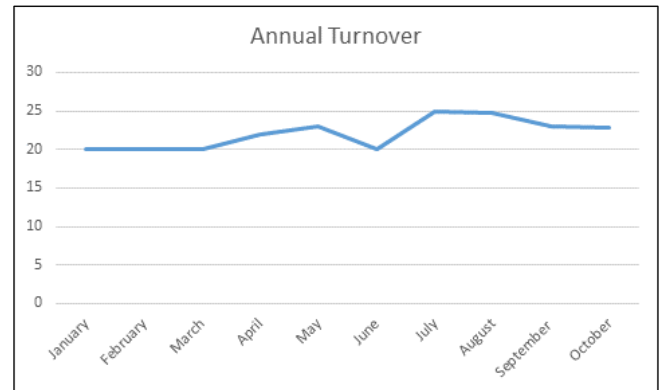
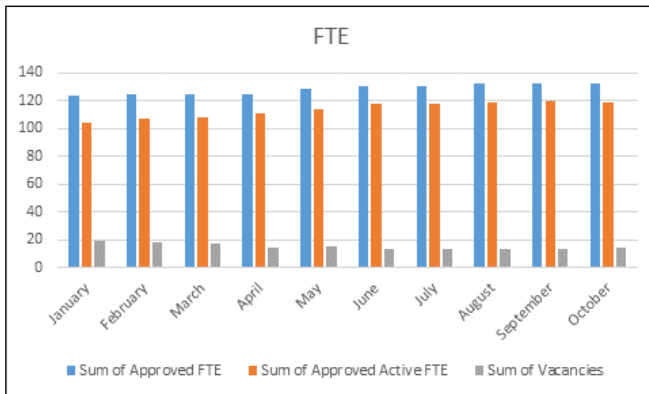
In October Council's customer services had six customer services staff and new trainees, with an average of 2.4 FTE available to answer calls (including trainees), due to staff sickness, annual leave, bereavement leave and department training. Call volumes were 18.65% more than September, possibly due to the second rates instalment notices and water rates notices going out. Despite the additional call volumes, the average call abandonment of 17% was maintained and the average speed of answer was improved to 2 minutes 16 seconds, another first since the inception of the CIC soft telephone system in January 2018.

The CIC soft telephone system was upgraded by Datacom on 18 October 2018. Following the upgrade a bug was found which caused calls to loop in the queue continuously and go unanswered. The longest call waiting during the fault period was 63 minutes 28 seconds, however excluding this period the longest wait time was 36 minutes 49 seconds.



## 10 People and Capability

### People and Capability update:



### c) Contract acceptance

**Contract:** 906 - Mangawhai Wastewater Irrigation Extension Stage 4 2018/2019

**Awarded to:** WaterForce

**Price:** \$364,909.20 (excluding GST)

The accepted price is within approved terms of Council's 2018/2019 Water Services budget.

### d) Looking Ahead

#### December

05 Wednesday	Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee meeting	2.00pm	Lighthouse Function Centre
06 Thursday	Council Briefing	9.30am	Northern Wairoa War Memorial Hall (Dargaville Town Hall)
12 Wednesday	Audit, Risk and Finance	10.00am	Mangawhai Club, Mangawhai
20 Thursday	Ordinary Council Meeting	9.30am	Dargaville

# Part Two

## October 2018 Financial Report

### Funding impact Statement

#### Whole of Council Overview

Key Indicators for October are set out in the tables below.

#### KEY

- Favourable
- Unfavourable within 10% of Budget
- Unfavourable over 10% of Budget

	Year to Date October 2018			Indicator	Full Year Annual Plan \$000's
	Actual \$000's	Annual Plan \$000's	Variance \$000's		
Total Rates	11,509	11,676	(167)	<span style="color: orange;">●</span>	35,029
Operating Subsidies and Grants	1,495	1,528	(33)	<span style="color: green;">●</span>	4,584
Activity Revenue and Other Income	2,223	1,766	458	<span style="color: green;">●</span>	5,544
<b>Total Operating Income</b>	<b>15,227</b>	<b>14,970</b>	<b>257</b>	<span style="color: green;">●</span>	<b>45,156</b>
Employee Benefits	3,548	3,607	59	<span style="color: green;">●</span>	10,819
Contractors	3,346	3,073	(273)	<span style="color: orange;">●</span>	8,706
Professional Services	1,151	1,600	449	<span style="color: green;">●</span>	4,924
Repairs and Maintenance	903	987	84	<span style="color: orange;">●</span>	3,348
Finance Costs	845	983	138	<span style="color: green;">●</span>	2,950
Other Operating Costs	2,050	1,828	(223)	<span style="color: red;">●</span>	5,317
<b>Total Operating Costs</b>	<b>11,843</b>	<b>12,078</b>	<b>235</b>	<span style="color: green;">●</span>	<b>36,063</b>
<b>Operating Surplus / (Deficit) before Depreciation</b>	<b>3,384</b>	<b>2,891</b>	<b>492</b>	<span style="color: green;">●</span>	<b>9,093</b>
Capital Subsidies	1,194	2,759	(1,565)	<span style="color: red;">●</span>	8,276
Contributions	1,704	831	873	<span style="color: green;">●</span>	2,494
Other Capital revenue	117	0	117	<span style="color: green;">●</span>	175
<b>Total Capital Revenue</b>	<b>3,015</b>	<b>3,590</b>	<b>(575)</b>	<span style="color: red;">●</span>	<b>10,945</b>
Capital Expenditure	2,562	4,372	1,810	<span style="color: red;">●</span>	23,529
<b>Total Capital Expenditure</b>	<b>2,562</b>	<b>4,372</b>	<b>1,810</b>	<span style="color: red;">●</span>	<b>23,529</b>
<b>Subtotal Capital</b>	<b>453</b>	<b>(782)</b>	<b>1,235</b>	<span style="color: green;">●</span>	<b>(12,584)</b>
<b>Surplus / (Deficit) before Loan Payments and Depreciation</b>	<b>3,837</b>	<b>2,109</b>	<b>1,727</b>	<span style="color: orange;">●</span>	<b>(3,492)</b>

Public Debt and Requirements			
	Jun-18 \$000's	Oct-18 \$000's	Jun-19 \$000's
<b>Debt</b>			
Debt	46,000	51,000	46,270
Cash in bank (overnight deposits)	- 3,641	- 6,693	- 500
<b>Net debt</b>	<u>42,359</u>	<u>44,307</u>	<u>45,770</u>
<b>Reserves (future obligations)</b>			
Development Contribution Reserve	- 24,648	- 24,648	-
Other Reserves	16,946	16,946	13,360
<b>Total</b>	<u>- 7,702</u>	<u>- 7,702</u>	<u>13,360</u>
<b>Debt Requirements</b>			
Debt	46,000	51,000	46,270
Future obligations	16,946	16,946	13,360
Gross Debt Requirement	62,946	67,946	59,630
Less cash in bank	- 3,641	- 6,693	- 500
<b>Net Debt Requirement</b>	<u>59,305</u>	<u>61,253</u>	<u>59,130</u>

## Statement of Operating and Capital Performance

Comments on major variances

### Operating Income:

#### Rates Revenue:

Penalties are higher due to arrears penalties applied and timing difference in the budget (phased monthly).

Rates General and Targeted are on budget.

Water rates revenue is lower due to budget timing difference.

**Activity Revenue and other income:** is above budget due to increase in subdivisions consents income.

**Operating Costs:** Overall costs are generally below budget

Contractors costs are above budget year to date and on track for the month of October. The increase for year to date was mainly related to roading for extra costs for repairs and maintenance of structures and footpaths in the month of September.

Professional fees advice to come on four waters statistics and impact on growth and future capital will occur in the last quarter of the financial year.

Repairs and Maintenance costs are tracking on budget.

Finance costs remain below budget due to lower inter-period loan balances due to lower capital expenditure.

Other operating costs are above budget year to date mainly due to timing differences. Overall for the month of October other operating costs are tracking on budget.

Annual license for Kotui Library software of \$48k was unbudgeted.

Budget Timing differences:

Community grants paid early - \$121k

Rates paid for whole year - \$279k

#### Capital Revenue:

Capital subsidies are below budget due to lower capital expenditure occurring.

The financial and development contributions are continuing to be above budget for the month of October and year to date.

Other capital revenue increase is due to sale of land on Tomarata Road.

#### Public Debt:

The public debt position at 31 October 2018 is \$51 million and the next debt position (debt less cash) is \$44.3 million.

## **5.5 Resolutions Register and Action Tracker**

**Governance Advisor                      1202.05**

### **Recommended**

*That Kaipara District Council receives the Resolutions Register and Action Tracker dated 21 November 2018 and the information contained therein.*



Kaipara District Council  
Resolutions Register at 21 November 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	On hold until the People's Panel recruitment has been completed (Oct - Dec).	Feb 2019
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	Currently in discussions with Sport Northland. See item 4.4 below	Dec 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 current discussion between Council, the Pool Trust and Sport Northland.	Dec 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.  Policy Team is aiming to have a draft ready in December.	Feb 2019
			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	Feb 2019
			4 ) That any related current delegations be amended to reflect policy	GM RPP	In Progress	As above	Feb 2019
			5 ) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM RPP	In Progress	As above	Feb 2019

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	The Raupo Committee met in November where the engineering options were presented to the Committee. The Committee has recommended a preferred option for Council's consideration & endorsement (29 November 2018 Council meeting).	Nov 2018
			Notes that the works are to be funded by Raupo Drainage Targeted Rate.	COO (SP)	In Progress		Nov 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.	Dec 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.	Dec 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. They have been advised the policy is now for LTO rather than lease. A draft LTO will be provided to the Museum so they can consider.	Dec 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	Review underway. Pre consultation with key stakeholders. A briefing to Council was provided in Nov. A workshop is planned in the New Year with Council.	May 2019
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	Public notices seeking Community feedback advertised 18 September. On the November Council meeting agenda for adoption.	Dec 2018
			Delegates the Chief Executive and Councillors Wethey and Geange to approve the final wording	COO (HvZ)	In Progress	As above	Dec 2018



26/04/2018	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. Council to be briefed in Nov 2018	Dec 2018
23/05/2018	5.1.3	Issues and Options: Reserve Contributions	Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018		Completed	Approved as part of the LTP	
			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. The Council Briefing on 6 December will look at LTP projects.	TBC
			Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy	GM GSD (DL)	In Progress	Process is still being worked through. The Council Briefing on 6 December will look at LTP projects.	TBC
			Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes	GM R,IT&F	In Progress	Awaiting ROSS review	
	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 I	In Progress	Looking to amend existing consent to increase capacity for future disposal as an initial option (estimate existing farm has 8-10 years capacity). Will then progress finalising the long term disposal options and seeking consent for the preferred option.	June 2019
	5.1.15	Issues and Options: Pensioner Housing	Approves the continued investigation of alternative options for the land it owns at Fagan Place in Mangawhai, including the possibility of working with external partners	GM R,IT&F (JB)	Completed	Approved as part of the LTP	Dec 2018
			Requests the Chief Executive reports the results of the investigation to Council	GM R,IT&F (JB)	In Progress	Investigating scope and timeline	Dec 2018
26/07/2018	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 <sup>2</sup> ) 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	An invoice has been submitted to Council for payment (payment will be made in November).	Nov 2018
			Delegates the Acting Chief Executive to finalise the acquisition of the aforementioned land	GM I	In Progress	As above	Nov 2018
	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 was held on 22 August 2018. Council staff and the Trust are continuing to discuss with Sport Northland. A meeting with Sport Northland and elected members is scheduled for 22 November 2018.	Dec 2018
	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	In negotiation with Golf Club on terms and conditions in respect of Surrender and LTO	Nov 2018
Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977			GM R,IT&F	In Progress	Notification was done in August, No objections received. Once the LTO and Surrender deed are finalised this will be reported to Council for final decision.	Nov 2018	
23/08/2018	4.1	Smokefree and Vape-free Kaipara Policy - Confirmation of draft Policy for consultation	Agrees with the direction provided for in the draft Smokefree Kaipara Policy, circulated as Attachment Two to the aforementioned report, incorporating feedback provided	GM RPP	Completed		
			Approves the draft Smokefree Kaipara Policy in accordance with Council's Significance and Engagement Policy, incorporating feedback provided	GM RPP	In Progress	Deliberations meeting held 12 November 2018. A report is being prepared for the December 2018 Council meeting recommending adoption.	Dec 2018

		Forms a panel of three Elected Members, being Councillors Wethey, Joyce-Paki and Curnow to consider submissions and make recommendations to Council	GM RPP	Completed			
4.2	Alcohol Control Bylaw and Statement of Proposal - Adoption of drafts for consultation	Determines that a bylaw is the most appropriate way of addressing the perceived problem(s) associated with alcohol consumption in a public place	GM RPP	Completed			
		Adopts the Statement of Proposal for the Kaipara District Public Places Alcohol Control Bylaw including draft bylaw for public consultation	GM RPP	Completed			
		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 [please see 23/08/18 minutes]	GM RPP	In Progress	Report going to November 2018 Council meeting recommending adoption	Nov 2018	
		Forms a Hearing Panel made up of three Elected Members, being Councillors Curnow, del la Varis Woodcock and Joyce Paki, 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	GM RPP	Completed			
4.3	Budget Carryovers 2017/2018	Approves the carryover of the following budgets from the 2017/2018 financial year to the 2018/2019 financial year [please see 23/08/18 minutes]	GM R,IT&F (GMI)	In Progress	Finance Team will finalise accounts. Will be ready for next Audit Risk and Finance Committee meeting	Dec 18	
4.5	Road stopping and amalgamation: 623 Golden Stairs Road, Paparua	Agrees in principle to the stopping of a portion of the section of Golden Stairs Road in Paparua, as marked red on aerial map (see Attachment 2 to the afore 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	GMI	In Progress	A deposit has been paid to Council.	Nov 2018	
		Delegates authority to the Chief Executive to finalise the sale of the stopped portion of road of the section of Golden Stairs Road in Paparua, as marked red on aerial map (see Attachment 2 to the afore mentioned report)	GMI	In Progress	As above	Nov 2018	
25/10/2018	4.1	Temporary Road Closure 08 December 2018, Dargaville Christmas Parade - Approval	Approves the Dargaville Lions Club's application for the temporary road closure of Victoria Street from Totara Street and including Totara Street to the west side of the Central Hotel Carpark; All of Parenga Street, Totara Street, Kapia Street; All of Hokianga Road south of Victoria Street; and Edward Street from Victoria Street to the north of the Central Hotel Carpark on Saturday 08 December 2018 between the hours of 09:00am to 2:00pm and, as a condition of approval, the event organiser is to do a letter drop to all residents/businesses located within the extent of the road closures at least two weeks prior to the event.	GMI	In Progress	The Applicant has been advised of Council's decision. Event is scheduled for 8 December 2018.	Dec 2018

4.2	National Environmental Standards on Plantation Forestry Regulation 2017, District Plan Update	Approves the amendments to the Operative District Plan in accordance with the requirements of the National Environmental Standards for Production Forestry Regulations 2017 as detailed in Attachments 1 5 of the afore mentioned report, in accordance with sec 44A(4), (5) and (6) of the Resource Management Act (RMA) without going through the Schedule 1 public notification process of the RMA.	GM RPP	In Progress	Will be completed in December with notification planned to the community in early December and operative DP change on 18th December 2018.	Dec 2018
4.3	Climate Change Working Group, Formation and Terms of Reference	Appoints Mayor Smith and Councillors Curnow, del la Varis Woodcock, Joyce-Paki and Wethey to the Climate Change Working Group	GM RPP	Completed		
		Directs the Chief Executive to update the Local Governance Statement to include the Climate Change Working Group Terms of Reference, circulated as Attachment 1 to the aforementioned report with the following amendments: <input type="checkbox"/> delegations section deleted; and <input type="checkbox"/> fourth bullet point under the responsibilities section deleted	GM RPP	In Progress		
4.4	Northland Regional Council Kaihu River Working Group, Kaipara District Councillor Appointment	Appoints Councillor Joyce-Paki as the Kaipara District Council and Dargaville resident representative to the Kaihu River Working Group	GM GSD	Completed		
4.5	2019 Meeting Schedule - Adoption	Adopts the 2019 Meeting Schedule, attached to the aforementioned report as Attachment 1	GM GSD	Completed		
		Delegates the General Manager Governance, Strategy and Democracy to re schedule meeting dates and to determine times and venues in consultation with the Chair, and that these dates, times and venues be publicly notified in accordance with the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 and Kaipara District Council Standing Orders	GM GSD	Completed		

**File number:** 2104.45 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** **29 November 2018**  
**Subject:** **Mayoral Appointment - Kaipara Community Health Trust**  
**Date of report:** 14 November 2018  
**From:** Jason Marris, GM Governance, Strategy and Democracy  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

### Summary

To fill the Central Ward Representative vacancy on the Kaipara Community Health Trust (the Trust), a public recruitment campaign was run during October 2018 seeking expressions of interest. One eligible application was received from Mr David Underwood who had relevant experience, and the Mayor subsequently appointed Mr Underwood to the role for a three year term.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the General Manager Governance, Strategy and Democracy's report 'Mayoral Appointment – Kaipara Community Health Trust' dated 14 November 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 the Mayoral appointment of Mr David Underwood as the Central Ward Representative (historic ward boundaries) on the Kaipara Community Health Trust.*

### Reason for the report

To publicly advise the appointment of Mr David Underwood as the Central Ward representative to the Kaipara Community Health Trust (the Trust).

### Background

The Trust is an independent, non-government organisation. It was formed in 1995 when local surgical services were greatly reduced and Dargaville hospital was under threat of closure.

The Trust Deed requires that four of the 12 trustees are appointed by the Mayor or Commissioners in accordance with the historic four ward boundaries (Otamatea, Central, West Coast and Dargaville). With the recent resignation of Anna Curnow from the Trust after serving for five years, a vacancy was created for the historic Central Ward representative. The Business Representative role on the Trust also became vacant at the same time, which is appointed by the Trust itself.

Council advertised both roles on the Council and the Kaipara Community Health Trust websites, on Council Facebook and in two issues each of the Mangawhai Focus and Kaipara Lifestyler during the month of October 2018. Council also used its community network to advertise the vacancies.

Applications received for the Business Representative role were forwarded directly to the Chief Executive of the Trust to manage.

Council received one eligible application for the Central Ward representative, Mr David Underwood. In making the appointment, according to the Trust Deed, the Mayor should take into account the 'profile of the community and the users of the health services in the Kaipara area'. Mr Underwood lives in the ward previously known as the Central Ward and has experience in governance, rural development, administrative management, leadership and is involved in the local community. Mr Underwood has suitable experience to perform the role. The Mayor appointed Mr Underwood to the role in November 2018, with his term effective for three years from 01 December 2018.

## 6 Public Excluded Council agenda items 29 November 2018

### Recommended

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

- Baylys Beach Camp Ground - New Lease; and
- Dairy Factory Building (Former), Whakapirau - Assignment of Lease

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

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Baylys Beach Camp Ground - New Lease</i>	<i>S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Dairy Factory Building (Former), Whakapirau - Assignment of Lease</i>	<i>S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>





**7 Open Council agenda 29 November 2018**

**Closure**

**Kaipara District Council  
Dargaville**