

I hereby give notice that an ordinary meeting of the
Taharoa Domain Governance Committee

will be held on:

Date: Thursday 08 February 2018
Time: 2.00 pm
Venue: Lake Waikare Centre, Taharoa Domain

Open Agenda

Membership

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

Staff and Associates:

General Manager Infrastructure, Key Relationships Manager - Community, Domain Manager,
Financial Services Manager, Policy Analyst, Administration Assistant (Minute-taker).

Linda Osborne
Administration Manager
losborne@kaipara.govt.nz

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Ordinary Meeting of Taharoa Domain Governance Committee

Thursday 08 February 2018

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

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

2 Deputations and Presentations

3 Confirmation of Minutes

3.1 Taharoa Domain Governance Committee Minutes 11 December 2017

Administration Manager 1606.17

Recommended

That the minutes of the Taharoa Domain Governance Committee meeting on 11 December 2017 be confirmed as a true and correct record.

Taharoa Domain Governance Committee

meeting held

Date	Monday 11 December 2017
Time	Meeting commenced at 2.04 pm Meeting concluded at 3.55 pm
Venue	Auditorium, Northern Wairoa War Memorial Hall, 37 Hokianga Road, Dargaville
Status	Unconfirmed

Minutes

Membership

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

Staff and Associates:

Chief Executive, General Manager Community, Parks and Community Manager, Domain Manager, Financial Services Manager, Administration Assistant (Minute-taker).

Linda Osborne
Administration Manager
losborne@kaipara.govt.nz

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Minutes of Taharoa Domain Governance Committee
Monday 11 December 2017
1 Opening
1.1 Karakia

Alan Nesbit opened the meeting with a karakia.

1.2 Present

[Note: At its meeting on 14 November 2017, Kaipara District Council resolved to confirm 'the appointment of Councillor Joyce-Paki to the Taharoa Domain Governance Committee' (refer to Council minutes 14 November 2017, Item 6.2).]

Councillors Andrew Wade (Chair) and Karen Joyce-Paki, Messrs Alan Nesbit and Ric Parore

In attendance

Name	Designation	Item(s)
Deputy Mayor Wethey	Councillor (Ex-Officio)	1 to 4.1
Penny Smart	Councillor, Northland Regional Council	All
Peter Tynan	Acting Chief Executive	All
Venessa Anich	General Manager Community	All
Darlene Lang	Parks and Community Manager	All
Andrew Howells	Domain Manager	All
Layne Wadsworth	Contractor (Night Manager)	All
Lisa Hong	Administration Assistant	All (minute-taker)

Public	Company	ITems
Penny Smart	NRC Councillor	All
Will Trusewich	Presentation NRC	
Tony Phipps	Presentation NRC	
Warwick Savage	Presentation	

1.3 Apologies

Nil.

1.4 Confirmation of Agenda

The Committee confirmed the Agenda.

1.5 Conflict of Interest Declaration

Name	Conflict
Councillor Joyce-Paki	Department of Conservation employee

2 Deputations and Presentations

2.1 Birdlife at the Kai Iwi Lakes

Warwick Savage spoke in the public forum.

2.2 Northland Regional Council : Freshwater Improvement Fund

Will Trusewich, Northland Regional Council

Will Trusewich spoke in the public forum.

2.3 Northland Regional Council : Kai Iwi Lakes Navigation Safety Bylaw 2017 and consultation on options for five-knot speed limit area

Tony Phipps, Northland Regional Council

Tony Phipps spoke in the public forum.

Moved Nesbit/Parore

That the Taharoa Domain Governance Committee:

- 1 *Receives the report "Kai Iwi Lakes Navigation Safety Bylaw 2017 and consultation on options for five-knot speed limit area" dated 28 November 2017, from Tony Phipps, Group Manager Customer Service and Community Resilience, Northland Regional Council; and*
- 2 *Receives the presentation from Northland Regional Council staff on the Kai Iwi Lakes Navigation Safety Bylaw 2017 speed limit options proposal.*

Carried

3 Confirmation of Minutes

3.1 Taharoa Domain Governance Committee Minutes 10 August 2017

Democratic Services Manager 1606.17

Moved Wade/Parore

That the Minutes of the Taharoa Domain Governance Committee meeting on 10 August 2017 be confirmed as a true and correct record.

Carried

4 Operational

4.1 Northland Regional Council Kai Iwi Lakes Operations Report

Parks and Community Manager 4702.24.08

Moved Joyce-Paki/Parore

That the Taharoa Domain Governance Committee receives the Parks and Community Manager's report 'Northland Regional Council Kai Iwi Lakes Operations Report' dated 24 November 2017' and the information contained therein.

Carried

4.2 Taharoa Domain Operations Update: July to October 2017

Parks and Community Manager 4702.24.02.02

Moved Joyce-Paki/Nesbit

That the Taharoa Domain Governance Committee:

- 1 *Receives the Parks and Community Manager's report 'Taharoa Domain Operations Update: July to October 2017' dated 22 November 2017 and the information contained therein; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Instructs Council officers to report back to the Committee with a health and safety plan for the Lakes; and*
- 5 *Allows the Manager's cabin to be hired out when it is not required as accommodation for the Camp Ground Manager.*

Carried

4.3 Financial report for four month period ending 31 October 2017

Financial Services Manager 4702.24.02.01

Moved Parore/Nesbit

That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Financial Report: Four month period ending 31 October 2017' and the information therein.

Carried

5 Closure

5.1 Next meeting

Thursday 08 February 2018

The meeting closed at 3.55 pm.

Confirmed:

Chair:

Kaipara District Council

Dargaville

Unconfirmed

4 Governance

4.1 Rotation of Chair

Administration Assistant 4702.24.02

Recommended

That the Taharoa Domain Governance Committee:

- 1 Receives the Administration Assistant's report 'Rotation of Chair - Taharoa Domain Governance Committee' dated 31 January 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 Recommends to the Mayor of the Kaipara District Council to appoint _____ as the Chair of the Taharoa Domain Governance Committee and that the appointment of the Chair of the Taharoa Domain Governance Committee be reviewed annually **or** every _____ year/s.*

File number: 4702.24.02 **Approved for agenda**

Report to: Taharoa Domain Governance Committee

Meeting date: **Thursday 08 February 2017**

Subject: Rotation of Chair - Taharoa Domain Governance Committee

Date of report: 31 January 2017

From: Lisa Hong, Administration Assistant

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

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

Summary

The rotation of Chair between Council and Iwi representatives of the Taharoa Domain Governance Committee (the Committee) was queried by the Committee members. Recent legislative changes provide for Council committee chairs to be appointed by the Mayor, therefore the rotation of the Chair must be approved, and a new Chair appointed, by the Mayor.

Historically the Chair was rotated between Committee members annually, with the duties and powers of the Chair being shared by Council and Iwi. If the Committee wishes to rotate the Chair to an Iwi representative, it is recommended that the Committee formally requests the Mayor to agree to rotate the Chair and appoint a specified member of the Committee.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Administration Assistant's report 'Rotation of Chair - Taharoa Domain Governance Committee' dated 31 January 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 *Recommends to the Mayor of the Kaipara District Council to appoint _____ as the Chair of the Taharoa Domain Governance Committee and that the appointment of the Chair of the Taharoa Domain Governance Committee be reviewed annually or every _____ year/s.*

Reason for the recommendation

To recommend to the Mayor to appoint a new Chair for the Taharoa Domain Governance Committee, should the Committee wish to do so.

Reason for the report

This report was written to inform Committee members of the process to appoint a new Chair in accordance with the Local Government Act.

Background

Council established the Taharoa Domain Governance Committee (the Committee) and adopted its first Terms of Reference at its 24 July 2002 meeting, by resolving:

'That Council establishes a committee of Council to be known as the Taharoa Domain Governance Committee for the purposes of managing the Taharoa Domain in accordance with Sections 114P and 114Q of the Local Government Act 1974.

That Council adopts the amended Terms of Reference for the Taharoa Domain Governance Committee and that:

- 1 *Membership of the committee be comprised of two members nominated by Kaipara District Council and two nominated by representatives of the Treaty of Waitangi claimants (Wai 38), as allowed for under Section 114R of the Local Government Act; and*
- 2 *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.'*

Council's decision to establish a co-governance committee drew on an action from the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP), which was adopted in January 2002. Aim 1 – Partnership of the Plan was *'to establish an equal organisational partnership between tangata whenua and Council to govern the Domain'*.

Local Government Act 2002 as amended in 2014 described the role and powers of Mayors for the first time. Part 41A(3) of the Act states that the Mayor has the powers:

- '(a) to appoint the deputy mayor;*
- (b) to establish committees of the territorial authority;*
- (c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor —*
 - (i) may make the appointment before the other members of the committee are determined;*
 - and*
 - (ii) may appoint himself or herself.'*

The current Chair of the Committee, Councillor Andrew Wade, was therefore appointed by Mayor Gent in 2016.

Factors to consider

Community views

Te Roroa and Te Kuihi have views regarding the governance of the Committee. The Committee was established with co-governance as a founding principle to reflect this.

Policy implications

This report does not trigger Council's Significance and Engagement Policy.

Financial implications

There are no financial implications.

Legal/delegation implications

There are no legal implications. The delegated authority of the Committee will remain the same.

Options

Option A: The Committee recommends to the Mayor to appoint a new Chair, to be reviewed annually.

Option B: The Committee continues to be chaired by Councillor Andrew Wade, as appointed by Mayor Gent in 2016.

Assessment of options

Option A: If the Committee wishes to appoint a new Chair, Option A is recommended. Furthermore, if the Committee wishes to institute an annual rotation, this should be added to the recommendation. The Committee can make a stronger case if the recommendation is resolved as a whole Committee.

Option B: If the Committee retains the status quo, a Chair will be appointed by the Mayor after each local government election (three years) or mayoral by-election, as with all other committees of Council.

Assessment of significance

This report does not trigger Council's Significance and Engagement Policy.

Recommended option

The recommended option is **Option A**.

Next step

The recommendation will be brought to the Mayor after the Mayoral By-election. The Committee's amended Terms of Reference will be brought to the Kaipara District Council's meeting on 28 February 2018.

Attachments

- Nil.

5 Operational

5.1 Taharoa Domain Operations Update: November 2017-January 2018

Parks and Community Manager 4702.24.02.02

Recommended

That the Taharoa Domain Governance Committee receives the Parks and Community Manager's report 'Taharoa Domain Operations Update: November 2017 to January 2018' dated 31 January 2018 and the information contained therein.

File number: 4702.24.02.02 **Approved for agenda**
Report to: Taharoa Domain Governance Committee
Meeting date: **08 February 2018**
Subject: **Taharoa Domain Operations Update: November 2017-January 2018**
Date of report: 31 January 2018
From: Darlene Lang, Parks and Community Manager
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

The Committee is charged with implementing the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) 2016. The RMP has been developed to provide strategic guidance to the custodianship and enhancement of Kai Iwi Lakes (Taharoa Domain).

The following is a brief summary of activities, operations and maintenance work carried out over the months of November 2017 to January 2018.

- There have been four volunteer days at the lakes. Volunteers have assisted in the removal of wattles and acacia.
- A draft brief for the Cultural Impact Assessment (CIA) is currently being reviewed by Te Roroa and Te Kuihi.
- The new tractor shed has been completed.
- UV and filtration system has been installed at Lake Waikare. Pine Beach and Promenade Point have been scheduled for after the busy season to avoid disruption to the camp ground.
- Kai Iwi Lakes Facebook page is continuing to prove popular, reaching previous campers and prompting new bookings.
- Armourguard Security has been in place since 23 December 2017. They have been going out twice a day over the busy period and will now just go out in the weekends until after Easter. They have made a huge impact with regards to removing dogs from the Domain. The cost of this service to date is \$8,000.
- Health and safety plans have been put in place however as these are a living document they are consistently being updated to meet the needs of the Domain.
- The Whitebait Connections Mountain to Sea Conservation Trust is holding an Open Day at Lake Waikare on 27 January 2018.
- On Sunday 31 January 2018, there was a fatality (suspected drowning) of a day visitor at Pine Beach. The deceased was a 37 year old woman from Auckland. A rāhui has been placed by the local Iwi on half of Pine Beach until Thursday 01 February 2018; however, the campground and half of the beach remain open to visitors.

Due to restructuring at Kaipara District Council the Domain will now come under the Infrastructure Department. The General Manager Infrastructure is Curt Martin and he will attend the future Committee meetings. Andrew Howells will continue to be the Domain Manager.

Recommendation

That the Taharoa Domain Governance Committee receives the Parks and Community Manager's report 'Taharoa Domain Operations Update: November 2017 to January 2018' dated 31 January 2018 and the information contained therein.

Reason for the recommendation

To ensure the Committee is informed about the implementation of the Kai Iwi Lakes (Taharoa Domain) RMP and information regarding the ongoing Domain and camp grounds operations.

Reason for the report

To present the operational report for the Kai Iwi Lakes (Taharoa Domain) for the November 2017 to January 2018 period so the Committee can be well-informed.

Background

The Committee is charged with implementing the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP). The RMP has been developed to provide strategic guidance to the custodianship and enhancement of Kai Iwi Lakes (Taharoa Domain).

The Kai Iwi Lakes are among the best known dune lakes in New Zealand and all three lakes, Taharoa, Waikare and Kai Iwi, are ranked as outstanding by NIWA. Growing populations, particularly Auckland, along with road improvements has led to increased visitors and associated pressures.

It is the intent of the RMP to enable the Lakes and its surrounds to be enjoyed by all visitors while simultaneously enhancing the area and reducing risks through knowledge and active management.

Finding a balance between public use and ensuring its continued health and well-being of the Lakes is a challenge for the Committee. Continued thought, collaboration, planning and funding is required around pest and weed control (the largest issues facing the long term health and natural character of the Domain) along with biosecurity (aquatic weed incursion and prevention), understanding the hydrology of the Lakes, as well as recognising the cultural importance of the area.

Below is a table that shows the number of campers from October 2016 to December 2017 and breaks the numbers down to domestic and international visitors.

Visitor Numbers

Month	Total visitors	Domestic visitors	International visitors
December 2017	6626	6514	112
November 2017	689	561	128
October 2017	74	64	10
September 2017	63	55	8
August 2017	27	12	15
July 2017	53	32	21
June 2017	47	29	12
May 2017	129	114	15
April 2017	1816	1376	33

Month	Total visitors	Domestic visitors	International visitors
March 2017	939	904	35
February 2017	5500	5363	137
January 2017	16022	15899	123
December 2016	6531	6382	149
November 2016	888	609	279
October 2016	921	828	93

Factors to consider

Community views

The RMP was developed using a public process and reflects the views of the community and other stakeholders at the time of its development.

Policy implications

Nil. Operational decision-making has been consistent with the RMP.

Financial implications

It is the Parks and Community Manager's responsibility to ensure all operations are conducted within budget. The financial budgets are set within the Long Term Plan and respective Annual Plan. Operative budgets and performance are reported in a separate financial report.

Legal/delegation implications

There are no delegation issues; the Committee has delegated authority from Council to govern the Domain in terms of the RMP.

Assessment of significance

This matter does not trigger Council's Significance and Engagement Policy.

Next step

Council Officers will continue to implement the RMP.

Attachments

Nil.

5.2 December 2017 Financial Report

Financial Services Manager 4702.24.02.01

Recommended

That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Taharoa Domain Governance Committee December 2017 Financial Report' and the information therein.

**Taharoa Domain Governance Committee
December 2017 Financial Report**

This report covers:

- Kai Iwi Lakes (Taharoa Domain) including Pine Beach and Promenade Point campgrounds.

Overview

Key Indicators for year to December are set out in the tables below (all in \$000's).

	Actual	Whole Year
	Dec 2017	Budget
Total Revenue	200	303
Total Operating Costs	242	474
Capital Expenditure	218	300

Attachment 1 Financial Summary Report

Commentary

Camp fees and charges are \$54,000 ahead of last year for the period to December. A review of the budget during the forecast one process has seen the forecast revenue revised to \$400,000.

Costs

Costs are generally tracking well at this stage of the year. Ground and building maintenance is generally performed away from the summer peak and the final maintenance will be completed in the autumn.

Capital Expenditure

There are three projects in the financial year:

- The first is improving the general Kai Iwi facilities. 83% of the budget has been spent to December in readiness for the summer season.
- The replacement tractor has been purchased.
- Taharoa Domain development is 47% complete at the end of December.

Taharoa Domain

Financial Summary Report for the 6 month period ended 31 December 2017

Income

ACTUAL 12 months to 30.06.2017		BUDGET 12 months to 30.06.2018	ACTUAL 6 months to 31.12.2017
	\$ Revenue		\$
406,667	Camping fees	303,004	200,522
35,000	Other Income	-	-
441,667	TOTAL	303,004	200,522

ACTUAL 12 months to 30.06.2017	Description	BUDGET 12 months to 30.06.2018	ACTUAL 6 months to 31.12.2017
	\$		\$
12,618	Transport costs	17,856	1,648
1,297	Resource Consents	840	371
157,237	Grounds maintenance	121,920	83,300
41,787	Building maintenance	43,488	32,659
54,402	Professional service	47,412	8,299
0	Advertising and promotion	1,584	211
150,851	Staff salaries and employee costs	167,196	77,195
2,085	Insurance	5,880	1,806
10,924	Power and water costs	12,388	6,405
24,235	Refuse disposal	30,000	10,850
42,380	Sundry	25,692	19,954
497,816	TOTAL	474,256	242,699

Capital Expenditure

ACTUAL Total 12 months to 30.06.2017	Description	BUDGET Total 12 months to 30.06.2018	ACTUAL Total 6 months to 31.12.2017
	\$		\$
500,164			
	10087 Kai Iwi facilities	150,000	124,884
	10707 Tractor	50,000	45,480
	10706 Taharoa Domain - implement Reserve Manager	100,000	47,482

**5.3 Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 :
Opportunity to submit**

Policy Analyst **4702.24.02**

Recommended

That the Taharoa Domain Governance Committee:

- 1 Receives the Policy Analyst's report 'Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 : Opportunity to submit' dated 23 January 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 Instructs Kaipara District Council staff to make a submission to the Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 advocating for a combination of both 100 metre and 200 metre speed restrictions.*

File number: 4702.24.02 **Approved for agenda**
Report to: Taharoa Domain Governance Committee
Meeting date: **08 February 2018**
Subject: **Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 : Opportunity to submit**
Date of report: 23 January 2018
From: Mark Schreurs, Policy Analyst
Report purpose **Decision** **Information**
Assessment of significance **Significant** **Non-significant**

Summary

The Northland Regional Council (NRC) approved the Navigation Safety Bylaw for Kai Iwi Lakes 2017 (the Bylaw) (**Attachment 1**) on 24 October 2017. This decision followed a period of consultation allowing 23 working days for submissions. A total of 90 submissions were received during this time.

The final Bylaw makes no alteration to the five-knot speed limit within 200 metres (200m) from shore which applies to all waterways in New Zealand under Part 91 of the Maritime Rules. The 200m five-knot speed limit is the status quo and has been in place at the Lakes since the expiry of the 'Kai Iwi Lakes Bylaw No.1 2000' in 2010, which had a 100m from shore limit. As long as the current Navigation Safety Bylaw for Kai Iwi Lakes 2017 does not set an alternative limit; the 200m limit remains the default limit under the Maritime Rules Part 91 made under the Maritime Transport Act 1994.

However, during consultation on the Bylaw, so many submitters said they wanted the five-knot speed restriction from the shore reduced from 200m to 100m that NRC decided to undertake specific consultation on options for the five-knot speed restriction. Consequently, the Bylaw has been approved, without imposing any change to the standard 200m rule, and NRC is now consulting separately on the possibility of amending the Bylaw to reduce the speed restriction to 100m. Such a change could not have been made as part of the normal deliberation process, rather it requires further consultation. NRC was therefore required to release a Statement of Proposal for the amendment (**Attachment 2**) and provide people with an opportunity to share their views (in writing and in person).

The Taharoa Domain Governance Committee (the Committee) has the opportunity to make a submission on the possibility of amending the Bylaw. NRC is consulting on two main options for the five-knot speed limit near the shore around Lake Taharoa:

- 1 Status quo - keep it as 200m from shore.
- 2 Reduce it to 100m from shore.

NRC acknowledges that potentially there could be a combination of both a 100m and 200m limit around the Lake's shoreline, although NRC's preference is to keep it simple and therefore be one or the other.

The Committee will need to consider which of these options to advocate for in its submission. Conversely, the Committee could choose not to make a submission.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Policy Analyst's report 'Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 : Opportunity to submit' dated 23 January 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 *Instructs Kaipara District Council staff to make a submission to the Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 advocating for a combination of both 100 metre and 200 metre speed restrictions.*

Reason for the recommendation

This option would provide the best balance between the interests of passive and active users of Lake Taharoa.

Reason for the report

To advise the Taharoa Domain Governance Committee (the Committee) on making a submission to the NRC's Navigation Safety Bylaw for Kai Iwi Lakes 2017.

Background

The NRC approved the Navigation Safety Bylaw for Kai Iwi Lakes 2017 (the Bylaw) (**Attachment 1**) on 24 October 2017. This decision followed a period of consultation running from Saturday 01 July 2017 to Wednesday 02 August 2017, thus allowing 23 working days for submissions. A total of 90 submissions were received during this time.

The final Bylaw makes no alteration to the five-knot speed limit within 200m from shore which applies to all waterways in New Zealand under Part 91 of the Maritime Rules. This 200m five-knot speed limit is the status quo and has been the case since the expiry of the 'Kai Iwi Lakes Bylaw No.1 2000' in 2010, which had a 100m from shore limit. As long as the current Navigation Safety Bylaw for Kai Iwi Lakes 2017 does not set an alternative limit; the 200m limit remains the default limit under the Maritime Rules Part 91 made under the Maritime Transport Act 1994.

However, during consultation on the Bylaw, many submitters said they wanted the five-knot speed restriction from the shore reduced from 200m to 100m right around Lake Taharoa. In response, NRC decided there was sufficient merit in the idea to warrant specific consultation on options for the five-knot speed restriction limit. Consequently, the Bylaw has been approved, without imposing any change to the standard 200m rule, and NRC is now consulting on the possibility of amending the Bylaw in this respect. Such a change could not have been made as part of the normal deliberation process, rather it requires further consultation.

As it stands, Clause 3.3 of the Bylaw sets rules around safe speeds in Lake Taharoa but does not grant any exemption to Maritime Rule 91.6. Clause 3.3 reads as follows:

3.3 Speed of vessels

(1) *A person in charge of a vessel must not operate a vessel at a speed exceeding five knots within:*

- a) *50 metres of any other vessel;*
- b) *50 metres of any person in the water;*
- c) *200 metres of any vessel that is exhibiting Flag A [Flag A indicates there are divers in the water].*

(2) *A person in charge of a power-driven vessel must not operate the vessel at a speed exceeding five knots while another person has any portion of his or her body extending over the bow or side of that vessel.*

(3) *The provisions of (1) above do not apply to:*

- a) *An emergency response vessel, Harbourmaster vessel, or police vessel if the vessel's duties cannot be performed in compliance with those provisions;*
- b) *A vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared.*

Advice Note: *A person must not operate any vessel in breach of Maritime Rule 91.6 made under the Maritime Transport Act 1994 – that is:*

(1) *No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding five knots within 200 metres of the shore or of any structure.*

Issues

The Committee has the opportunity to make a submission on the possibility of amending the Bylaw. NRC is consulting on two main options for the five-knot speed limit near the shoreline around Lake Taharoa:

1. Status quo - keep it as 200m from shore.
2. Reduce it to 100m from shore.

NRC acknowledges that potentially there could be a combination of both a 100m and 200m limit around the Lake's shoreline, although NRC's preference is to keep it simple and therefore be one or the other.

The Committee will need to consider which of these options to advocate for in its submission. Conversely, the Committee could choose not to make a submission. These options are further explored later in this report.

Factors to consider

Community views

With the exception of Maritime New Zealand, all other submitters who submitted on issues of speed opposed the current speed restrictions and sought a return to the provisions of the previous NRC Kai Iwi Lakes Bylaw No.1 2000 which imposed a five-knot speed limit within 100m of shore or within 30m of another vessel, raft or person. This public position led NRC to consider the current amendment.

Because there was likely to be significant public interest in the proposed amendment, NRC was required to release a Statement of Proposal for the amendment (**Attachment 2**) and provide people with an opportunity to share their views (in writing and in person).

It should be noted that NRC will not be holding hearings in respect to this consultation. Instead, NRC will be holding a “Have your say” event on 22 and/or 23 February 2018 in Dargaville. This will be an opportunity for those interested to come and share their views with the Councillors who will be making the decision about which option to proceed with. Those wishing to attend will need to register by 31 January 2018 by emailing submissions@nrc.govt.nz. The deadline for submissions is 5:00pm Wednesday 28 February 2018.

This matter has proven highly contentious in the past (as was seen with the consultation around the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016). It is anticipated this matter will once again attract a high level of public interest.

Policy implications

The proposal is to amend the existing Navigation Safety Bylaw for Kai Iwi Lakes 2017 to provide an exemption to the existing rules in place under the Maritime Rules Part 91 made under the Maritime Transport Act 1994.

The Navigation Safety Bylaw for Kai Iwi Lakes 2017 builds on the direction given in the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 that powerboats be allowed to continue using Lake Taharoa with appropriate regulation.

Financial implications

There are no financial implications for Kaipara District Council.

Legal/delegation implications

The current situation, speed of vessels restricted to less than five-knots when within 200m of shore, is as per the national maritime rules set by Maritime New Zealand. The Maritime Transport Act 1994 enables regional councils to make bylaws to provide for local conditions.

The Local Government Act 2002 sets out the procedure for making and changing bylaws.

If NRC decides 100m is the preferred option, an application will then be made to the Director of Maritime New Zealand for a ‘permanent speed uplift’. This is because the 100m is a divergence from the Maritime Rules Part 91 default of 200m. If the Director does not approve the application, then the default of 200m limit will remain in place.

Options

The Committee has the following options:

Option A: Make a submission supporting retention of the current 200m speed restriction (status quo).

Option B: Make a submission advocating a return to the former 100m speed restriction.

Option C: Make a submission supporting a combination of both 100m and 200m speed restrictions.

Option D: Make no submission.

Assessment of options

Option A, making a submission supporting retention of the current 200m speed restriction (the status quo) would have the following benefits:

- The same limit is used in the regional navigational safety bylaw covering the coastal area – and this reduces the potential for confusion;
- There is less risk of incidents/accidents between powered vessels and swimmers/non-powered vessels; and
- It provides an increased area of the lake where low-speed water-based activities can operate without interference from high-speed vessels.

This option would have the following disadvantages:

- Less area would be available for faster vessels causing greater congestion in the middle of the lakes; and
- Greater risk of incidents/accidents amongst powered vessel users.

A map of the Lakes showing the areas where vessels can operate at speed under the status quo is shown in figure 1 below.

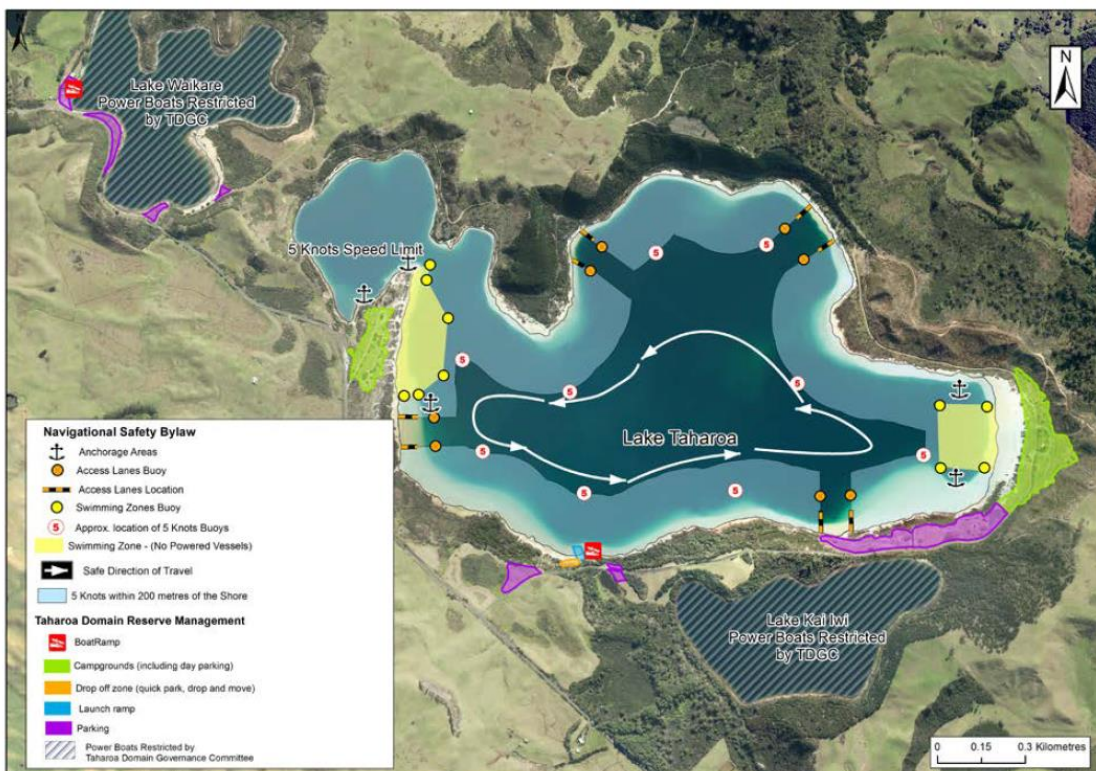


Figure 1: Map of Kai Iwi Lakes showing the area available for different uses with a 200m five-knot speed restriction imposed.

Option B, making a submission advocating for a return to the former 100m speed restriction would have the following benefits:

- It will improve safety for waterskiers and vessel users by:
 - Allowing waterskiers into more sheltered waters nearer the shore; and
 - Decreasing congestion. It would increase the usable space on Lake Taharoa for powered

vessels by 50% (from 52 hectares to 98 hectares) and reduce the occurrence of incidents/accidents amongst powered vessel users; and

- Un-powered vessels such as sailboats and waka ama also exceed five-knots and would benefit from having more area of the Lake to share with other users, particularly during competitions when the size of courses and location of the wind may require use of areas closer to shore.

This option would however result in less area available for swimmers and passive users. The Committee will need to consider if the reduced speed restricted area is sufficient to allow for these pursuits.

A map of the Lakes showing the areas where vessels can operate at speed under 100m from shore speed restriction is shown in figure 2 below.

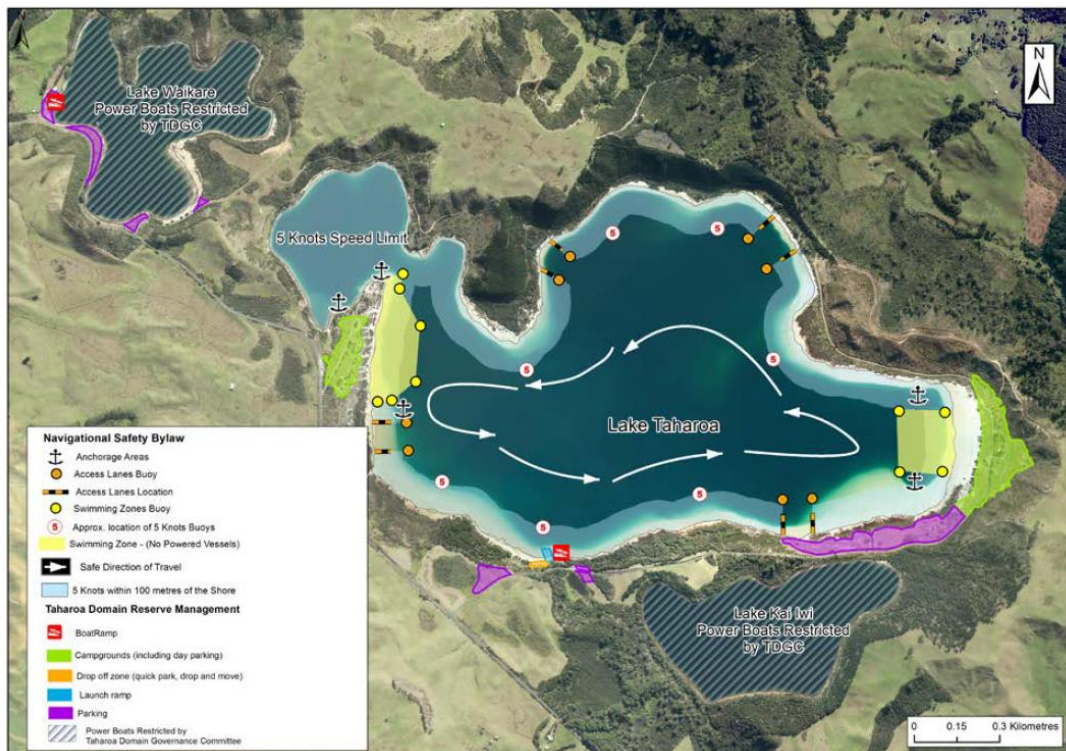


Figure 2: Map of Kai Iwi Lakes showing the area available for different uses with 100m five-knot speed restriction imposed.

When considering this option, it is useful to consider the environmental effects as well as the social effects of allowing faster speeds closer to the shore e.g. the effects on shoreline stability and plant communities through wake-induced wave lap. In summary, there is no clear evidence to suggest that the use of boats at speed within 200m of shore has had an effect on the Kai Iwi Lakes shoreline. This matter is considered in detail in box 1 below.

Box 1: Analysis of the effects on shoreline stability and plant communities through wake-induced wave lap in the Kai Iwi Lakes.

Studies from around the world have presented mixed findings on the effects of boats on shoreline erosion. These findings range from powerboats being the primary cause of shoreline erosion to powerboats having little or no effect. Results appear to be dependent on the kind of substrate the shore is made of (e.g. sand or clay), bank steepness and the extent to which the shore is subjected to natural waves. Boat speed and the distance of craft from the shore also effect the extent to which boat wakes damage the shore.

In addition to causing shoreline erosion, powerboat wakes have also been found (in some cases) to reduce the extent of reeds around lakes.

In considering the effects boat wakes are having on the Kai Iwi Lakes it should first be noted that there is a lack of baseline data against which to compare long term changes. Ideally, a study should have been done on the Lakes before powerboats began using them (in the 1960s if not earlier) and regular monitoring carried out since then. That said, Kaipara District Council is not aware of powerboat wakes causing any negative impact on the shores of the Kai Iwi Lakes. Even on Lake Waikare, which has been subjected to intensive powerboat use in close proximity to the shore for about 50 years, there is no evidence of wake-induced damage to the shore or a reduction in the reed margin. Some erosion was noted to the shore of Lake Waikare over New Year's Eve 2015/2016 however this was attributed to a storm.

The lack of effects evident on the shores of Lake Waikare and Lake Taharoa are likely due to both these lakes having sandy substrates and being subject to natural wave activity. This has resulted in these lakes having sandy beaches and wave cut shore platforms which overlie hard iron pans. These wave cut platforms are not well-suited to reeds and the lack of nutrients in these Lakes further works to naturally prevent the extent of the reed margin around these Lakes.

Lake Kai Iwi differs in that it has less natural wave energy and has recently come to have higher nutrients. These higher nutrients are probably what has allowed reeds to establish all around this Lake.

The effects boat wakes have on fish spawning around the lake edges has not been studied but is deserving of further research.

Option C, making a submission advocating for a combination of both 100m and 200m speed restrictions could potentially provide an effective compromise between the previous two options. Under this option, some areas could be reduced to 100m speed restriction from shore to allow for faster craft, while other areas could retain the 200m restriction from shore to provide areas for swimmers. Areas where craft are allowed to travel at speed closer to the shore could be restricted to those areas which are away from camp grounds and less popular for passive recreation.

The primary disadvantage with this option seems to be the lack of consistency and the potential for confusion among Lake users. Effective navigational aids (buoys) could be used to overcome this.

A map of the Lakes showing one option for how this combination of speed restrictions could be applied is shown in figure 3 below. Other options for applying different restrictions to different areas could also be considered. If this option is chosen, the Committee will need to give clear direction to KDC staff regarding the extent of the different areas.

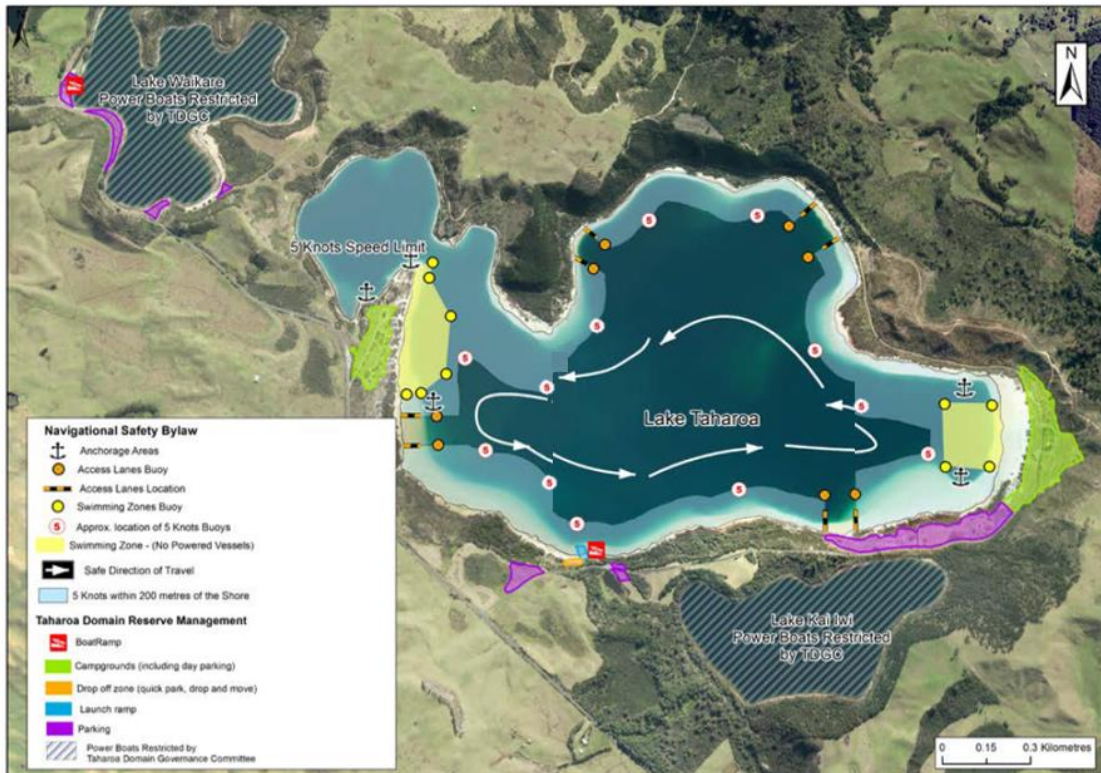


Figure 3: Map of Kai Iwi Lakes showing the area available for different uses with a combination 200m and 100m five-knot speed restriction imposed.

Option D, making no submission, would be a good option if the Committee feels this matter is better left to the public for comment.

Conversely, a separate submission could be made by each of the Committee's constituent members; Kaipara District Council, Te Roroa and Te Kuihi.

Assessment of significance

This matter is significant and is therefore being consulted on by NRC. Under Council's Significance and Engagement Policy the Committee does not need to consult on its decision to submit or not.

Recommended option

The recommended option is **Option C**.

Next step

Council staff, acting under the Chief Executive, will proceed to prepare and submit a submission advocating for the position the Committee has directed.

Attachments

1. Kai Iwi Lakes Navigation Safety Bylaw
2. Statement of Proposal - Navigation Safety Bylaw for Kai Iwi Lakes 2017, options for five-knot speed limit area.

Kai Iwi Lakes Navigation Safety Bylaw 2017

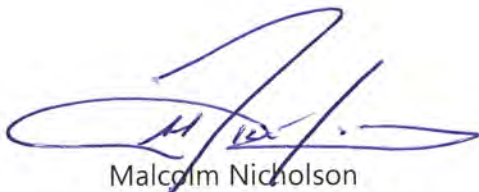


Kai Iwi Lakes Navigation Safety Bylaw 2017

Pursuant to Section 33M of the Maritime Transport Act 1994 and all other powers vested in it, the Northland Regional Council makes the following Bylaw.

This bylaw was confirmed at a meeting of the council held on 24 October 2017 and ordered to come in to force on 1 November 2017.

The common seal of the Northland Regional Council was hereto affixed in the presence of:



Malcolm Nicholson
Chief Executive Officer



Bill Shepherd
Chairman

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1 Preliminary provisions

1.1 Title and commencement

- (1) Pursuant to the provisions of the Maritime Transport Act 1994, the Northland Regional Council makes this Kai Iwi Lakes Navigation Safety Bylaw 2017.
- (2) This Bylaw comes into force on 1 November 2017.

1.2 Application

- (1) This bylaw applies to the lakes in the Taharoa Domain in the Kaipara district of Northland, comprising Lake Waikare, Lake Taharoa and Lake Kai Iwi. These lakes are popularly and commonly known as the Kai Iwi Lakes and are henceforth referred to as the “Kai Iwi Lakes” or as “the lakes” in this bylaw.

1.3 Interpretation and definitions

In this bylaw:

Access lane means an area designated as an access lane in schedule 1 of this bylaw.

Accident has the same meaning as in section 2 of the Act.

Act means the Maritime Transport Act 1994.

Anchor/anchoring/anchored means the temporary securing of a vessel to the bed of the waterway by means of an anchor, or other device that is removed with the vessel when it leaves the site or anchorage.

Anchorage in relation to vessels means a place set aside in the lakes for the anchoring of vessels to the bed of the waterway.

Authorised officer means any person to whom the Northland Regional Council has delegated authority to act under this bylaw.

Board sports means any board sport, including windsurfing, sailboarding, kiteboarding, stand-up paddle boarding, knee boarding and body boarding where the means of propulsion is by wind, waves or other natural forces, or where no mechanical means of propulsion is used.

Buoy means a float secured to the seabed serving as an aid to navigation or serving to mark an area set aside for a specific purpose or to indicate a hazard.

Council means the Northland Regional Council or any person delegated or authorised to act on its behalf.

Director means the person who is for the time being the Director of Maritime New Zealand under Section 439 of the Maritime Transport Act 1994.

Enforcement officer means a person appointed as an enforcement officer under section 33G of the Act.

Flag A means Flag A of the International Code of Signals (the divers' flag), a burgee (swallow-tailed) flag coloured in white and blue, or a rigid replica, with white to the mast. A flag exhibited on a vessel must be not less than 600mm by 600mm. For divers not swimming from a vessel, or more than 200 metres from a vessel, a dive Flag A on a float must be used. The Flag A must be exhibited on a float which must be red, yellow or orange coloured, minimum size 10 litres; this equipment must be fitted with a divers' Flag A of at least 200mm x 200mm and be self-righting.

Harbourmaster has the same meaning as in Section 2 of the Act.

Honorary enforcement officer has the same meaning as in Section 33G of the Act.

Lakes means those inland waters within the Taharoa Domain, namely Lake Kai Iwi, Lake Taharoa and Lake Waikare.

Maritime rule means a rule made pursuant to Part 4 of the Act.

Navigate means the act or process of managing or directing the course of a vessel on, through or over the water.

Obstruction means an object, equipment, structure, vessel or person, positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to others.

Owner has the same meaning as in section 2 of the Act.

Paddle craft means a vessel powered only by use of a single or double bladed paddle as a means of propulsion without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements. A paddle craft includes a kayak, canoe, stand-up paddle board, waka, dragon boat and other such craft.

Person in charge of a vessel means:

- (a) the master or skipper of the vessel;
- (b) in the absence of an identified master or skipper, the owner of the vessel who is on board or the person steering the vessel;
- (c) in the case of a child under the age of 15 years, the person in charge will be the parent or guardian of the child.

Personal flotation device means any buoyancy aid that is designed to be worn on the body that meets:

- (a) a standard in NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines applicable to such buoyancy aids;
- (b) a national or international standard that the director is satisfied substantially complies with a standard in NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines applicable to such buoyancy aids.

Personal water craft has the same meaning as in section 33B of the Act. These craft are commonly known as jet skis.

Public Notice means a formal notice published in a newspaper circulating in the Kaipara District.

Power-driven vessel means any vessel propelled by machinery.

Raft means an inflatable vessel manoeuvred by oars or paddles (or a combination thereof) but does not include inflatable kayaks, sledges or tubes.

Reserved area means any area reserved for a specific purpose under this bylaw.

Sailboard means any type of board, including a windsurfer or kiteboard, which is propelled by a sail and operated by a person standing upright on a board.

Seaplane has the same meaning as in Section 2 of the Act.

Seaworthiness means being, in the opinion of the Harbourmaster, in a fit condition of readiness to be able to be safely used on the lakes.

Shore when referring to distance from shore, means the water's edge.

Speed means speed over the ground.

Speed uplifting means an authorisation by the Harbourmaster to increase/change, or otherwise alter, the speed provision under this bylaw.

Swimming area means an area on the water that is set aside for the purposes of swimming only. The areas designated as swimming areas are identified in Schedule 1 of this bylaw.

Sunrise/sunset has the same meaning as stated in the New Zealand Nautical Almanac, NZ204.

Support vessel means any vessel used for coaching, marshalling and rescue attendance for a sporting event, training activity, ceremonial or other authorised customary event.

TDGC refers to the Taharoa Domain Governance Committee.

Towing a person for the purpose of this bylaw means the towing of a person behind a vessel using, for example, water skis, sea biscuit, wake board or similar.

Underway means that a vessel is not at anchor, or made fast to the shore, or aground.

Vessel 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 Carriage and wearing of personal flotation devices on vessels

2.1 Carriage of personal flotation devices

- (1) A person in charge of a vessel must not use it unless there are sufficient personal flotation devices for each person on board at all times that the vessel is in use.
- (2) Personal flotation devices must be:
 - (a) in a readily accessible location on board the vessel;
 - (b) of an appropriate size for each person on board; and
 - (c) in good operative condition.

2.2 Wearing of personal flotation devices

- (1) Every person on board a vessel must wear a properly secured personal flotation device of an appropriate size for that person at all times when the vessel is underway.

2.3 Exemptions to the compulsory carriage of personal flotation devices

- (1) Section 2.2 does not apply to:
 - (a) any board sport, provided a wetsuit or tether/leash appropriate for the conditions is worn;
 - (b) a diver on a vessel that is used for diving when the diver is wearing a wetsuit;
 - (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with a safety system of an organisation approved by the Director;
 - (d) a sporting event, training activity, ceremonial or other authorised customary event if:
 - i. the Harbourmaster has granted prior written exemption; and
 - ii. a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel, and the vessel or support vessel or both must carry personal flotation devices of an appropriate size for each person on board the vessel.

2.4 Wearing of personal flotation devices by persons being towed

- (1) The person in charge of the vessel and any person being towed are both responsible for ensuring that the person being towed wears a properly secured personal flotation device of an appropriate size for that person.

3 General navigation safety requirements

3.1 Person in charge of the vessel

- (1) The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel, including the carriage and wearing of personal flotation devices by persons on board the vessel and anyone being towed.
- (2) The person in charge of a vessel must not:

- (a) be under the influence of alcohol or a drug, or both, to such an extent as to be incapable of having proper control of the vessel;
- (b) cause or permit any act to be done in a manner which causes any unnecessary danger or risk to any other vessel or person in the water, irrespective of whether or not any injury or damage occurs.

3.2 Minimum age for operating power-driven vessel

- (1) The owner or person in charge of a vessel that is able to exceed a proper speed of 10 knots must not allow any person below the age of 15 years to be in charge of that vessel, unless they are under the direct supervision of a person:
 - (a) who is 15 years or older; and
 - (b) who is in immediate reach of the controls; and who is not the lookout person required under this bylaw when another person is being towed.

3.3 Speed of vessels

- (1) A person in charge of a vessel must not operate a vessel at a speed exceeding five knots within:
 - (a) 50 metres of any other vessel;
 - (b) 50 metres of any person in the water;
 - (c) 200 metres of any vessel that is exhibiting Flag A.
- (2) A person in charge of a power-driven vessel must not operate the vessel at a speed exceeding five knots while another person has any portion of his or her body extending over the bow or side of that vessel.
- (3) The provisions of (1) above do not apply to:
 - (a) An emergency response vessel, Harbourmaster vessel, or police vessel if the vessel's duties cannot be performed in compliance with those provisions;
 - (b) A vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared.

Advice Note: A person must not operate any vessel in breach of Maritime Rule 91.6 made under the Maritime Transport Act 1994 – that is:

(1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding five knots within 200 metres of the shore or of any structure.

3.4 Vessels to be seaworthy

- (1) The person in charge of a vessel, whether underway or at anchor, must keep the vessel in a seaworthy condition at all times.
- (2) Except in an emergency or following an accident or incident, a person must not operate a vessel that is unseaworthy, except to comply with the directions of the Harbourmaster to move that vessel to an alternative location.
- (3) If a vessel is not seaworthy or has the potential to cause a hazard to navigation, the Harbourmaster may give a direction to the person in charge of the vessel to move it to an alternative location or remove it from navigable waters within a reasonable time.

- (4) If the person in charge of the vessel fails to comply with the direction of the Harbourmaster, or if the owner or person in charge of the vessel cannot be located, the Harbourmaster may, at the owner's cost, move that vessel to a position where it is no longer a hazard, or remove it from the water and dispose of it.

3.5 Collision prevention

- (1) A person must not operate any vessel in breach of Maritime Rule Part 22 (Collision Prevention) made under the Maritime Transport Act 1994.
- (2) In general, all vessels must proceed in an anticlockwise direction around the lakes where practicable.

3.6 Notification of accident

- (1) The owner and/or person in charge of a vessel that has been involved in an accident must report the details of the accident to the Harbourmaster (verbally notified within 24 hours and notified in writing within 48 hours) when:
 - (a) the accident has caused damage to another vessel, or a navigation aid or any structure;
 - (b) a vessel has been sunk or grounded or become stranded in navigable waters;
 - (c) by reason of accident, fire, defect or otherwise, the vessel cannot be safely operated;
 - or
 - (d) any person has been injured.
- (2) The report must include: a full description of any injury to persons, their names and contact details; and
 - (a) a full description of any damage to vessels or structures; and
 - (b) the names and contact details of the person in charge of the vessels involved.

4 Activities

4.1 Swimming areas

- (1) Within any designated swimming area, no power-driven vessels are allowed to operate or anchor.

4.2 Water skiing and towing of persons

- (1) A person in charge of a vessel used for towing another person must have at least one other person on board acting as a lookout, who is 10 years of age or older, and who is responsible for immediately notifying the person in charge of the vessel of every mishap that occurs to the person and/or object that is being towed.
- (2) A person in charge of a vessel must not tow any person or object between sunset and sunrise.
- (3) A person in charge of a vessel must not permit the vessel to continue onwards after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object, in a location where it could cause danger to any other person or vessel, unless:
 - (a) the person in charge immediately takes action to recover that water ski or similar object; or

- (b) the dropped ski or similar object is clearly visible to any other water user operating within the vicinity.
- (4) A person must not allow himself or herself to be towed by a vessel unless in compliance with this clause.

4.3 Dive activities

- (1) The master of every vessel from which dive operations are in progress must ensure that Flag A is displayed on the vessel in such a manner that it can be clearly identified by an operator of another vessel at a distance exceeding 200 metres, and ensure that the vessel remains within 200 metres of divers.
- (2) Every person diving from a vessel must ensure that Flag A is displayed on the vessel in such a manner that it can be clearly identified by the operator of another vessel at a distance of 200 metres.
- (3) Every person diving from a vessel must ensure that they remain within a 200 metre horizontal radius of Flag A being exhibited, unless they additionally are attached to a dive Flag A on a float as defined in section one.
- (4) Every person who dives unaccompanied by a vessel or dives from the shore, such as when snorkelling, freediving or spear fishing, where there exists a likelihood of passing vessel traffic, must ensure that Flag A is displayed on a buoy in the water within close proximity to the diver in such a manner that it can be clearly identified by the person in charge of another vessel at a distance exceeding 200 metres.

4.4 Wake of vessels

- (1) A person in charge of a recreational vessel must ensure that the vessel's wake or the wake from any person or object being towed:
 - (a) does not prevent other people from safely using the navigable water;
 - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
 - (c) does not cause any risk of harm to any other person.

4.5 Access lanes

- (1) Access lanes
 - (a) Subject to the provisions of the Resource Management Act 1991, the council may, from time to time, declare by Public Notice that a specified area or areas are to be an access lane for the purpose of high-speed access to and from the shore.
- (2) Conduct in access lanes
 - (a) No person shall propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared, except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel;
 - (b) No person within an access lane shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane;
 - (c) No person shall obstruct any other person while that other person is using an access lane for the purpose for which it has been declared;

- (d) If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in, or use the lane for any other purpose;
 - (e) The access lanes to which this bylaw applies are those prescribed in Schedule 1.
- (3) Marking of access lanes
- (a) Every access lane must be demarcated by:
 - i. orange posts with horizontal black bands on the shore; and
 - ii. orange posts with black bands if the access lane is marked at its outer edge; and
 - iii. an adequate sign or signs in the vicinity of the access lane that declare the purpose of that lane.

4.6 Reserved areas

- (1) Reserved areas generally
- (a) The council, on application or of its own mind, may from time to time, by Public Notice, and in the interests of navigation safety, reserve any specified area for a specific purpose.
 - (b) A reservation under this bylaw may be made on such conditions, and for such period or periods, as the council may specify in the notice.
- (2) Reserved area for special events
- (a) Any person intending to conduct a race, speed trial, competition, or other organised water activity in any area to which this bylaw applies, may apply to the Harbourmaster to:
 - i. temporarily suspend the application of clause 3.3 in part, or in total, in that area for the purposes of facilitating the event;
 - ii. temporarily reserve the area for the purpose of that activity.
 - (b) Where the Harbourmaster is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly for a period not exceeding 10 days and on such conditions as he or she may specify;
 - (c) No grant of an application shall have effect unless, not less than seven days or more than 14 days before the commencement of the activity, a Public Notice is given specifying the period of the activity and details of the suspension or reserved area;
 - (d) The council may recover from the Applicant all actual and reasonable costs associated with the application, including any monitoring and advertising.

4.7 Conduct in reserved areas

- (1) A person must not enter into a reserved area for any other purpose than that specified by the Harbourmaster.
- (2) If any person is using a reserved area for the purpose for which it is specified, no other person or vessel may obstruct that user, or enter, remain in or use the area, for any other purpose unless with the approval of the Harbourmaster.

5 Operating requirements

5.1 Seaplanes

- (1) A person in charge of a vessel must not impede a seaplane in the process of landing or taking off.
- (2) Except in an emergency, a person must not take off, land, or attempt to take off or land, a seaplane without the permission of the Harbourmaster.

5.2 Vessels to be adequately moored or secured

- (1) No person shall anchor or moor a vessel in any navigable water in such a manner that it may break free, drag anchor or cause a navigational safety hazard.
- (2) No person shall cut, break, or destroy:
 - (a) the mooring or anchor of any vessel; or
 - (b) the fastening securing any vessel lying in a dock, or at or near a wharf or landing place.

6 Administration matters

6.1 Registration of personal water craft (jet ski)

- (1) Personal water craft (jet skis) must display a unique identification number obtained through a current and acceptable registration with any regional council.¹

6.2 Aids to navigation

- (1) A person must not tie a vessel to any aid to navigation.
- (2) A person must not damage, remove, deface or otherwise interfere with, any aid to navigation or signs.

6.3 Appointment of officers

- (1) The council may appoint persons as enforcement officers or honorary enforcement officers. Such persons are authorised to enforce the provisions of this bylaw as per the powers accorded to them through warrants.
- (2) While exercising any right, or performing any duty pursuant to this bylaw, the enforcement or honorary enforcement officer shall carry a warrant of appointment and shall as soon as it is practicable produce it to any person when asked to do so.

6.4 Bylaw breaches

- (1) A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Act and maritime rules and regulations.
- (2) A person who fails to comply with an instruction given to that person by the Harbourmaster, an enforcement officer, honorary enforcement officer, or the police, under this bylaw commits a breach of this bylaw and is liable to a penalty under the Act and maritime rules and/or the Local Government Act 2002 and regulations.

¹ Auckland Council runs the closest registration system.

- (3) The owner and person in charge of a vessel are jointly and severally responsible for compliance with this bylaw.
- (4) If no person is placed in charge of a vessel, the owner of the vessel is responsible for compliance with this bylaw.

6.5 Liability of the council

- (1) The council is not liable for:
 - (a) any damage to vessels used on the lakes;
 - (b) any damage to a vessel which results from any actions taken by the Harbourmaster, his delegate or an enforcement officer, to secure a vessel in the event of an adverse event.
- (2) The council is not liable for any damage to a vessel that the Harbourmaster, his delegate, or an enforcement officer, secures or removes under this bylaw or under the Act.

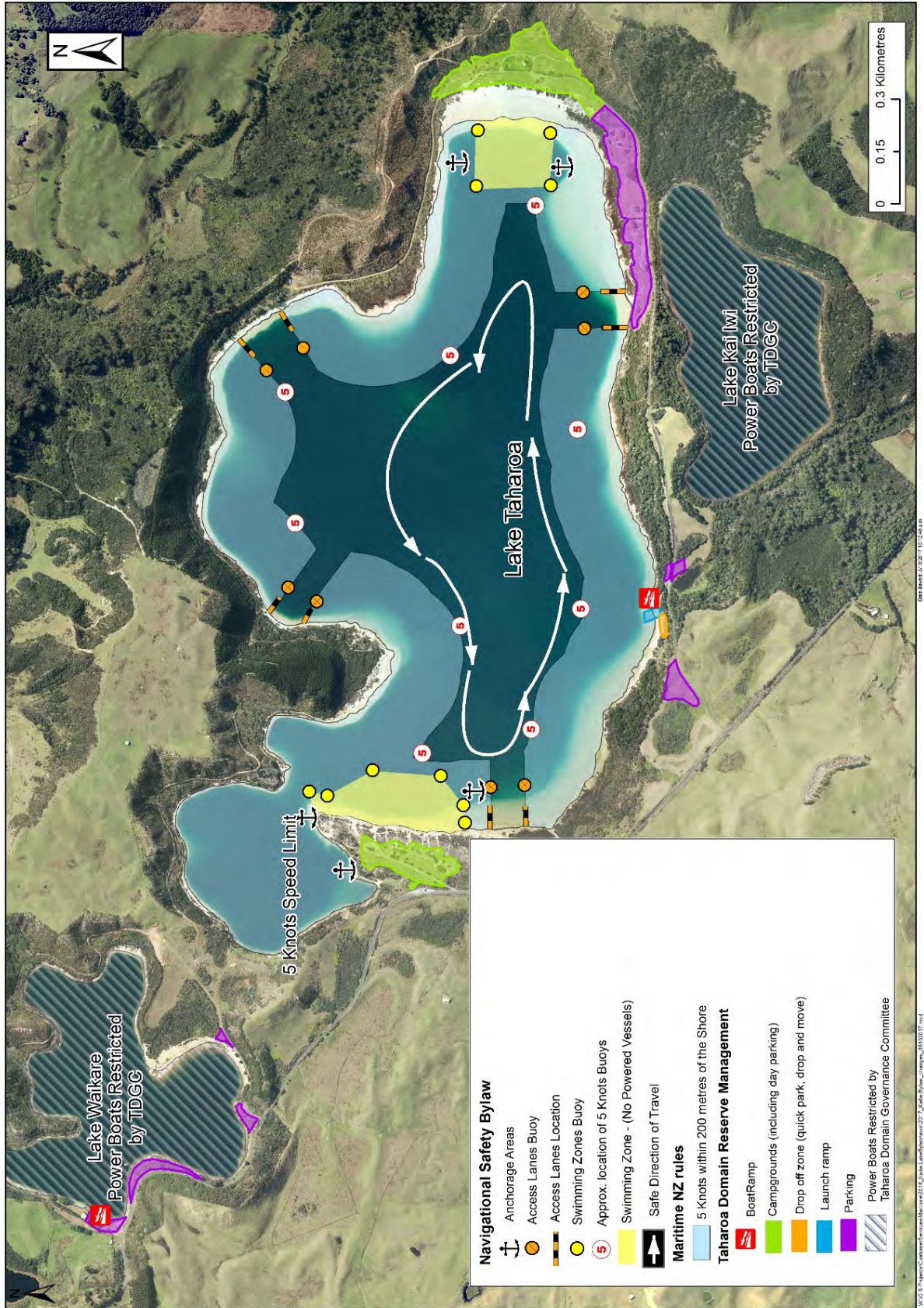
6.6 Intervention by the Harbourmaster

- (1) In any case where the Harbourmaster, his delegate or an enforcement officer, is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure, wharf or the environment, the Harbourmaster, his delegate or an enforcement officer, may prohibit or restrict the activity until they are satisfied that adequate precautions have been taken.

6.7 Exemptions and other provisions

- (1) The Harbourmaster may exempt by written approval, any person, vessel or class of vessels, from any requirements of this bylaw.
- (2) In granting any written exemption to any clause of this bylaw, the Harbourmaster must consider the effects of the exemption on public health and safety.
- (3) The Harbourmaster may revoke any exemption at any time the Harbourmaster has reason to believe public health or safety has been, or may be, adversely affected.
- (4) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- (5) Unless the context requires another meaning, a term or expression that is defined in the Act or maritime rule and used in this bylaw, but not defined, has the meaning given by the Act or maritime rule.

Schedule 1: Kai Iwi Lakes map



Navigation Safety Bylaw for Kai Iwi Lakes 2017

Options for five-knot speed limit area



Introduction

This document is the Statement of Proposal¹ for a proposed change to the five-knot speed restriction area in Lake Taharoa within the Navigation Safety Bylaw for Kai Iwi Lakes 2017 (the bylaw). It sets out the options and their respective merits, the legal requirements for changing the bylaw, and how you can have your say.

Taharoa Domain is a 538 hectare recreation reserve vested in Kaipara District Council. The Domain features three lakes: Lake Taharoa, Lake Kai Iwi and Lake Waikare (the Lakes). The Lakes are a popular destination for a range of recreational activities.

The Northland Regional Council approved the bylaw on 24 October 2017. During the consultation on the bylaw, many submitters said they wanted the five-knot speed restriction from the shoreline reduced from 200 metres to 100 metres right around Lake Taharoa. This change cannot be made without further consultation² and council has decided there is sufficient merit in the idea to warrant specific consultation on options for the five-knot speed restriction limit.

The options

Council is consulting on two options for the five-knot speed limit near the shoreline around Lake Taharoa:

1. Status quo - keep it to 200 metres from shore
2. Reduce it to 100 metres from shore

Refer to **Appendix 1** for the proposed wording changes and map for each option.

The proposed wording changes do not alter council's determination³ that a bylaw is the most appropriate way of addressing the issue of safety on the lakes. Please see the Statement of Proposal and Navigation Safety Bylaw for Kai Iwi Lakes www.nrc.govt.nz/lakesbylaw

Potentially there could be a combination of both a 100 metre and 200 metre limit around the lake's shoreline, although council's preference is to keep it simple and for it to be one or the other.

The 200 metre five-knot speed limit is the status quo and has been the case since the expiry of the 'Kai Iwi Lakes Bylaw No.1 2000' in 2010, which had a 100 metre limit. The current Navigation Safety Bylaw for Kai Iwi Lakes 2017 doesn't set a limit – the 200 metre limit is the default limit under Maritime Rules Part 91⁴.

¹ Under the *Local Government Act 2002*, council is required to release a 'Statement of Proposal' when consulting on a change to a bylaw.

² The option sought by submitters wasn't included in the Statement of Proposal' for the Draft Navigation Safety Bylaw for Kai Iwi Lakes'. This option sought requires the approval of the Director of Maritime NZ and they have indicated that they would not approve this option without specific public consultation.

³ Made under Section 155 of the *Local Government Act 2002*.

⁴ The Maritime Rules Part 91 are issued by Maritime New Zealand and are a set of basic navigation standards. They are issued under section 36(t) and (tb) of the *Maritime Transport Act 1994*.

Option 1 - 200 metres

This is the status quo. The arguments in support of keeping the 200 metre limit include:

- The same limit is used in the regional navigational safety bylaw covering the coastal area – and this reduces the potential for confusion
- The occurrence of incidents/accidents between powered vessels and swimmers/non-powered vessels will be lower
- It provides an increased area of the lake where low-speed water based activities can operate without high-speed vessels.

Option 2 - 100 metres

The arguments for a 100 metre limit include:

- It will improve safety for water-skiers and vessel users by:
 - Allowing water skiers into more sheltered waters nearer the shore
 - Decreasing congestion – it would increase the usable space on Lake Taharoa for powered vessels by 50% (from 52 hectares to 98 hectares) and reduce the occurrence of incidents/accidents amongst powered vessel users.

Changing the bylaw

National maritime rules are set by Maritime New Zealand. The *Maritime Transport Act 1994* enables regional councils to make bylaws to provide for local conditions⁵.

The *Local Government Act 2002* sets out the procedure for making and changing bylaws⁶. Because there's likely to be significant public interest in the proposed amendment, council is required to release a Statement of Proposal⁷ and provide people with an opportunity to share their views (in writing and in person)⁸. The next section explains how people can have their say.

If council decides 100 metres is the preferred option, an application will then be made to the Director of Maritime NZ for a 'permanent speed uplift'. This is because the 100 metres is a divergence from the Maritime Rules Part 91 default of 200 metres. If the director does not approve the application, then the default of 200 metre limit will remain in place.

Have your say

A copy of this document is available free from any of the council's offices, or on the council's website: www.nrc.govt.nz/lakesbylaw

⁵ Section 33M.

⁶ Sections 155-157.

⁷ This document is a Statement of Proposal. It sets out the proposed amendments and the reasons for them.

⁸ Section 83, *Local Government Act 2002*

The council offices are located at:

- Main Office: 36 Water St, Whangārei | Ph 09 470 1200
- Ōpua Office: Unit 10, Ōpua Marine Park, Ōpua | Ph 09 402 7516
- Dargaville Office: 42 Hokianga Rd, Dargaville | Ph 09 439 3300
- Kaitāia Office: 192 Commerce Street, Kaitāia | Ph 09 408 6600
- Waipapa Office: Shop 9, 12 Klinac Lane, Waipapa | Ph 09 470 1200

Written submissions

Anyone can make a written submission - you can:

- Do it online at www.nrc.govt.nz/lakesbylaw (we encourage online feedback as it reduces our costs for processing the feedback we get)
- Email us at submissions@nrc.govt.nz
- Or mail your submission to: Kai Iwi Lakes bylaw submission, Northland Regional Council, Private Bag 9021, Whangārei Mail Centre, Whangārei 0148.

Your submission should reach the council by 5:00pm Wednesday, 28 February 2018.

Please note, we will <u>not</u> be holding hearings. Instead of hearings we'll be holding a "Have your say" event – see below for details

Kai iwi lakes open day

On Saturday, 27 January 2018, there'll be an open day at Lake Taharoa attended by some council staff and councillors. We'll have more details closer to the time at:

www.nrc.govt.nz/lakesbylaw

Have your say event

On 22 and/or 23 February 2018 we'll be hosting a "Have your say" event in Dargaville, where you can come and share your views with the councillors who'll be making the decision about which option to proceed with. You'll need to register with us by 31 January 2018 if you'd like to attend this event – email submissions@nrc.govt.nz.

Appendix 1 – Wording of two options

This section sets out the proposed wording changes to the Navigation Safety Bylaw for Kai Iwi Lakes 2017 and the associated maps for the two options. New text is underlined and deletions are ~~strikethrough~~. The remainder of the bylaw remains as approved by council on 24 October 2017, and can be found on our website: www.nrc.govt.nz/lakesbylaw

Option 1 - 200 metres

3.3 Speed of vessels

- (1) A person in charge of a vessel must not operate a vessel at a speed exceeding five knots within:
 - (a) 50 metres of any other vessel;
 - (b) 50 metres of any person in the water;
 - (c) 200 metres of any vessel that is exhibiting Flag A;
 - (d) 200 metres of the shore.
- (2) A person in charge of a power-driven vessel must not operate the vessel at a speed exceeding five knots while another person has any portion of his or her body extending over the bow or side of that vessel.
- (3) The provisions of (1) above do not apply to:
 - (a) An emergency response vessel, Harbourmaster vessel, or police vessel if the vessel's duties cannot be performed in compliance with those provisions;
 - (b) A vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared.

~~**Advice Note:** A person must not operate any vessel in breach of Maritime Rule 91.6 made under the Maritime Transport Act 1994 — That is:~~

- ~~• (1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding five knots within 200 metres of the shore or of any structure.~~

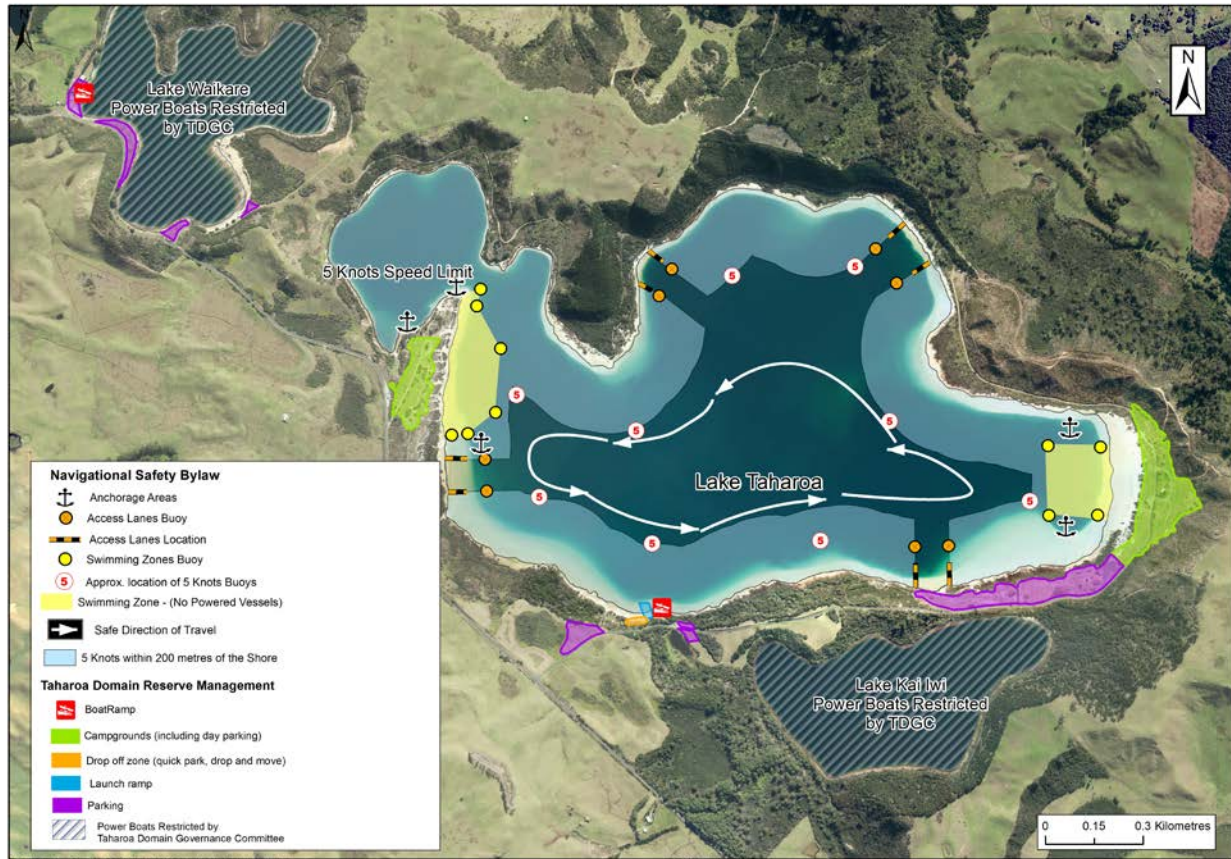


Figure 1: Option 1 - 200 metres

Option 2 - 100 metres

3.3 Speed of vessels

- (1) A person in charge of a vessel must not operate a vessel at a speed exceeding five knots within:
 - (a) 50 metres of any other vessel;
 - (b) 50 metres of any person in the water;
 - (c) 200 metres of any vessel that is exhibiting Flag A;
 - (d) 100 metres of the shore;
- (2) A person in charge of a power-driven vessel must not operate the vessel at a speed exceeding five knots while another person has any portion of his or her body extending over the bow or side of that vessel.
- (3) The provisions of (1) above do not apply to:
 - (a) An emergency response vessel, Harbourmaster vessel, or police vessel if the vessel's duties cannot be performed in compliance with those provisions;
 - (b) A vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared.

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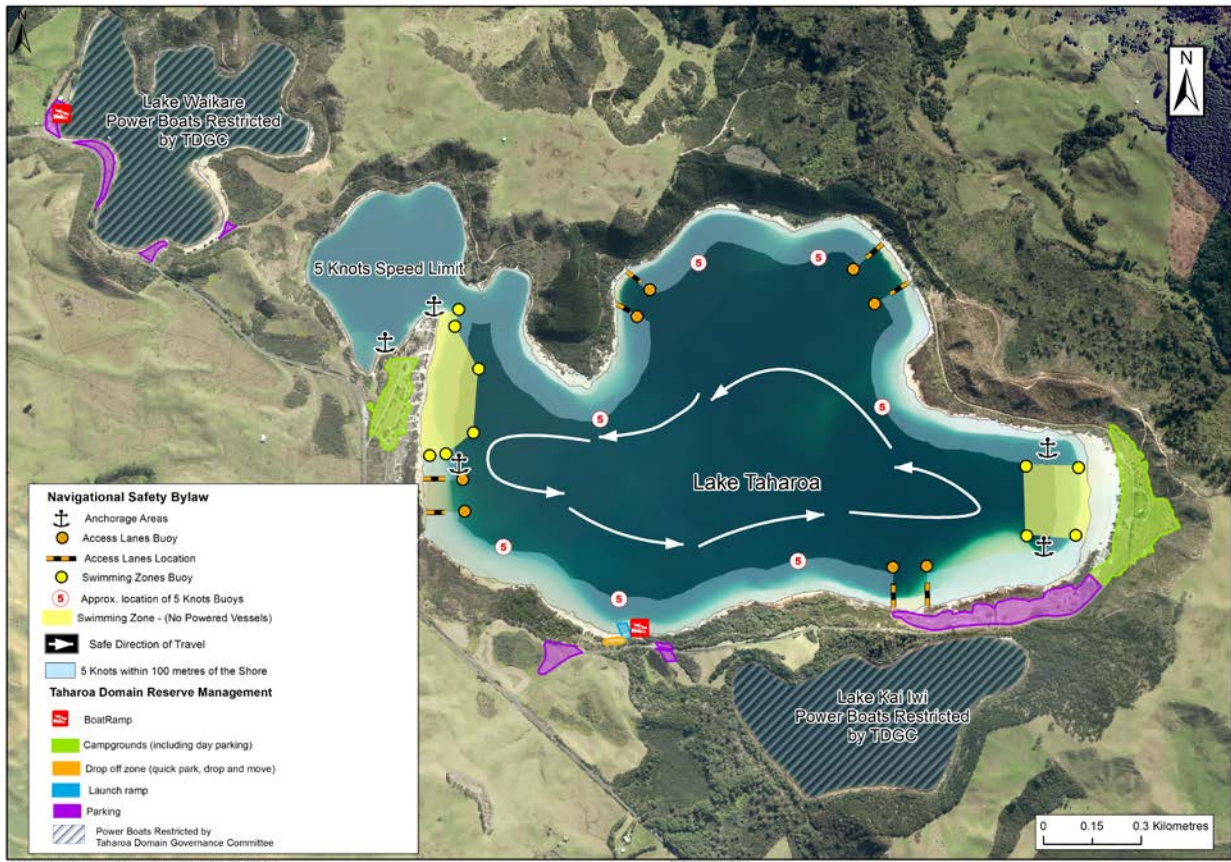


Figure 2: Option 2 - 100 metres

5.4 Alcohol Control Information

Policy Analyst 3216/2018 bylaw

Recommended

That the Taharoa Domain Governance Committee receives the Policy Planner's report 'Alcohol Control Information' dated 23 January 2018 and the information contained therein.

File number: 3216/2018 bylaw **Approved for agenda**

Report to: Taharoa Domain Governance Committee

Meeting date: **08 February 2018**

Subject: **Alcohol Control Information**

Date of report: 23 January 2018

From: Paula Hansen, Policy Planner

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

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

Summary

At the Taharoa Domain Governance Committee (the Committee) meeting on 11 December 2017, the Committee sought information around alcohol controls at the Kai Iwi Lakes (the Domain).

The Control of Alcohol in Public Places is governed by the Sale and Supply of Alcohol Act 2012 and Bylaws to create Alcohol Control areas (alcohol ban areas) under the Local Government Act 2002.

There are currently no alcohol ban areas at the Domain which means people can freely consume alcohol within the Domain. The Domain Manager has rules in place around the consumption of alcohol for the camp ground.

Under the Local Government Act 2002 Council can only place an alcohol ban over an area if it is satisfied that there is evidence that the area has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption. The establishment of an issue generally comes from information supplied by the Police. This means no issues, no bylaw.

Council has little to no responsibility and liability when alcohol is consumed in a public place. The police have the responsibility to enforce offences committed in a public place, including disorderly behaviour (whether or not it is alcohol-related) and the consumption of alcohol in a public place by unaccompanied minors.

Council does have responsibilities though with regards to the sale and supply of alcohol, regardless of whether it is in a public place or not. If alcohol is to be consumed at a venue it has hired out, the onus is on the hirer to ensure that they have any special permissions, such as a special licence. A special licence is needed for a one-off event where the sale and supply of alcohol is to occur. The venue could be treated similar to the Northern Wairoa War Memorial Hall (Dargaville Town Hall). The application form and associated rules for the use of the Dargaville Town Hall are an example as to how this could be managed (**Attachment 1**).

Whether or not alcohol can be consumed at the venue may determine whether a person decides to hire the venue or not. This may affect the ability to hire out the venue. The Committee may wish to give further thought to the types of events/functions they would like to promote at the venue, as part of the decision-making process when deciding if the venue should be alcohol free or not.

Recommendation

That the Taharoa Domain Governance Committee receives the Policy Planner's report 'Alcohol Control Information' dated 23 January 2018 and the information contained therein.

Reason for the recommendation

So that the Committee may receive information on the concerns it raised at its previous meeting held on 11 December 2017.

Reason for the report

To provide information on the concerns the Committee raised at its previous meeting held on 11 December 2017.

Background

At its meeting on 11 December 2017, the Committee sought information around alcohol controls at the Kai Iwi Lakes (the Domain).

In particular the Committee would like to know the following:

1. What alcohol controls are currently in place at the Domain?
2. What is Council's responsibility and liability when alcohol is consumed in public places?
3. What is Council's responsibility and liability when alcohol is consumed in a venue it has hired out i.e. if we allow alcohol to be consumed at the Lake Waikare Events Centre?
4. What are the pros and cons if Council allows alcohol to be consumed at the Lake Waikare Events Centre?

The Control of Alcohol in Public Places is governed by the Sale and Supply of Alcohol Act 2012 and Bylaws to create alcohol control areas (alcohol ban areas) under the Local Government Act 2002. Any bylaws Council makes must also be consistent with the New Zealand Bill of Rights Act 1990.

Issues

1 What alcohol controls are currently in place at the Domain?

There are currently no alcohol ban areas within the Domain. This means that generally people may freely drink alcohol within the Domain. However, they cannot sell or supply any alcohol within the Domain. If someone wishes sell or supply alcohol within the Domain for a one-off event, they will be required to obtain a special licence. If it is a business wishing to supply or sell alcohol they will then be required to obtain an on-licence (if the alcohol is to be consumed within a defined area e.g. at a restaurant), or off-licence (if the alcohol is to be consumed out of a defined area e.g. back at the customer's camp site).

The camp ground area is treated differently to the rest of the Domain as these areas are under the direct control of the Domain Manager (the Manager), who has the authority to make and enforce rules within these areas. This allows the Manager to exert a direct level of control over acceptable behaviour within these areas. People who use the camp ground are advised when they arrive that if, in the Manager's opinion, they are intoxicated and are causing a nuisance they will be required to leave, along with their

entire group. They are also advised that they can only drink alcohol at their camp site and not walk around with an alcoholic drink in their hand.

2 What is Council's responsibility and liability when alcohol is consumed in public places?

In terms of responsibility and liability, Council has very little responsibly and minimal (if any) liability with regard to the general consumption of alcohol in public places. The police have the responsibility to enforce offences committed in a public place, including disorderly behaviour (whether or not it is alcohol-related) and the consumption of alcohol in a public place by unaccompanied minors. Council does however have responsibilities when licensing premises to sell and supply alcohol on any given premises.

Under the Local Government Act 2002, a level of crime and disorder needs to be present before a Bylaw can even be considered. Council needs to be satisfied that there is evidence that the area has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption. This information generally comes from the Police. This means, no issues, no Bylaw. The Bylaw is a tool to help Police stop issues associated with the consumption of alcohol from arising in areas that are experiencing problems. If Council decides to put in place a bylaw in the absence of an issue, they may run into problems under the Local Government Act 2002 and the New Zealand Bill of Rights Act 1990. The New Zealand Bill of Rights Act 1990 is about providing for the general rights and freedoms of all New Zealanders, including the right to consume alcohol in a reasonable and sensible manner.

In terms of the Domain the main issue will be around how to control alcohol consumption in the wider Domain i.e. other than the camp ground, particularly around Lake Waikare. The area around Lake Waikare is easily accessible to people and is not monitored as much as other parts of the Domain, largely due to resourcing. The Manager has the authority to cover the whole of the Domain and where possible try to sort issues out themselves. However, the Manager is just one person and cannot be everywhere at once. While there are additional wardens in place over the summer period, these people are not necessarily equipped to deal with the adverse behaviours associated with alcohol consumption. Also, in the age of technology, the enforcement officers are having to be aware of the use of recordings and social media distribution when enforcement officers need to take action with people causing issues.

3 Council's responsibility and liability when alcohol is consumed in a Council-owned venue it has hired out? [if we allow alcohol to be consumed at the Lake Waikare Events Centre.]

This would be no different to when Council hires out the Northern Wairoa War Memorial Hall (Dargaville Town Hall). The Northern Wairoa War Memorial Hall – Hire Request Form (**Attachment 1**) includes the Rules for hiring this Hall. The person hiring the venue will need to obtain a special licence to sell and supply alcohol. The special licence helps to establish who will be in charge and who will be responsible for any issues associated with alcohol consumption during the time they are using the venue, this is namely the applicant. A special licence also makes the Police aware that an event is happening, including the size of the event. If tickets are sold to an event that provides alcohol beverages, even if they do not pay for them at the event (in other words you pay for them through the purchase of your ticket) then this is also considered to be selling alcohol.

Depending on the reason for the event, alcohol can be supplied without a special licence first being obtained, such as in the case of a private function. A private function is considered to be open only to invited guests and not open to the general public, so is considered to be more controlled as it restricts access. If the function is open to the general public, then a special licence may be required.

If it is decided that the venue is a 'no alcohol' venue then this could form part of the condition when hiring. This will mean that there are no exceptions, unless the rules allow for exceptions.

4 What are the pros and cons if Council allows alcohol to be consumed at the Lake Waikare Events Centre?

Enforcement capability

The Domain is located about 20-30 minutes drive from the closest Police station located in Dargaville. If there are issues associated with the consumption of alcohol it will take some time before help arrives.

The Hirer is the person who would be responsible to ensure guests at the venue behave themselves. An issue may arise if a gathering that has been drinking moves on from the venue and decides to stay around the Domain for a longer period. A bigger issue would be drinking around the wider Domain area, rather than the venue, particularly over the New Year period. Discussions with the Manager and potentially the Police should be undertaken to consider options. This could include having a community constable situated out at the Lakes over this summer period, similar to Baylys Beach approximately four to five years ago, when issues were happening there. The use of Maori Wardens is also an option.

If a major issue is identified, a bylaw to make the Domain or an area of the Domain an alcohol ban area could be an option.

Underage drinkers

They are likely to be confined to the Centre where the Hirer will be responsible for them, as opposed to the wider Domain where anything could happen to them or others. If an alcohol licence was obtained then underage drinkers are unlikely to be present or intoxicated, as the licence holder would not be able to sell and supply alcohol to them as a condition of their licence.

Adverse behaviours

Again there will be someone in charge that should be taking responsibility for them. Because of the isolated areas, if they were asked to leave the venue in an intoxicated state and try to drive off, there is potential for accidents to occur, or if asked to leave the venue they may then proceed to cause issues elsewhere in the Domain.

Refuse

A condition of hire could include ensuring that the venue and surrounding area are left as they were found, otherwise the Hirer will be invoiced to get the refuse removed (e.g. empty bottles).

Number of visitors / uptake of usage

There could be a significant drop in use of the Domain area if alcohol was to be banned from the Domain completely. If there was no alcohol allowed at the events venue then the use of this may also be impacted. The ability to consume alcohol may determine a person's decision on whether or not to hold

an event there. For example someone may wish to hold a wedding at the Lake Waikare Events Centre, yet because no alcohol is allowed they will likely find another venue. However, the Committee may also want to consider what type of events they would like to promote at the Centre, for example, community events or private events. Once this is clear, this will provide the direction around alcohol consumption at the venue.

Potential outcome

If alcohol is considered appropriate within the Lake Waikare Events Centre venue, then when the venue is being hired, a special licence similar to the process for the Northern Wairoa War Memorial Hall is recommended. This allows a formal process to ensure responsible people are available to manage the event and it would elevate the seriousness of this matter to the people hiring the premises. Imposing this condition when hiring the Lake Waikare Events Centre should avoid any risk to Council.

Attachment

Attachment 1: Copy of Northern Wairoa War Memorial Hall hire application

Northern Wairoa War Memorial Hall – Hire Request Form

An invoice will be sent to you within 10 working days of the receipt of this form pending availability.

Receipt of this form and the Bond Authorisation Form will finalise the reservation.

1 Hirer	
Contact person name	
Organisation	
Telephone number	
Email	
Postal address	

2 Function	
Date	
Time	
Purpose	

3 Will the function include a cash bar, or is alcohol included in the ticket price?	
<input type="checkbox"/> Yes (go to 4)	<input type="checkbox"/> No (go to 5)

4 Special Licence	
You require a Special Licence ⁺ . Please state the licence number and the name of the licence holder. You can provide this information later, but you must do so <u>before</u> the function.	
Licence number	
Name of licence holder	

⁺ You can apply for a Special Licence from Kaipara District Council. Application form for a Special Licence is available on Council's website www.kaipara.govt.nz, under 'A-Z forms' or from Council's Customer Services Team on 0800 727 059.

5 Please tick applicable area/s (this will affect the hire fee, please refer to the overleaf)				
<input type="checkbox"/> Auditorium	<input type="checkbox"/> Conference room	<input type="checkbox"/> Kitchen	<input type="checkbox"/> Foyer	<input type="checkbox"/> Whole facility

6 Please tick one (this will affect the hire fee, please refer to the overleaf)		
<input type="checkbox"/> Private or Profit-Making	<input type="checkbox"/> Community group	<input type="checkbox"/> Social Service or Voluntary

I confirm that I have received and will comply with the following documents:

- Conditions of Hire (for your reference only)
- Fire Safety and Evacuation Scheme (for your reference only)
- Bond Authorisation Form (please complete and return to Council)
- Health and Safety Induction Form (please complete with Council staff)

Signature _____ Date _____

* Please see overleaf for an excerpt from *Kaipara District Council Fees and Charges 2017/2018* for hire fee information and other important information to consider before making this hire request.

Excerpt from Kaipara District Council Fees and Charges 2017/2018, pages 21-32
Dargaville Town Hall (Northern Wairoa War Memorial Hall) Hire Costs

Area	Private/profit-making rate	Community group rate	Social service/voluntary rate
Auditorium	\$200 per day OR \$50 per hour	\$80 per day OR \$20 per hour	\$40 per day OR \$10 per hour
Conference Room (does not include use of the kitchen)	\$100 per day OR \$25 per hour	\$60 per day OR \$15 per hour	\$30 per day OR \$10 per hour
Conference Room and Kitchen (no cooking – for tea, coffee and light refreshments only)	\$120 per day OR \$30 per hour	\$70 per day OR \$17.50 per hour	\$35 per day OR \$10 per hour
Kitchen (alone)	\$100 per day OR \$25 per hour	\$60 per day OR \$15 per hour	\$30 per day OR \$10 per hour
Whole Facility	\$380 per day OR \$80 per hour	\$180 per day OR \$50 per hour	\$80 per day OR \$20 per hour

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

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

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

For more information, please contact Council's Administration Team at administrationrequests@kaipara.govt.nz.

1 Definition of Private or Profit-Making

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

2 Definition of Community Group

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

3 Definition of Social Service and Voluntary

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

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

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

4 Council Reserve of Rights

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

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

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

Northern Wairoa War Memorial Hall Hire – Conditions of Hire**1 Definitions**

- 1.1 **Council** is Kaipara District Council.
- 1.2 **Hall** is the Northern Wairoa War Memorial Hall, also called Dargaville Town Hall, located at 37 Hokianga Road, Dargaville.
- 1.3 **Hirer** is the person or organisation hiring the Hall. If the Hirer is an organisation, the contact person on the Hire Request Form will be nominally responsible.
- 1.4 **Hire Fee** is the amount invoiced to the Hirer by Council for the hire and is based on the current Fees and Charges document.
- 1.5 **Hire Period** is the total time the Hall premises are required by the Hirer including time for preparation and tidying up before and after the function.

2 General

- 2.1 Hire Fee and Bond Authorisation Form must be received in advance of the Hire Period unless otherwise arranged with Council staff. Failure to do so may result in cancellation of the reservation.
- 2.2 Sub-letting of any part of the Hall is prohibited, except with prior permission from Council staff.
- 2.3 The Hirer may cancel a reservation and receive a full refund provided that 10 working days' notice is given in writing.
- 2.4 The Hirer indemnifies Council from any liability relating to the reservation and use of the Hall.
- 2.5 Council reserves the right to cancel the reservation if unforeseen circumstances arise after the reservation has been confirmed.

3 Keys

- 3.1 The Hall keys can be collected from Council reception after receipt of Hire Fee and Bond Authorisation Form. Keys are only to be used for the purpose issued.
- 3.2 Keys can only be used by the Hirer.
- 3.3 Keys must not be copied.
- 3.4 Keys must be returned within 48 hours of the last date of use.
- 3.5 If keys are not returned within the timeframe above, \$20 will be charged for each day. This may be deducted from your bond and/or invoiced to the Hirer.
- 3.6 If keys are lost or stolen, this must be reported to Council immediately.
- 3.7 If keys are lost or stolen, a replacement cost of \$75 will be charged. This may be deducted from your bond and/or invoiced to the Hirer.

4 Recurrent reservations

- 4.1 Recurrent reservations (more than 10 reservations in a calendar year) will be subject to the premises being made available for other uses as directed by Council staff.
- 4.2 Recurrent reservations are subject to Conditions of Hire, excepting the bond. A Bond Authorisation Form may not be required at Council staff's discretion. This may depend on the type of function and past reservations.

5 Health and safety

- 5.1 The Health and Safety Induction Form must be completed with Council staff either in person or by telephone. Copies of the H&S Induction Form, the Hazards Register and Material Safety Data Sheets (MSDSs) will be available inside the Red Safety Folder in the kitchen.
- 5.2 Please ensure that all participants are made aware of their responsibilities under the Health and Safety at Work Act 2015 and that all practicable steps are taken to ensure the health and safety of all participants and others.
- 5.3 Work at height is prohibited without appropriate equipment used by an appropriately trained and/or qualified person/s with express permission from Council staff. Ladders available in the Hall should not be used for work greater than two metres (from platform to ground).

6 Fire safety and evacuation scheme

- 6.1 The Hirer will comply with the requirements of the Hall Fire Safety and Evacuation Scheme.
- 6.2 For the Hire Period, the Hirer is designated as the Building or the Floor Warden. As such, the Hirer is responsible for ensuring the building is safely evacuated in the event of an emergency.

7 Food safety

- 7.1 If the function involves the sale of food or beverages (including as a component of the ticket price), the Hirer or the caterer may be required to prepare and register a Food Control Plan under the Food Act 2014. There is a comprehensive guide to Food Control Plans on the Ministry of Primary Industries website www.mpi.govt.nz/food-safety/food-act-2014/food-control-plans/. Alternatively you can contact Council's Health Administrator on 0800 727 059 or health@kaipara.govt.nz.

7.2 Hot food that is not served shortly after heating must be checked to ensure that its temperature remains above 60°C. Similarly, if cold food is kept in the fridge for a significant time, the temperature should be checked to see it is below 5°C. The Food Temperature Record is inside the Red Safety Folder in the kitchen where you can record hot or cold temperatures. There will be a thermometer available for your use. This should be thoroughly cleaned before and after each use and returned next to the Red Safety Folder. If the thermometer is lost, the Hirer will be charged \$40. This may be deducted from your bond and/or invoiced to the Hirer.

8 Smoke and drug free

8.1 The Hall is smoke and drug free. No drugs are to be brought onto or consumed on the premises. Smoking is not permitted inside any of the premises. The Hirer is responsible for ensuring this is enforced and is liable for all fines under the Smoke-free Environment Amendments Act 2003 incurred during the hire period.

9 Alcohol

9.1 If alcohol is being sold (including as a part of the ticket price), the Hirer will require a Special Licence. Application form for a Special Licence is available on Council's website www.kaipara.govt.nz, under 'A-Z forms' or from Council's Licensing Team on 0800 727 059 or kdclicensing@kaipara.govt.nz.

9.2 When there is no alcohol being sold, the Hirer may serve alcohol at the function without a Special Licence if the function is a genuine private social gathering for invited guests only.

10 Noise control

10.1 The Hirer is responsible for noise management throughout the Hire Period. In the event of an offence being committed against either the Noise Control Act 1982 or any Kaipara District Bylaw 2008 relating to noise control, the Hirer will be responsible for any infringements and fines.

10.2 Noise Control Officers have the authority to enter any Council facility including the Hall to issue infringement notices or seize sound equipment.

11 Copyright

11.1 The Hirer is responsible for any fees that may be claimed by and held to be payable to the Australasian Performing Rights Association or similar.

12 Floor markings

12.1 Only approved 'Sellotape code 7503 marking tape' is to be used on the floor surface.

12.2 Floor markings must be removed fully at the completion of hire.

13 Hirer's property

13.1 All property belonging to the Hirer, including decorations and wall fixtures, must be removed from the Hall by the end of the Hire Period unless otherwise arranged with Council staff.

13.2 Disposal or relocation of the Hirer's property may result in extra charges being applied to the Hirer in the form of retention of the bond and/or an additional invoice.

13.3 Council accepts no responsibility for the safe custody of the Hirer's property and all insurance cover for such property is the responsibility of the Hirer. This includes any rented or hired equipment or items by the Hirer.

14 Furniture and equipment

14.1 Council has tables, chairs and other furniture available for use inside the Hall. If used, these must be returned to their original positions and neatly stacked in the storage areas provided.

14.2 Council has sound and lighting equipment available for use. These are stored in Council's Dargaville office. For further information and instructions, please contact Council's Customer Services Team. Please note that these must be returned to Council reception during office hours unless otherwise arranged with Council staff.

14.3 Council has a projector and a projector screen in the Hall conference room. The control for the projector is stored in a locked cabinet and is intended for use by Council staff only. In some circumstances, use of this equipment may be allowed at Council staff's discretion. Please be advised the Hirer must be trained to use this equipment and the bond amount may increase. Any damage to this equipment, whether this equipment is hired or not, may incur extra charges being applied to the Hirer in the form of retention of the bond and/or an additional invoice.

14.4 Council has cutlery and crockery available for use inside the kitchen. If used, these must be cleaned and returned to their original positions.

14.5 Please be advised that there are limited items of furniture, equipment, cutlery and crockery available. Council advises the Hirer to consider this when organising their function. The Hirer may arrange to do an inspection prior to the function by arrangement with Council staff.

15 Loss or damage to Council property

- 15.1 The Hirer is responsible for any damage to or loss of Council property including damage to the premises or loss of equipment that is incurred during the Hire Period.
- 15.2 Any loss of or damage to Council property must be reported to Council staff at the earliest opportunity.
- 15.3 Any loss of or damage to Council property will result in extra charges being applied to the Hirer in the form of retention of the bond and/or an additional invoice.

16 Cleaning up and rubbish

- 16.1 After the function, the Hirer must return the Hall to its original condition. If this is not done properly, extra charges may be applied to the Hirer in the form of retention of the bond and/or an additional invoice. Please refer to the Post-Hire Checklist or contact Council staff for instructions.
- 16.2 If the kitchen is used, the cleaning schedule must be followed. If additional cleaning is required to return the kitchen to its original condition, cleaning fee may be deducted from the bond or invoiced to the Hirer.
- 16.3 All rubbish must be taken off the premises.

17 Security

- 17.1 The Hirer is responsible for the conduct of the function and persons at the function inside and outside the premises. Organisers are reminded that they have the right to refuse admission to any person.
- 17.2 The Police, Council's security contractor or Council staff have the authority to close any function at the Hall, where it is considered that there is the likelihood of damage to property or the likelihood of a public disturbance.
- 17.3 After the function, the Hirer must secure the facility against theft and weather damage. If this is not done properly, extra charges may be applied to the Hirer in the form of retention of the bond and/or an additional invoice. Please refer to post-hire checklist or contact Council staff for instructions.
- 17.4 If the Hall keys are lost or stolen, the Hirer must inform Council as soon as possible.

18 Admission of authorities

- 18.1 Council staff and emergency services must have admission to the premises at all times.

19 Special conditions

- 19.1 In addition to these Conditions of Hire, special conditions may also apply to the individual Hirer as discussed and arranged prior to the Hire Period. Such special conditions will be in writing and will be signed by the Hirer and attached to this document.

20 Contravention of conditions

- 20.1 Contravention of any Conditions of Hire may result in the Hirer being prohibited from further use of the facility and Council reserves the right to order any function to cease forthwith upon notice of evidence of such contravention having been given during the hire period.

21 Disputes

- 21.1 In the event of any dispute or difference arising as to the interpretation of these conditions, or as to any matter or thing therein contained, or as to the meaning of any of these conditions, the decision of the Administration Manager thereon shall be final and conclusive. Any hiring of any kind shall be subject to terms and condition herein of which it shall be taken that the Hirer is aware.

22 Amendments to conditions of hire

- 22.1 Council reserves the right to amend Conditions of Hire and charges from time to time without notice.

Northern Wairoa War Memorial Hall – Fire Safety and Evacuation Scheme

Pursuant to Section 7 of the Fire Safety and Evacuation of Buildings Regulations 2006, the Hirer must follow evacuation procedure provided by Council and ensure that every person follows that procedure.

For the Hire Period, the Hirer is designated as the Building or the Floor Warden. When the ANZAC Theatre is operating the Building Warden is Vernon Wood or his delegate and the Hirer will follow his or her instructions as the Floor Warden. If the Theatre is not operating, the Hirer will act as the Building Warden and appoint a Floor Warden.

The Hirer may designate other Fire Warden/s to assist. We recommend designating at least one other Fire Warden to check the backstage area if the auditorium is used.

Building/Floor/Fire Wardens must:

- be easily identifiable (arm bands are inside the Red Safety Folder in the kitchen);
- ensure that Hall users are aware of exits and the Assembly Point in the event of a fire (park next to the playground and RSA building; and
- be aware of the locations of fire alarms and firefighting equipment (please refer to the attached map).

If the fire alarm is activated or the building needs to be evacuated for any reason (e.g. gas leak, chemical spill), ensure that everyone in the Hall follows the direction of the Building Warden and exits the Hall in an orderly fashion to the Assembly Point.

The **Building Warden** should stand outside, at the front of the building, meet emergency services and forbid any member of the public from entering the Hall. The **Floor Warden** should ensure that evacuees remain at the Assembly Point.

Once emergency services are on the scene, please pass on any relevant information and follow their instructions.

Building/Floor Warden:

Name/s: _____

Fire Warden/s:

Name/s: _____

Building Assistance Register

If there is any person attending who may require assistance in an evacuation, the Building/Floor Warden should update the Building Assistance Register below. The Building/Floor Warden is to be aware of likely location/s and type of assistance required.

Date	Likely locations	Type of assistance required	Person assigned to assist

Important

Do not cover or screen the fire exits in any way. They must be visible at all times.

We recommend that you read this form thoroughly, fill in any necessary parts and place it inside the Hall during the Hire Period for reference. If required, extra copies are available inside the Red Safety Folder inside the kitchen.

If you have any queries, please contact Council on 0800 727 059 or email administrationrequests@kaipara.govt.nz.

Telephone

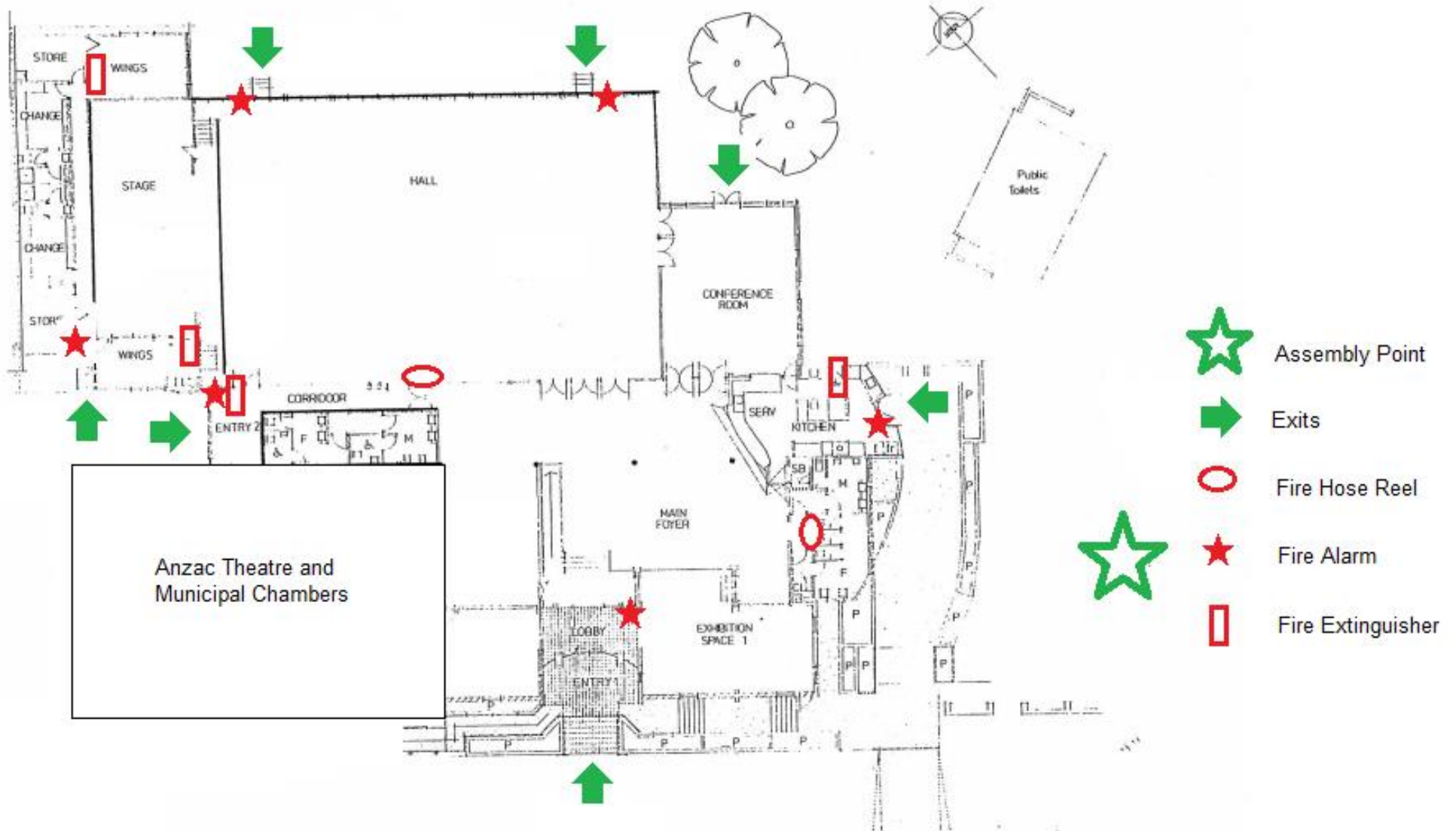
Fire, police, ambulance

111

Kaipara District Council

0800 727 059 (outside of office hours, this number will be re-directed to Council's after hour service, who will contact the appropriate Council staff)

Northern Wairoa War Memorial Hall Hire – Fire Safety and Evacuation Map



Northern Wairoa War Memorial Hall Hire – Bond Authorisation Form

This form should be delivered to Council reception or posted to Kaipara District Council, Private Bag 1001, Dargaville 0340. **Please do not email this form for security reasons.** Once received by Council, this form will be held in a safe. If retention of bond is not required, cheque or credit card details will be destroyed within 10 working days after your hire period.

Bond will **only** be retained (cheque will not be banked/credit card will not be charged) when there is:

- damage to Council property;
- loss of Council property; and/or
- further cleaning is required to return the Hall to its original condition.

Retention of the bond does not exclude the possibility of an additional invoice if the maximum bond amount is insufficient.

Contact person's name: _____

Event date and time: _____

- I authorise Kaipara District Council to use my cheque or credit card as bond for the above hire for the maximum amount of **\$200** for partial hire and **\$400.00** for the whole facility;
- I have attached a signed cheque **or** a legible photocopy of my credit card (front and back); and
- I agree with the *Northern Wairoa War Memorial Hall – Conditions of Hire*.

Name on cheque or credit card: _____

Signature: _____

Contact telephone number: _____

Postal address: _____

Office use only	
Receipt date	
Document destruction date	
Invoice required (if yes, send to Revenue)	Yes/No
Amount	\$
GL Code	9998231

Northern Wairoa War Memorial Hall Hire – Hirer Health and Safety Induction Form

The Hirer must complete Section 1 of this form to disclose any hazards. Depending on the disclosure, Council may ask further questions regarding how certain hazards will be managed. Council expects all hazards to be managed so that the health and safety risk to all participants is acceptably low or eliminated.

Council staff will then take you through the induction in Section 2. We advise that you take some time to go through the Health and Safety Induction on the Hall premises, where Council staff can give you clearer, visual instructions as well as some tips and tricks on having a successful event. If this is not possible, a telephone call should be arranged with the Administration Team.

Section 1: for the Hirer to complete (tick yes or no)	Yes	No	See guide (on overleaf)
In the course of the Hire Period, will any participant:			
Use 240 volt tools or appliances?			1
Create any noise greater than 85Db?			2
Create any fire risk?			3
Work over height greater than 2m?			4
Serve food or alcohol?			
Please disclose any other hazards that may be significant:			

Hirer name _____

Signature _____

Date _____

Section 2: Induction with Council staff	✓
Contact telephone numbers, incident reporting	
Fire Safety and Evacuation Scheme and assembly point	
Emergency plan and first aid kit	
Location of the Hazards Register and Material Safety Data Sheets	
Security, exits and entrances, egress door locks	
Rubbish, equipment	
Notes:	

Staff name _____

Date _____

Guide to Common Hazards

- 1 All electrical tools and appliances must be in good repair, preferably with a test tag and an RCD. Leads must be kept clear from foot traffic areas.
- 2 Prolonged noise over 85 decibels may cause damage. To approximate, over 85 decibels is when you have to raise your voice to communicate to a person standing one metre away.
- 3 Open flame is strictly prohibited inside the Hall. If there is any risk of fire, you can reduce the risk by having a dedicated watch person, placing an appropriate fire extinguisher nearby and removing combustible materials away.
- 4 Work at height is strictly prohibited without appropriate equipment used by appropriately trained and/or qualified person/s with express permission from Council staff. Ladders in the Hall should not be used for work over two metres (from platform to ground) without above provisions.

Northern Wairoa War Memorial Hall post-hire checklist

After your function, you need to return the Hall to its original condition and close up. If this is not done properly you may incur extra charges in the form of retention of your bond and/or an additional invoice. This checklist is to assist you in avoiding this.

<p>Tidying up</p> <ul style="list-style-type: none"> <input type="checkbox"/> Council chairs and furniture returned to their original locations. <input type="checkbox"/> Corridor to emergency exit left clear. <input type="checkbox"/> No tape, staples or other fixtures are left on walls or floors. <input type="checkbox"/> Non-Council furniture and equipment are taken away. <input type="checkbox"/> All rubbish is taken away (Note: bins at back entrance are for ANZAC Theatre use only).
<p>If kitchen was used</p> <ul style="list-style-type: none"> <input type="checkbox"/> Council appliances, crockery or cutlery are cleaned and returned to their original locations. <input type="checkbox"/> Non-Council appliances, crockery or cutlery are taken away. <input type="checkbox"/> No food or perishables are left (Note: please check fridges and ovens). <input type="checkbox"/> All appliances are turned off at the walls. <input type="checkbox"/> All taps are turned off. <input type="checkbox"/> All rubbish is taken away (Note: bins at back entrance are for ANZAC Theatre use only).
<p>Closing up</p> <ul style="list-style-type: none"> <input type="checkbox"/> All Council appliances are turned off, including the air conditioning unit. <input type="checkbox"/> All windows are closed. <input type="checkbox"/> Lock all external latch doors from the inside. <input type="checkbox"/> Lock all internal swipe key doors, including the foyer toilets (Note: swipe keypad to lock. Light on keypad flashes green when unlocked and red when locked). <input type="checkbox"/> All lights are turned off, except in foyer. <input type="checkbox"/> Lock sliding doors if ANZAC Theatre is closed (Note: set sliding door control at the side of the doors to “exit” or “exit only”), leave unlocked if Theatre is operating.
<p>If sound and lighting equipment was hired</p> <ul style="list-style-type: none"> <input type="checkbox"/> Return to Council reception during office hours.
<p>Return keys</p> <ul style="list-style-type: none"> <input type="checkbox"/> Return to Council reception during office hours or to Dargaville Library ‘after hours’ book slot.

If you require assistance urgently outside of office hours, telephone Council’s after hours telephone service on 0800 727 059 who will contact the relevant Council staff.

Thank you for hiring the Hall, we appreciate your patronage. If you would like to give us feedback, please email us at administrationrequests@kaipara.govt.nz.

Northern Wairoa War Memorial Hall – Lock Up Instructions

At the end of the hire period, you are responsible for:

- 1 Turning off all appliances at the wall;
- 2 Closing all windows;
- 3 Turning off all lights, except the main foyer lights;
- 4 Locking all locks (electronic and physical); and
- 5 Locking front two sets of sliding doors (*only* if the ANZAC Theatre and CAB are not operating).

You are required to co-operate and co-ordinate with the other users of the Hall to ensure that the Hall is locked up properly. CAB operates from 10am to 1pm, Monday to Friday. ANZAC Theatre has multiple showings on most days. Steps 1 to 4 (above) should be done regardless; Theatre and CAB patrons only need access to the foyer.

If the doors are unlocked, or if a window is open, your organisation may be charged a security guard callout fee. The security company charges \$65 plus GST per callout.

The electronic locks are locked and unlocked with the swipe key. Electronic locks do not lock automatically and do not lock unless the doors are securely closed, so please check the doors.

For the auditorium and conference room locks, the red lights below the swipe pad lights up if the doors are locked.



Lights are off = the doors are unlocked



*Light is on = doors are locked
(only one panel light needs to be on)*

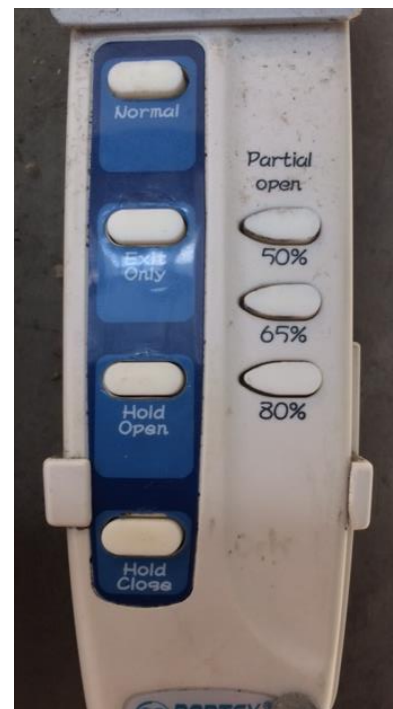
For the toilet lock, the swipe pad will flash green when unlocked and red when locked. There are fire exits in the auditorium and the conference room however there are no other exits in the toilets, so please ensure that no-one is inside before you lock up the toilets. Please lock the toilets even if the Theatre is operating; the Theatre has its own set of toilets.



The two sets of sliding doors can be locked by changing the lock setting to 'EXIT' and 'Exit Only' on each door respectively as you exit.



Inner door controls. Turn dial to 'EXIT'.



Outer door controls. Press 'Exit Only'.

5.5 Simmonds Family Memorial Seat Proposal for Taharoa Domain

Parks and Community Manager 4702.24.02.02

Recommended

That the Taharoa Domain Governance Committee:

- 1 *Receives the Parks and Community Manager's report 'Simmonds Family Memorial Seat Proposal for Taharoa Domain' dated 24 January 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 *Considers the request from the Simmonds family to erect a memorial seat which will be of type and sited as per the proposal (Attachment 1 of the above-mentioned report). In addition, there will be no cost to Kaipara District Council as the Simmonds Family will bear all costs relating to this proposal.*

File number: 4702.24.02.02 **Approved for agenda**

Report to: Taharoa Domain Governance Committee

Meeting date: **08 February 2018**

Subject: **Simmonds Family Memorial Seat Proposal for Taharoa Domain**

Date of report: 24 January 2018

From: Darlene Lang, Parks and Community Manager

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

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

Summary

The Simmonds family has written to the Taharoa Domain Governance Committee requesting approval to erect a Memorial Seat at the Taharoa Domain for members of the Simmonds family that have passed (**Attachment 1**). The family has proposed using a Basalt rock which will require no maintenance and will remain naturally beautiful. They do not want to put a plaque on the rock itself but may like to have a small plaque on the ground in a non-conspicuous place. The Simmonds family intends to cover all costs themselves.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Parks and Community Manager's report 'Simmonds Family Memorial Seat Proposal for Taharoa Domain' dated 24 January 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 *Considers the request from the Simmonds family to erect a memorial seat which will be of type and sited as per the proposal (Attachment 1 of the above-mentioned report). In addition, there will be no cost to Kaipara District Council as the Simmonds Family will bear all costs relating to this proposal.*

Reason for the recommendation

To seek approval from the Governance Committee for the Simmonds family to erect a Memorial Seat at Taharoa Domain.

Reason for the report

To give the Committee enough information to make a decision with regards to erecting a Memorial Seat at the Taharoa Domain.

Background

The Simmonds family (Ruth, Michael, Greta and Richard) has written to the Committee requesting approval to erect a Memorial Seat at the Taharoa Domain for members of the Simmonds family that

have passed. Michael Simmonds was an original farming settler of the Stage Two Omamari Land Ballot, obtaining possession of Section R, (649 acres on the western side at the very end of the Lakes Road) in March 1965. The Simmonds family farmed there for 14 years and have camped at Pine Beach and Promenade Point for the last 50 years.

While still living on the farm in 1978 Kathy Simmonds passed away and in August 2017 Jane Simmonds also passed away. The family has been looking for a memorial place to remember Kathy and Jane and as Kai Iwi Lakes and Omamari Beach are extremely special places for them and they have always felt a very strong connection to the area they would like the Taharoa Domain to be the memorial place. The Simmonds family would like to obtain permission to place a seat on the hill above Promenade Point in a position where people can sit to view the Lakes, the Bluff and to watch the sun set over the Tasman Sea (see site plan in attachment).

The family has proposed using a Basalt rock approximately 1200 long x 400 high x 600 wide weighing around one ton with a flattish top for sitting on. The rock will require no maintenance and will remain naturally beautiful for a very long time. They do not want to put a plaque on the rock itself but may like to have a small plaque on the ground in a non-conspicuous place.



The Setting

There is a high point in the paddock between the road just past the Promenade Point toilets and the Sin Bin Bay where the Bluff, Lake Waikare, Lake Taharoa and the Tasman Sea can be viewed from the same spot. They would like to position the rock slightly off from the centre of the summit so as not to impede any vehicle access if necessary.

The Cost

The family intends to cover all costs themselves i.e. the purchase and transport of rock to the proposed site. There will be no cost to Council.

Issues

This could create a precedent for others to want a memorial seat. Council may need to develop a policy around the handling of these queries.

Factors to consider

Community views

The RMP was developed using a public process and reflects the views of the community and other stakeholders at the time of its development. There is no reference to Memorial Seats in the RMP.

Policy implications

Nil.

Council may need to develop a policy around the handling of these queries.

Financial implications

The Simmonds family intend to cover all costs themselves i.e. the purchase and transport of rock to the proposed site. There will be no cost to Council.

Legal/delegation implications

There are no delegation issues; the Committee has delegated authority from Council to govern the Kai Iwi lakes (Taharoa Domain) in terms of the RMP.

Options

The Committee has the following options:

Option A: Approve the Simmonds family erecting the Memorial Seat as per the proposal.

Option B: Decline the Simmonds family erecting the Memorial Seat.

Option C: Approve the Simmonds family erecting the Memorial Seat with changes as directed by the Committee.

Assessment of options

Option A: Approve the Simmonds family erecting the Memorial Seat. This could set a precedent however this can be mitigated via a Council Policy being written up if needed.

Option B: Decline the Simmonds Family proposal for erecting the Memorial Seat. This would have to be dealt with sensitively, however if we explain the reasoning behind the decision it will allow us to use this for future enquiries.

Option C: Approve a modified proposal for the Simmonds Family to erect the Memorial Seat with changes as directed by the Committee. The Committee may have other suggestions that they feel will suit the environment or the situation.

Assessment of significance

This matter does not trigger Council's Significance and Engagement Policy.

Recommended option

This report outlines the options for the Committee's consideration.

Next step

Council Officers will contact the Simmonds family of the outcome.

Attachments

- [Memorial Seat Proposal](#)

PROPOSAL FOR A MEMORIAL SEAT AT TAHAROA DOMAIN - KAI IWI LAKES

I am writing this on behalf of the Simmonds Family. Our Father, Michael Simmonds was an original farming settler of the Stage Two Omamari Land Ballot, obtaining possession of Section R, (649 acres on the western side at the very end of the Lakes Road) in March 1965.

Our family farmed there for 14 years but we have camped at Pine Beach & Promenade Point almost every year for the last 50 years. We always feel like we've come 'home' when we spend time there. While still living on the farm in 1978 our sister/daughter, Kathy passed away and just recently in August we also lost our Mother/wife, Jane. We have never had a memorial place for Kathy and we are now wanting something to remember Jane also. Kai Iwi Lakes and Omamari Beach are extremely special places for us, we have always felt a very strong connection to the area. We are hoping to obtain permission to place a seat on the hill above Promenade Point in a position where people can sit to view the Lakes, the Bluff and to watch the sun set over the Tasman Sea as we have done so many times with our families and friends.

The Seat

We propose using a Basalt rock approximately 1200 long x 400 high x 600 wide weighing around 1 Ton with a flatish top for sitting on. The exact rock hasn't been chosen yet so I will include some photos to give you an idea of what we had in mind.

The rock will require no maintenance, the cattle can still graze around it without doing any damage and it will remain naturally beautiful for a very long time. We don't want to put a plaque on the rock itself but may like to have a small plaque on the ground in a non conspicuous place.

The Setting

There is a high point in the paddock between the road just past the Promenade Point toilets and the Sin Bin Bay where the Bluff, Lake Waikere, Lake Taharoa & the Tasman Sea can be viewed from the same spot. We would like to position the rock slightly off from the centre of the summit so as not to impede any vehicle access if necessary. I will include photos of proposed position.

The Cost

We intend to cover all costs ourselves, i.e the purchase and transport of rock to the proposed site.

Thank you for considering our proposal. We are more than happy to meet you to discuss this further.

Please contact me for any further information.

I look forward to hearing from you.

Kind regards

Ruth, Michael, Greta & Richard Simmonds

Contact; Ruth Simmonds, 75D Oromahoe Rd, OPUA 0200 Bay of Islands. Ph 0274762723

PHOTOS

The Seat



These photos are indicative of the type of rock we would like to use.

The Setting



6 Closure

6.1 General business

Items for discussion:

- Wardens and regrouping volunteers with training and direction;
- An update on the weed control programme; and
- The numbers of campers as agreed in the reserve management plan.

Kaipara District Council
Dargaville