



Kaipara te Oranganui

**KAIPARA  
DISTRICT**

Two Oceans Two Harbours

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## General Bylaws Hearing Panel Agenda

**Date:** Tuesday 30 June 2020  
**Time:** 1.00 pm  
**Location:** Kaipara District Council  
Mangawhai Office  
The Hub, 6 Molesworth Drive  
Mangawhai

**Elected Members:** Deputy Mayor Anna Curnow (Chair)  
Councillor Jonathan Larsen  
Councillor Mark Vincent

*For any queries regarding this meeting please contact  
the Kaipara District Council on (09) 439 7059*



Tuesday, 30 June, 2020

1:00 pm

KDC Mangawhai Office

The Hub

6/6 Molesworth Drive

Mangawhai

Pages

1. Opening and Karakia
2. Introductions and Hearing process information
3. Submissions
4. Next steps
5. Closure and Karakia

2





# General Consolidated Bylaw hearing

**Meeting:** General Consolidated Bylaw Panel  
**Date of meeting:** 30 June 2020  
**Reporting officer:** Shireen Munday, Senior Policy Analyst

## Purpose/Ngā whāinga

To receive the written submissions to the proposed General Consolidated Bylaw and to hear persons or representatives or organisations who wish to present their views in person.

## Executive summary/Whakarāpopototanga

As part of the review and associated consultation process for the General Consolidated Bylaw, Council must provide the opportunity for the community to present their views in a manner that enables spoken interaction in accordance with the requirements of section 83 of the Local Government Act 2002 (LGA). The General Consolidated Bylaw Panel has been delegated the authority to hold a hearing to hear persons or organisations who wish to present their views in person to meet this requirement.

## Recommendation/Ngā tūtohunga

That the General Consolidated Bylaw Panel:

- a) Receives the submissions as attached in Attachment A.
- b) Hears the individuals or organisations who have requested to present their views in person.

## Context/Horopaki

At its meeting on 29 April 2020 Kaipara District Council adopted the Statement of Proposal to revoke and replace Council's General Bylaw (the Bylaw). The proposal was a result of the statutory review of the Bylaw completed in accordance with section 159 of the Local Government Act 2002 (LGA).

Council has now consulted with the community in accordance with the requirements of sections 83 and 87 of the LGA. The submissions period of 1 May – 30 June was advertised through public notices, local media releases, social media and other promotional material. Email advisories were sent to members of Council's People's Panel and Council's contact database.

## Discussion/Ngā kōrerorero

Council received 16 written submissions, and these are provided in Attachment A.

At the time of writing three submitters have requested to be heard as follows:

Name	Organisation
Louisa Gritt	Department of Conservation
Reg Whale	
Rachael Williams	

The General Bylaw Panel will now hear submitters before deliberating on the issues raised in submissions. The deliberations meeting is currently scheduled for 6 August 2020.

## Significance and engagement/Hirahira me ngā whakapapa

The matter of this Agenda do not trigger the significance criteria outlined in Council's Significant and Engagement Policy as the purpose of the meeting is to hear interested parties. No decisions, other than procedural matters, are being sought. The public will be informed via agenda publication on Council's website and submitters have been advised of this meeting via email.

## Next steps/E whaiake nei

The report to the Panel's deliberation meeting on 6 August will focus on the issues raised in submissions and may result in recommendations for changes to the Bylaw. The report will also include any final officer advice on any other matters as appropriate as part of a final check on the technical matters of the Bylaw.

Matters in the proposed Bylaw for which no submissions were received, and where no staff advice is provided, need not be addressed during deliberations. These matters can be included as proposed in the final draft Bylaw for Council resolution.

## Attachments/Ngā tapiritanga

	Title
A	Written submissions – General Consolidated Bylaw 2020



# Attachment A

Kaipara District Council

General Consolidated Bylaw 2020

Set of Submissions

**Table of Contents – written submissions**

Name	Organisation	Page #	Hearing?
Phil Edmond	Apiculture NZ	1	no
Clive Boonham		4	no
Louisa Gritt	Department of Conservation	6	yes
Keven Drew		12	no
Kim Odendaal	Hopitality NZ Northland Branch	14	no
Roanne Metcalf		17	no
Heather Rogan	NZ Fairy Tern Charitable Trust	18	no
Jose Otega	Public Health Northland -Ngā Tai Ora	20	no
Bridget Rowse		26	no
Kate Collins	Silver Fern Farms	27	no
David Smith		29	no
Jay Tane		30	no
Murray James Marsh	The Anchorage Association	31	no
Jacqui Tobin		35	no
Reg Whale		36	yes
Rachael Williams		38	yes

# Attachment A



## SUBMISSION

**TO:** Kaipara District Council  
**FROM:** Apiculture New Zealand  
**SUBMISSION ON:** Review of General Consolidated Bylaw 2020

**DATE:** 15 June 2017

**CONTACT DETAILS:** Apiculture New Zealand  
PO Box 25207  
Wellington 6146  
04 471 6254  
Email: [ceo@apinz.org.nz](mailto:ceo@apinz.org.nz)

# Attachment A



## Submission to Kaipara District Council Review of General Consolidated Bylaw 2020

### Introduction

Apiculture New Zealand (ApiNZ) welcomes the opportunity to make this submission to Kaipara District Council on the Review of General Consolidated Bylaw.

Apiculture New Zealand is the national body representing the honey and bee industry in New Zealand. ApiNZ aims to support and deliver benefit to the New Zealand apiculture industry by creating a positive industry profile, business environment and opportunities for members. We advocate on behalf of members on a range of issues affecting our industry.

### Feedback on proposed changes

ApiNZ's comments are restricted to those proposed changes that relate to Part 8 – Keeping of Animals, Poultry, Stock and Bees., and specifically the provisions that require prior written and extending the monitoring of nuisance or health and safety issues to the rural zone.

***Clause 806.1 - A person must not keep bees in an urban area without the prior written approval of an Authorised Officer.***

This proposal is at odds with other local government bylaws.

For example, Whangarei District Council allows up to two hives to be kept in an urban area provided they registered in accordance with the provisions of the Biosecurity (national American Foulbrood Pest Management Plan), hives are kept a minimum distance from any adjoining property and they do not cause a nuisance.

After consulting on its updated animal policy, Wellington City Council acknowledged bees are important for the environment as they pollinate crops and gardens. The WCC policy recommends that properties in urban areas do not have more than four hives and that hives are managed for bee flight path.

ApiNZ does not believe Councils have cause to limit beekeeping by putting onerous permit type obligations on hobbyist beekeepers in urban areas, beyond stipulating compliance that mitigates nuisance.

ApiNZ suggests that if Wellington City Council, presiding over a densely populated area, allows hives to be situated on private property without written approval, there should be no reason that Kaipara

# Attachment A



District Council, presiding over a significantly less densely populated area, require more stringent forms of compliance.

***Clause 806.3 - For the avoidance of doubt, clauses 802(1) and (2) apply to any keeping of bees in the District, including in a rural area.***

ApiNZ supports the obligations of animal owners in general - clause 802 (1) – that animals do not cause nuisance to any other person, do not cause a risk to public health and safety, and do not damage property belonging to any other person in both urban and rural areas.

However, by extending the scope of these obligations beyond urban boundaries, Authorised Officers will need to recognise their engagement with rurally-based commercial beekeeping operators may need to be different to that with hobbyist beekeepers operating in urban areas.

Kaipara District Council will need to be careful that it is not drawn into adjudicating over commercial disputes as part of any complaint made regarding animal owners' obligations (802).

ApiNZ recommends Kaipara District Council use the ApiNZ Code of Conduct as a guideline when faced with responding to failures of beekeepers to abide by the obligations stated in clause 802 (1). The Code of Conduct can be found at <https://apinz.org.nz/about/>

# Attachment A

18/06/2020

From: Clive

To: Policy Submissions

Subject: General Bylaws

**CAUTION:** This email originated from outside Kaipara District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

## Review of General Consolidated Bylaw

Submission of Clive Boonham

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Clause 203 should be amended to include other recreational devices such as bicycles including electric bicycles, scooters including electric scooters and similar devices.

I note that it is the latest ‘in-thing’ to have pathways shared by pedestrians and recreational devices. However, these devices are far more dangerous than skateboards etc, and their use should be separated from pathways used by pedestrians.

The narrow footpaths in Kaipara cannot cope with a joint use without submitting pedestrians to the almost certain risk of injury.

This is what the NZTA has to say about cyclists and shared paths:

<https://www.nzta.govt.nz/resources/roadcode/cyclist-code/about-cycling/cyclist-responsibilities/>

### Shared paths

It is normally illegal to ride on footpaths, unless delivering mail or when cycling a wheeled recreational device that has a wheel diameter less than 355 millimetres (normally a tricycle or small child's bicycle), but some councils have created shared paths that both cyclists and pedestrians can use.

Sometimes the shared path is sign posted to let you know what type of user has priority, and in this case, you need to give way to the user who has priority. When a shared path does not have priority signs, you should give way to the slower user. However, if you encounter a horse on a shared path it is sensible to give way to the horse, as they are easily startled.

All users on shared paths are required by law to use shared paths fairly and safely, and to try and not hold anyone up.

If you are riding on a shared path you should:

- keep left
- let pedestrians know you are there by politely calling out or ringing a bell when you are approaching from behind them
- pass on the right, when possible – unless the pedestrians are on the right in which case pass them in the safest way you see fit
- ride defensively and cycle at a speed that does not put others at risk. E-bikes should be in the lowest power setting
- cruise by other users with a metre's gap, so as not to startle them

# Attachment A

- look out for traffic going in and out of driveways – vehicles from driveways do need to give way to those on the shared path, but often drivers may not expect fast traffic on the shared path
- be careful at intersections and give way to motor vehicles if you need to.

Note that there should be a 1 metre gap between a cyclist and other users. On a busy pathway – especially the narrow ones in Mangawhai – and with many cyclists and pedestrians, that is simply not feasible.

Other warnings can be seen on many websites including the following.

<https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/cycling-network-guidance/Trial-Auckland-Transport-and-Christchurch-City-Council-Shared-Path-Signage.pdf>

<https://www.nzta.govt.nz/walking-cycling-and-public-transport/cycling/cycling-standards-and-guidance/cycling-network-guidance/designing-a-cycle-facility/between-intersections/shared-paths/>

<http://www.aviewfromthecyclepath.com/2014/11/shared-use-paths-create-conflict-and.html>

Clive Boonham

[ID:1001180436]



# Attachment A

## SUBMISSION FORM – Proposed Consolidated General Bylaws

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

### **Please enter your details below**

First name(s): Ayla Last name: Wiles  
Postal address: 2 South End Ave, Raumanga, Whangarei 0110  
Mobile: 0274120969 Other phone: \_\_\_\_\_  
Email: awiles@doc.govt.nz

I am writing this submission: ☐ as an individual ☒ on behalf of an organisation

Organisation name: Department of Conservation

### **Tell us in person**

If you are providing a written submission, you can also attend our hearing to tell us about your thoughts in person. Please tick the box below.

Alternatively, you don't have to write a submission to provide us with your feedback. You can use this form to register to attend the hearing and just tell us your thoughts in person.

Tuesday 30 June 2020 ☒ Yes ☐ No

Depending on the Covid-19 Alert Level at the time of the hearing this will be either held in the Dargaville Town Hall or remote with audio or audio-visual links. We will advise you of the final format closer to the date. Please get your submission and/or your hearing registration to us by **5pm Friday 19 June 2020**.

### **Tell us in writing**

Be sure to get your written comments to us by **5.00pm on Friday 19 June**. Follow the instructions and provide your comments on the next page.

### **How to register and/or get your feedback to us**

**In person:** By visiting our customer service desks at either Dargaville, 42 Hokianga Road or Mangawhai, 6 Molesworth Drive (Unless we are still closed to the public due to the Covid-19 Alert Level).

**On the phone:** Phone 09 439 7059 or 0800 727 059 and one of our friendly Customer Services staff will take your registration or can even fill this form out for you over the phone.

**By mail:** General Bylaws - Kaipara District Council, Private Bag 1001, Dargaville 0340

**Online:** Complete this form online: [www.kaipara.govt.nz/haveyoursay](http://www.kaipara.govt.nz/haveyoursay)

**Email:** Email us at [submissions@kaipara.govt.nz](mailto:submissions@kaipara.govt.nz) and put 'General Bylaws' in the subject line.

### **Join Kaipara District People's Panel!**

Tick the box if you want to be added to Kaipara District People's Panel. As a member you will be asked periodically to complete short surveys, as well as to participate in other consultations Council is undertaking in the future. If you tick 'yes', you will be sent an email for more information about the panel and an invitation to complete your first survey.

I would like to join the People's Panel: ☐ Yes ☒ No

# Attachment A

## Points to remember when making a submission

- Please print clearly. The form should be easy to read and be understood and may need to be photocopied.
- We will acknowledge every submission received. Please ensure that you provide appropriate contact details for this. Emails are our preferred form of communication.
- Submissions, as part of the public consultation process are a public record, and will be included in a publicly available Agenda, and will remain on Council's Minute records.
- Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

*Please comment here on any parts of the Bylaw that are proposed to be revoked and not replaced here. If appropriate tell us what decision you want Council to make about the matter(s) you are commenting on.*

***I want to comment on (tick as many as appropriate):***

- |   |   |
|---|---|
| <input type="checkbox"/> Part 6 – Amusement Galleries               | <input type="checkbox"/> Part 10 – Public Libraries |
| <input type="checkbox"/> Part 11 Cultural and Recreation Facilities | <input type="checkbox"/> Part 13 – Skateboards      |
| <input type="checkbox"/> Part 14 Gin Traps                          |   |

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*Please comment here on any parts of the proposed new Bylaw. If appropriate, tell us what decision you want Council to make about the matter(s) you are commenting on.*

***I want to comment on (tick as many as appropriate):***

- |   |   |
|---|---|
| <input type="checkbox"/> Part 1- introduction   | <input checked="" type="checkbox"/> Part 2 – Public Places                    |
| <input type="checkbox"/> Part 3 – Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader | <input type="checkbox"/> Part 4 – Solid Waste                                 |
| <input type="checkbox"/> Part 5 – Control of Advertising Signs  | <input type="checkbox"/> Part 8 – Keeping of Animals, Poultry, Stock and Bees |
| <input type="checkbox"/> Part 9 – Cemeteries and Crematoria   | <input type="checkbox"/> Part 12 – Nuisances                                  |

Prohibiting vehicles, including bikes and e-bikes, and horses, on the beach below mean high water  
springs adjacent to the Mangawhai Government Purpose Wildlife Refuge Reserve

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*Feel free to add additional pages if required.*

# Attachment A



DOCM-6324212

17/6/2020

*General Bylaws - Kaipara District Council  
Private Bag 1001  
Dargaville 0340*

Dear Sir/Madam

Please find enclosed a submission by the Director-General of Conservation (DG) on Kaipara District Council's General Consolidated Bylaw (the Bylaw) review.

The DG's submission requests the Bylaw prohibits all vehicles, including bikes and e-bikes, and horses, on the beach below mean high water springs adjacent to the Mangawhai Government Purpose Wildlife Refuge Reserve. Vehicles and horses pose a significant threat to nesting shorebirds, they can flush birds from the nest, run over or trample eggs and chicks, and cause stress to adult birds.

Please contact Louisa Gritt (Operations Manager) in the first instance if you wish to discuss any of the matters raised in this submission (email [lgritt@doc.govt.nz](mailto:lgritt@doc.govt.nz) or phone 027 6159318).

Yours sincerely

Louisa Gritt  
Operations Manager  
Whangarei Office



# Attachment A

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## ***Submission on Consolidated General Bylaw 2020 review***

***Local Government Act 2002***

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**To:** *Kaipara District Council*

**Name of submitter:** *Lou Sanson, Director-General of Conservation*

**My submission relates to:** Prohibiting vehicles, including bikes and e-bikes, and horses, on the beach below mean high water springs adjacent to the Mangawhai Government Purpose Wildlife Refuge Reserve

**My submission is:** *I request the above prohibitions be added to the General By-law*

### **Director-General's interest in the application**

1. The Director-General of Conservation (the Director-General) has all the powers reasonably necessary to enable the Department of Conservation (the Department) to perform its functions.<sup>1</sup> A function of the Department is to advocate for the conservation of natural and historic resources generally.<sup>2</sup> Section 2 of the Conservation Act 1987 defines 'conservation' to mean *'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation'*.
2. The Department also administers the Wildlife Act 1953 which requires all wildlife (other than wildlife specified in Schedules 1 – 5) to be absolutely protected throughout New Zealand.<sup>3</sup>
3. In addition, the Department is responsible for enforcing the Northland Reserves Bylaws 2007, which control the taking of dogs, horses (and other animals) and vehicles into the reserve.<sup>4</sup>
4. The decision-maker:
  - a. recognises and provides guidance on prescribed model bylaws relating to the control of all persons, horses, dogs, and other animals, and vehicles listed in Section 106 of the Reserves Act 1977 (the Act); and
  - b. has particular regard to the intrinsic values of wildlife as required in Section 22 of the Act.

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<sup>1</sup> Refer section 53 Conservation Act 1987

<sup>2</sup> Refer section 6(b) Conservation Act 1987

<sup>3</sup> Refer section 3 Wildlife Act 1953

<sup>4</sup> <http://www.legislation.govt.nz/regulation/public/2007/0408/latest/whole.html#DLM1120471>

# Attachment A

## Reasons for Director General's submission

The Mangawhai Government Purpose Wildlife Refuge Reserve (the reserve) is a key breeding area for the critically endangered New Zealand fairy tern, as well as threatened species such as the banded dotterel and New Zealand dotterel. The reserve is also a significant ecosystem and is one of the most highly ranked dune systems in Northland.

Vehicles and horses pose a significant threat to these nesting shorebirds, as they can flush birds from the nest, run over or trample eggs and chicks, and cause stress to adult birds.

Incidents of vehicles and horses on the beach have been recorded annually by our summer rangers stationed in the reserve. From 2016-2018 there was an average of 1 horse or vehicle incident per summer, however last year we saw a marked increase with 3 vehicle and 7 horse incidents. Whilst this may appear low, the risk to the fairy terns is incredibly high even for every single incident. With less than 40 birds remaining in the world a loss of even a single egg to one of these threats is unacceptable.

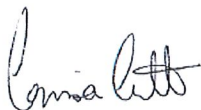
A combined, multi-agency ban on all vehicles and horses is needed to protect these critically endangered birds and this significant ecosystem.

## The Director-General seeks the following decisions from the council:

1. I seek the following:
  - a) The prohibition of all vehicles, including bikes and e-bikes, and horses, on the beach below mean high water springs adjacent to the Mangawhai Government Purpose Wildlife Refuge Reserve (Appendix 1).
  - b) If a decision is made to change or remove the prohibitions the council notifies the Department of Conservation of their intention to do so.
  - c) Such other relief as may be necessary and appropriate to address my concerns.

**I wish to be heard** in support of my submission.

If others make a similar submission, I will consider presenting a joint case at hearing.



Louisa Gritt  
*Operations Manager*  
*Whangarei*  
Acting pursuant to delegated authority  
Date: 17/6/2020

# Attachment A

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House  
Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

## Appendix 1: Proposed prohibition area





# Attachment A

## SUBMISSION FORM – Proposed Consolidated General Bylaws

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

### Please enter your details below

First name(s): Keven Last name: Drew

Postal address: 42 Hinemoa Street, Paraparaumu, 5032

Mobile: 022 199 5246 Other phone: \_\_\_\_\_

Email: kevendrewnz@gmail.com

I am writing this submission: ☒ as an individual ☐ on behalf of an organisation

Organisation name: \_\_\_\_\_

### Tell us in person

If you are providing a written submission, you can also attend our hearing to tell us about your thoughts in person. Please tick the box below.

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I would like to join the People's Panel: ☐ Yes ☐ No

# Attachment A

## Page 3 of Submission from Keven Drew

To Whom it may concern on the Kaipara Council.

My Name is Keven Drew, I have been the DOC Ranger out on the Mangawhai Sand Spit over the last 3 summers 2017/18, 2018/19 & 2019/20, The area known as the DOC Ecological Reserve on the Eastern side of the Mangawhai Harbour..In this role I work alongside other community parties whom also have a interest in the Funa and Flora out on the Sand Spit, some of which do not sit side by side in their views and visions for the dynamic and extremely interesting Sand Spit.

My principal role was the monitoring of the N.Z Fairy Tern (a population of approx 40 individuals), over 5.5 months of the breeding season for each year stated above.

In my view DOC have been very accepting of the general public using the Sandspit by foot only as a place for peace and quiet and generally enjoying the scenery and special bird life that depend on the habitat that the Sandspit provides.

Over those years a constant barrage of cyclists ( both mountain and E-bike), Motor Bike (both 2 wheel and Quad), 4x4 vehicles, motorised hang gliders, Microcraft, dog owners, Horse riders and Drone's place stress on all the bird species that nest there over the summer.

People generally make their way out onto the sandspit via Te Arai Head, Pacific Road or boat across from the Mangawhai heads boat ramp area.

Birds of significance that nest out on the sandspit are N.Z Fairy Tern, Caspian Tern, White fronted Tern , N.Z Dotterel, Banded Dotterel, Variable Oystercatchers, Banded Rail, N.Z Pipit, Red billed Gulls, Paradise Shelduck and Pied Stilts.

Migratory birds include Bar-tailed Godwits, Lesser Knots, Little Tern and Turnstones.

In my opinion the Mangawhai Sandspit is a unique and special habitat and environment of which many Rare and endangered endemic birds live and breed, making it an area that deserves the highest level of protection from disturbance from all forms of motorised and mechanical forms.

By simply designating the boundaries of the Ecological reserve from Low tide to Low tide and placing a blanket ban on all the things listed in paragraph 4 would eliminate any grey areas and easily dismiss any of the general public's notion that they are more important than anything else.

Yours sincerely K.W.Drew



# Attachment A

## Hospitality New Zealand Northland Branch



### **Submission on Proposed Draft Consolidated General Bylaw 2020 June 2020**

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Hospitality NZ is a voluntary trade association which has operated since 1902 and currently represents over 3,000 hospitality businesses throughout New Zealand, including Taverns, Pubs, Clubs, Bars, Restaurants, Cafes, Retail Liquor and Commercial Accommodation providers such as Camping Grounds, Lodges, Motels, Hotels and Backpackers.

The Northland Branch of Hospitality New Zealand includes and represents 95 Hospitality and Commercial Accommodation businesses. This submission is made on behalf of the Northland branch of Hospitality New Zealand.

Hospitality New Zealand has a 115-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive, Julie White. Hospitality New Zealand's Northland Branch President is John Maurice and the Regional Manager for the Branch is Kim Odendaal.

We appreciate the opportunity to give feedback to the Kaipara District Council.

#### CONTACT DETAILS:

Kim Odendaal

Regional Manager

Hospitality New Zealand, Northland Branch

[Kim@hospitality.org.nz](mailto:Kim@hospitality.org.nz)

027 503 5408

0800 500 503

# Attachment A

We thank you for the information provided in the Statement of Proposals, however we are opposed to the inclusion of Section 204; Designated Smokefree Areas into the Draft Consolidated General Bylaw 2020. An Explanatory Note was included; yet this leads to confusion as to when feedback is actually needed. If there is “likely” to be further public consultation, then why is section 204 included in the Draft Consolidated General Bylaw 2020?

With the inclusion of section 204: Designated Smokefree Areas in the Draft Consolidated General Bylaw 2020, I would like to highlight two major flaws.

The first is that all breaches of a bylaw requires enforcement action to be taken, there is a cost involved with any enforcement action – why would Council look to take on additional costs in this current climate, especially as there is already a Smokefree policy in place?

The second major flaw is that this proposed bylaw will capture outdoor dining areas on Council land only. This means that it would affect only some business, while other business that have an outdoor area within their own footprint will not be affected at all.

In our view, and our members view, a bylaw that at this point in time that puts a ban on smoking only on some businesses, leads to an unfair and unjust disadvantage.

It is also important to ensure that Council is aware that, alcohol licensed premises are already governed by the legislation contained in the Smoke Free Environments Act (SFEA) which sets out that operators must ensure that no one smokes in any part of the premises that is not an open area. MoH set guidelines and criteria for defining and assessing an ‘open’ area, which they also monitor. MoH also respond to, and investigate, any complaints that come to them for alleged breaches of the SFEA.

As mentioned, there will be an increased cost in Council resources by those staff having to enforce this bylaw. There would need for trained Council staff, who would need to be out monitoring the activity in outdoor dining areas – bearing in mind that, it would only be for premises with outdoor dining on Council land. There will be a time cost of those staff who would first have to be 100% certain, and constantly checking, whether any particular outdoor dining area is on Council land and covered by a bylaw, or not.

When we look at some of the main guiding principles and objectives of the Kaipara Council Smokefree Policy, in comparison to a bylaw on smoking in outdoor dining areas:

- Children and young people are a central consideration of the policy – yet children and young people are the minority of customers in our members venues, when they are there they are accompanied by adults, and there are a choice of areas to sit away from any smokers, and a wide range of choice of venues to take children to. A pre-cursory survey undertaken of our members indicated that smoking prevalence was higher after dinner time and at night time, and that the prevalence of children was at its least at those times. We think that Council resources would be better allocated in focussing on those areas where there are either no, or little, other choice for parents and where there are no other restrictions – eg: parks, playgrounds, sports fields, beaches etc.
- Reduced litter – the reality of putting in a ban on only some outdoor dining areas will mean that those who still want to smoke, but can’t in those areas, will just move to the footpath where there may not be adequate, or any, rubbish facilities or ashtrays. This will quite clearly

# Attachment A

not reduce rubbish and litter. It should also be noted that business owners have no legal control over what goes on on the footpath outside of their defined areas.

- The Smokefree Policy aims to make it clear where smokers can, and can't smoke, yet the reality of the bylaw that can only be implemented in some areas will actually increase the confusion. Outdoor dining areas are identified, and associated with the business, rather than Council and it certainly will not be clear to the average person why they are not permitted to smoke in some outdoor areas that they associate with a business because of a council bylaw, but are in others.
- Reduce smokers –banning smoking in only some outdoor areas due to the proposed bylaw will not make people stop smoking, it will make smokers take their custom to a business that does not have to ban smoking. This not only fails to achieve this objective, but as outlined before, unfairly and unjustly disadvantages some businesses.
- Public empowerment and cultural shift – a ban that only affects some businesses does not achieve this.

We agree that “doing more of the same” is not the way to go. Using the ‘big stick’ of bylaws and prosecutions will not work to get people to quit smoking, or to get them on side and freely buy into, and support smoke-free dining areas.

Council should be focussed on empowering people to actually quit smoking, thereby reducing demand for smoking areas and empowering businesses to respond to reduced demand for smoking areas. Council should be assisting and empowering businesses with incentives, not punishments – which only apply disproportionately to some businesses.

Hospitality is a largely customer driven industry, and it is certainly customer focussed.

When the customers demand for smoking areas reduces, then all businesses will respond, not just the ones that are forced to as would be the case with the bylaw.

That is by far the best option, the most empowering, and one that council should be aiming for. It is also the option most likely to achieve the ultimate goal of smoke-free by 2025 in our view.

We thank you for the opportunity to participate in consultation and look forward to continuing to work with Council in the future.



Kim Odendaal  
Regional Manager  
Hospitality New Zealand  
[www.hospitality.org.nz](http://www.hospitality.org.nz)

# Attachment A

## Kaipara District Council Consolidated Bylaw Submission

### Submitter # 4

**Name:** Roanne Metcalf

**Email:** Roannesemail@gmail.com

**Cell phone:** 021 957 775

### Mailing Address

30 A Kurahaupo Street  
Orakei  
Auckland 1071

**Date received:** 29/05/2020

**Form received:** Peoples Panel

**Submission made as:** Individual

**Wants to be heard:** No

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### Submission:

I propose any officers of the council, who issue notices in regards to upgrading wastewater disposal systems, provide proven evidence of their findings to enforce such notices, to provide adequate transparency of fabrication.

# Attachment A SUBMISSION FORM – Proposed Consolidated General Bylaws

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

## **Please enter your details below**

First name(s): \_\_\_\_\_ Last name: \_\_\_\_\_

Postal address: \_\_\_\_\_

Mobile: \_\_\_\_\_ Other phone: \_\_\_\_\_

Email: \_\_\_\_\_

I am writing this submission: ☐ as an individual ☐ on behalf of an organisation

Organisation name: \_\_\_\_\_

## **Tell us in person**

If you are providing a written submission, you can also attend our hearing to tell us about your thoughts in person. Please tick the box below.

Alternatively, you don't have to write a submission to provide us with your feedback. You can use this form to register to attend the hearing and just tell us your thoughts in person.

Tuesday 30 June 2020 ☐ Yes ☐ No

Depending on the Covid-19 Alert Level at the time of the hearing this will be either held in the Dargaville Town Hall or remote with audio or audio-visual links. We will advise you of the final format closer to the date.

Please get your submission and/or your hearing registration to us by **5pm Friday 19 June 2020**.

## **Tell us in writing**

Be sure to get your written comments to us by **5.00pm on Friday 19 June**. Follow the instructions and provide your comments on the next page.

## **How to register and/or get your feedback to us**

**In person:** By visiting our customer service desks at either Dargaville, 42 Hokianga Road or Mangawhai, 6 Molesworth Drive (Unless we are still closed to the public due to the Covid-19 Alert Level).

**On the phone:** Phone 09 439 7059 or 0800 727 059 and one of our friendly Customer Services staff will take your registration or can even fill this form out for you over the phone.

**By mail:** General Bylaws - Kaipara District Council, Private Bag 1001, Dargaville 0340

**Online:** Complete this form online: [www.kaipara.govt.nz/haveyoursay](http://www.kaipara.govt.nz/haveyoursay)

**Email:** Email us at [submissions@kaipara.govt.nz](mailto:submissions@kaipara.govt.nz) and put 'General Bylaws' in the subject line.

## **Join Kaipara District People's Panel!**

Tick the box if you want to be added to Kaipara District People's Panel. As a member you will be asked periodically to complete short surveys, as well as to participate in other consultations Council is undertaking in the future. If you tick 'yes', you will be sent an email for more information about the panel and an invitation to complete your first survey.

I would like to join the People's Panel: ☐ Yes ☐ No

# Attachment A

## Points to remember when making a submission

- Please print clearly. The form should be easy to read and be understood and may need to be photocopied.
- We will acknowledge every submission received. Please ensure that you provide appropriate contact details for this. Emails are our preferred form of communication.
- Submissions, as part of the public consultation process are a public record, and will be included in a publicly available Agenda, and will remain on Council’s Minute records.
- Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

*Please comment here on any parts of the Bylaw that are proposed to be revoked and not replaced here. If appropriate tell us what decision you want Council to make about the matter(s) you are commenting on.*

**I want to comment on (tick as many as appropriate):**

- ☐ Part 6 – Amusement Galleries
- ☐ Part 10 – Public Libraries
- ☐ Part 11 Cultural and Recreation Facilities
- ☐ Part 13 – Skateboards
- ☐ Part 14 Gin Traps

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*Please comment here on any parts of the proposed new Bylaw. If appropriate, tell us what decision you want Council to make about the matter(s) you are commenting on.*

**I want to comment on (tick as many as appropriate):**

- ☐ Part 1- introduction
- ☐ Part 2 – Public Places
- ☐ Part 3 – Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader
- ☐ Part 4 – Solid Waste
- ☐ Part 5 – Control of Advertising Signs
- ☐ Part 8 – Keeping of Animals, Poultry, Stock and Bees
- ☐ Part 9 – Cemeteries and Crematoria
- ☐ Part 12 – Nuisances

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## **Submission to Kaipara District Council's Review of General Consolidated Bylaw – June 2020**

To  
General Bylaws  
Kaipara District Council  
Private Bag 1001  
Dargaville 0340  
[submissions@kaipara.govt.nz](mailto:submissions@kaipara.govt.nz)

Date: 19 June 2020

Kia ora

Thank you for the opportunity for Ngā Tai Ora – Public Health Northland, Northland DHB to provide feedback/comment on the Review of General Consolidated Bylaw 2020 (the Bylaw).

The feedback is from the Ngā Tai Ora – Public Health Northland (the Unit), Northland District Health Board (DHB), Whangarei. The Unit, one of 12 in New Zealand, is the only provider of comprehensive, regional public health services in Northland. Public health focuses to improve, promote, and protect overall wellbeing of communities and populations (or sections of a community) and reduce inequalities in health status. The focus of work activity may be in the social and physical environments in which we live, as well as on programmes to develop more healthy activities.

We broadly support the proposed amendments to the Bylaw. However, we have provided some comments/recommendations to further strengthen them. The specific parts of the Bylaw to which this submission relates to are shown in the attached schedule. We wish to be hard in support of our submission.

Contact details:

Dr José M Ortega, Medical Officer of Health  
Anil Shetty, Public Health Strategist

Public and Population Health Unit, Northland DHB  
Private Bag 9742, Whangarei 0148  
Ph: 09 – 430 4100 Fax: 09 – 430 4492

[Jose.OrtegaBenito@Northlanddhb.org.nz](mailto:Jose.OrtegaBenito@Northlanddhb.org.nz)  
[Anil.Shetty@Northlanddhb.org.nz](mailto:Anil.Shetty@Northlanddhb.org.nz)

## Schedule of submission by Ngā Tai Ora – Public Health Northland of the Northland DHB:

Part – Bylaw	Position and submission	Decision requested
<b>Part 1 – Introductory</b> 104 Licences	<p>References are made to conditions that may be imposed on licences issued under this Bylaw.</p> <p>Licences could be granted to carry out activities on Kaipara District Council-owned land/facilities. KDC has a 'Smokefree Kaipara Policy' under which several areas in the District are designated as smokefree.<sup>1</sup></p> <p>Therefore, we recommend that smokefree/vapefree conditions should also be imposed while granting licences which would utilise smokefree designated areas in the District.</p>	<p>Amend 104 (5) to:</p> <p>“Any licence is deemed to be issued under this Bylaw if it is issued by an Authorised Officer and will be subject to such conditions as may be imposed including, provisions under the <u>Smokefree Kaipara Policy</u>”.</p>
<b>Part 2 – Public Places</b> 201 Interpretation - Mind-altering substance	<p>We support the inclusion of a definition for “mind-altering substance” however, to be consistent with the New Zealand legislation we recommend using the definition as per the Section 9 under the <i>Psychoactive Substances Act 2013</i>.</p>	<p>Amend the definition:</p> <p><del>means a substance, whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes the substances used for what is commonly known as glue sniffing, but does not include:</del></p> <p><del>(a) medically prescribed substances ingested by the person for whom</del></p> <p><del>they were prescribed;</del></p> <p><del>(b) substances purchased from a pharmacy without a medical prescription;</del></p>

<sup>1</sup> [Smokefree Kaipara Policy \(2018\)](#).



Part – Bylaw	Position and submission	Decision requested
		<p><del>(c) nicotine;</del></p> <p><del>(d) alcohol as defined in the Sale and Supply of Alcohol Act 2012;</del></p> <p><u>“has the meaning under the Section 9 of the Psychoactive Substances Act 2013”<sup>2</sup></u></p>
<b>Part 2 – Public Places</b> <i>204 (2) Designated Smokefree Areas</i>	We support the reference to smokefree areas in the Bylaw. However, further suggest a minor amendment to delete the word ‘nicotine’ and add ‘tobacco products’.	<p>Amend 204 (2) to:</p> <p><u>“No person shall smoke <del>nicotine</del> tobacco products and/or vape in any designated smokefree area resolved under this Part of the Bylaw.”</u></p>
<b>Part 2 – Public Places</b> <i>204 (2) Explanatory Note</i>	As KDC and Ngā Tai Ora – Public Health Northland of Northland DHB undertook public consultation prior to introducing the policy, we suggest deleting the Explanatory Note.	<p>Amend 204(2) to:</p> <p><u>Explanatory Note: Prior to Council resolving to establish a smokefree area, it is likely that there will be public consultation in accordance with section 82 of the Local Government Act 2002.</u></p>
<b>Part 2 – Public Places</b> <i>219 (5) Additional Requirements for Reserves</i>	We believe that council-owned and managed reserves should be smokefree/vapefree areas. Hence, suggest adding to this list “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)” to be consistent with the Kaipara’s Smokefree Policy.	<p>Add 219 (5):</p> <p><u>“(c) “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)”.</u></p>
<b>Part 3 - Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader</b> <i>304 (1) Licence Details</i>	As many of these trading/hawker activities will be undertaken on council-owned, controlled, leased, or occupied buildings and facilities, we suggest adding “smokefree” as one of the conditions imposed on the licence.	<p>Add 304 (2) (n) to read:</p> <p><u>“(n) smokefree”.</u></p>

<sup>2</sup> [Psychoactive Substances Act 2013, \(17 July 2013\).](#)

Part – Bylaw	Position and submission	Decision requested
<b>Part 9 – Cemeteries and Crematoria</b> <i>917 (1) General Conduct</i>	As the Cemeteries in the District are administered by the Council, we believe that it is important to reiterate the “smokefree” status of them.  We suggest adding to this list “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)” to be consistent with the Smokefree Kaipara Policy.	Add 917 (1) (k):  “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)”
<b>Part 9 – Cemeteries and Crematoria</b> <i>925 Removal</i>	We support the reference to the Burial and Cremation Act 1964 however; it should be noted that it is currently being reviewed by the Law Commission. <sup>3</sup> Therefore the Bylaw should refer to any replacement of the current legislation.	Amend 925 Removal (1):  “Where a request for a removal is received by the Council, the removal shall be conducted pursuant to section 51 of the Burial and Cremation Act 1964 <u>(or its replacement)</u> and subject to the payment of the prescribed fees.”
<b>Part 16 – Water Supply</b> <i>1602 Ordinary Supply</i>	In recent years extreme weather events (low rainfall and drought) have been occurring quite regularly in Northland. During the last few summers some communities in the Kaipara District have faced water shortages. Drinking-water had to be supplied, via water carriers, to Mangawhai households from Whangarei.  We believe that it is vital that communities (dwellings) without ordinary supply, especially the new residential dwellings, should have sufficient water storage to get through such extreme drier weather events.	We suggest adding 1602 (2) (a):  “Where no ordinary supply of water is available to a property or allotment with one or more dwellings, a water storage tank that has sufficient water storage available to get through one in a 100 year drought event.”
<b>Part 16 – Water Supply</b> <i>1609 (4) Prohibition or Restriction of Supply</i>	It is unclear in the Bylaw how the term “emergency” would be used to prohibit or restrict water supply.  We suggest including a definition for what the Council deems an <i>emergency</i> under this Bylaw.	Include a definition of “ <i>emergency</i> ” in regard to water supply prohibition or restriction.

<sup>3</sup> [The Law Commission. Burial and Cremation Law Wellington: The Law Commission: 2020.](#)

Part – Bylaw	Position and submission	Decision requested
	It is also vital to ensure that prohibiting/restricting water supply to customers is not ultra vires to the Section 69A of the Health Act 1956 about <i>protecting the health and safety of people and communities by promoting adequate supplies of safe and wholesome drinking water from all drinking-water supplies.</i>	
<b>Part 16 – Water Supply</b> <i>1610 Restricting Water in Other Circumstances</i>	We think that the Council should define or further explain what “ <i>water restriction</i> ” means. We further believe that as a water supplier, the Council would still be obligated (under the Health Act 1956) to supply sufficient water to its customers so as to allow for hygiene and sanitation to continue at the dwelling.	Include a definition of “ <i>restricted water supply</i> ” in regard to water supply prohibition or restriction.
<b>Part 16 – Water Supply</b> <i>1620 Non-Payment or Non-Compliance with Notice</i>	<p>As mentioned above, the term ‘<i>restricted supply</i>’ should be better defined as the council is stating here the reasons for restricting the water supply and one of those reasons is failure to pay the rates for water supply.</p> <p>We do not wish to see lower social economic groups of people suffer ‘<i>restricted water supply</i>’ for prolonged periods of time due to financial hardship – this could be punitive.</p> <p>We believe that provision to waive the reconnection fees must be provided for those under financial hardship.</p>	
<b>Part 16 – Water Supply</b> <i>1664 Protection of Water Supply</i>	We support the proposed measures under the Bylaw to protect water supply networks in the District. It is vital to protect not only the infrastructure (treatment plant, pipes, etc) but also the sources of human drinking water. However, most of the activities that occur in the catchment areas (controlled and uncontrolled), that can discharge into water bodies included under the definition of “ <i>water supply network</i> ” in this Bylaw, would be administered through the	

Part – Bylaw	Position and submission	Decision requested
	Northland Regional Plan. We believe that the enacted bylaws should be within the scope and empower the Council to implement, monitor and enforce the provisions under bylaws; otherwise the bylaws could be ineffective in protecting the all components of a <i>‘water supply network’</i> .	

Other recommendations:

Although there are not many commercial services that pierce the skin or tissue (tattooing, body piercing, acupuncture, etc) in the District, we suggest the Council develop and adopt a Health and Hygiene Bylaw similar to Auckland Council or Timaru District Council.<sup>4 5</sup>

CONCLUSION

Overall, we support the proposed changes to the Bylaw. The Bylaw would improve, promote and protect public health in Kaipara District. Thank you again for the opportunity to make this submission.

Yours sincerely



Dr José M Ortega, Medical Officer of Health



Warren Moetara, Service Manager

<sup>4</sup> Auckland Council. Health and Hygiene Bylaw 2013. A. Council, Editor. 2013. Auckland Council: Auckland.  
<sup>5</sup> Timaru District Council. Health Protection - Pools, Beauty Facilities. Skin Piercing & Tattooing. T.D. Council, Editor., Timaru District Council: Timaru. p. 182-185.

# Attachment A

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**Subject:** FW: Kaipara District Council - Consolidated General Bylaw Submission

Bridget Rowse  
5424 State Highway 14  
027 242 3757  
[Rogerrowse15@gmail.com](mailto:Rogerrowse15@gmail.com)

**101 Interpretation (Pg2)** Do we need to add smokefree/vapefree definition here?

“means an area where the smoking of tobacco products, vaping (the use of electronic cigarettes) and the use of heated tobacco products (HTPs) is not permitted.” (as per Pg4).

**104 Licences (pg7)** reference is made to ‘conditions of a licence’ has smokefree/vapefree policy been added to these conditions as I understand that licences will be granted for activities on council-owned land therefore they would need to be smokefree/vapefree as per the policy.

**202 (1) Public Safety and Nuisances** a person shall not on any public place: (Pg5)

I suggest adding to this list “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)”

**204 (2) Designated smokefree Areas** No person shall smoke ~~nicotine~~ and/or vape in any designated smokefree area ... (Pg5)

I suggest a edit here, to remove the word ‘nicotine’ as you don’t smoke nicotine you smoke ‘tobacco’ feel free to remove the word altogether or replace it with tobacco.

**204 (2) Explanatory Note (Pg6)** I don’t think this is required as both KDC and NDHB undertook public consultation prior to introducing the policy. I suggest removing this explanatory note.

**219 (5) Additional Requirements for Reserves (Pg12)**

I suggest adding to this list “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)”

**304 (1) Licence Details** As many of these trading/hawker activities will be undertaken on council-owned land I suggest adding “smokefree” to the list, or simply add it onto item (k) on the list, (pg14)

**917 (1) Cemeteries General Conduct** No person shall; (Pg8)

I suggest adding to this list “smoke tobacco products, vape (the use of electronic cigarettes) or use heated tobacco products (HTPs)”

Thank you  
Bridget

# Attachment A



Silver Fern Farms Limited  
Dunedin Office, 283 Princes Street  
PO Box 941, Dunedin 9054  
New Zealand

t +64 3 477 3980  
0800 362 362  
[www.silverfernfarms.com](http://www.silverfernfarms.com)

Kaipara District Council  
Private Bag 1001  
Dargaville 0340  
[submissions@kaipara.govt.nz](mailto:submissions@kaipara.govt.nz)

18 June 2020

Dear Sir / Madam

## **RE: General Submission on the Proposed Consolidated General Bylaws**

### **Submission in reference to: Part 16 - Water Supply**

Silver Ferns Farms Limited ("**Silver Fern Farms**") holds an existing trade waste and water agreement issued by the Council on 15th April 1993. This agreement includes an allowance for the connection and supply of Kaipara District Council ("**KDC**" or "**Council**") water to Silver Ferns Farms' Dargaville processing facility ("**Dargaville Plant**" or "**Dargaville**") located at Tuna Street, R.D.2 Dargaville 0372.

It is our interpretation under section 16 of the Proposed Consolidated General Bylaws 2020 that the Dargaville Plant's water supply would fall under the "Extraordinary Supply"<sup>1</sup> category. This means that in times of water shortage the Dargaville Plant may be required to reduce water use, or in extreme circumstances stop taking water from the Council system altogether.

Silver Fern Farms operates all of its plants to be as water efficient as is possible. The Dargaville Plant is no exception. However, peak processing at Dargaville generally coincides with the period most likely to produce warm dry conditions that lead to low river flows and low soil moisture, slow pastoral growth and interim drought or drought like conditions. It is critical to the region that the plant can continue to operate at these times to ensure the welfare of animals on drought affected farms. Key to this is the ability to continue to obtain water from the Council system, while in-turn increasing water use efficiency measures.

Silver Fern Farms current water supply arrangement is subject to restrictions at times when the Council system is under drought induced pressure. This is not appropriate given the essential nature of water for essential processing. Access to a continuous and adequate source of water is critical for

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<sup>1</sup> Kaipara District Council Draft Consolidated General Bylaw 2020; Part 16, Page 5 "Definition of Extraordinary supply means any water supplied from the water supply network and not used for the purpose of an ordinary supply"



# Attachment A

the Dargaville Plant to operate and is particularly necessary during times of drought when farmers are often forced to send their stock to the plant for slaughter. Being restrained or unable to process at such times has potential significant adverse effects on animal welfare.

Silver Fern Farms therefore considers it appropriate that provision for more secure supply at all times needs to be inserted into the Bylaws. We request that an additional interpretation be added to Part 16 of the Kaipara District Council Draft Consolidated General Bylaws 2020 of "Essential Service(s)" which includes the "unlimited supply of water for animal welfare at a meat processing facility" in its definition.

## Concluding Comment

Peak processing at Dargaville inevitably coincides with the period most likely to produce drought conditions. At this time the demand for processing is significantly increased as farmers look to destock to manage animal welfare. The ability to continue to process at the Dargaville Plant including access to sufficient water supply during times drought is critical to the region. We ask that appropriate bylaws be amended to reflect the importance of water supply to meat processing facilities during periods of drought or water shortage and to provide for continuous supply of water during such times.

If you wish to clarify or further discuss any of the matters raised or points made, please do not hesitate to contact Kate Collins from our Group Environmental team by phone (021 871 073) or email ([kate.collins@silverfern farms.co.nz](mailto:kate.collins@silverfern farms.co.nz)).

Yours sincerely



**Alison Johnstone**  
Group Environmental Manager



# Attachment A

## Kaipara District Council Consolidated Bylaws Submissions

### Submitter # 3

**Name:** David Smith  
**Email:** nzsm10@gmail.com  
**Cell phone:** 021 203 9774

### Mailing Address:

652 Tara Road  
Mangawhai  
Northland 0573

**Date Received:** 28/05/2020

**Form received:** Peoples Panel

**Submission made as:** Individual

**To be heard:** No

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### Submission:

#### Part 4: Solid Waste

My comments reflect my views from a Mangawhai perspective and may differ with those in Dargaville. I would like council to consider the following.

**Recycling 413** Against Removal of Material from Disposal Site. Council should allow for certain items that have been dropped at a disposal site to be recycled back into the community i.e, usable wood, corrugated iron, plywood etc. This would be a waste of valuable resource.

Fly dumping

**113.1** "Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500.00 and, where the breach is a continuing one, to a further fine not exceeding \$50.00- for every day during which the breach has continued." Are these considered adequate? Should they be increased to reflect the severity of the breach?

# Attachment A

## Kaipara District Council Consolidated Bylaws Submissions

### Submitter # 2

**Name:** Jay Tane

**Email:** jayttane@gmail.com

**Cell phone:** 027 229 2967

### Mailing Address:

36 Tirarau Street  
Dargaville  
Northland 0310

**Date Received:** 27/05/2020

**Form received:** Peoples Panel

**Submission made as:** Individual

**To be heard:** No

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**NOTE:** This submitter had originally not given any feedback but had instead indicated that he wanted to give his submission verbally. He was contacted using the phone to clarify that this was what he wanted. Submitter changed his mind and instead provided feedback on the process verbally which he wanted included in the submissions for consideration.

### Submission:

Submitter would have liked this to have been consulted on better. The document and amount of information made it hard to assess properly. Council should have anticipated this and broken it down to be more public palatable. Even if sections could have been consulted on rather than the whole document at one time. Maori wouldn't know where to start or how to weave it together with the other Council rules, let alone know how it is going to affect them when the bylaw comes into force. Just better communication and understanding of the people that Councillors and the Council are representing.

# Attachment A

THE ANCHORAGE ASSOCIATION INC

P.O. BOX 290 MANGAWHAI 0540



25 May 2020

NAx009165

Kaipara District Council

Private Bag 1001

Dargaville 0340

Attention : Bylaws

Please find enclosed documentation relevant to our submission to General Bylaws with respect to speed review. We submit 2 options;

1. Lower Kedge Dve speed limit to 40 km/hr with the introduction of adequate signage.
2. Provide adequate speed bumps on Kedge Dve to reduce traffic speed.

Yours faithfully

Murray Marsh

Anchorage Association Inc Secretary

# Attachment A SUBMISSION FORM – Proposed Consolidated General Bylaws

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

## **Please enter your details below**

First name(s): MURRAY JAMES Last name: MARSH

Postal address: P.O. Box 290 MANGAWHAI

Mobile: 027-834-5584 Other phone: 09-431-4208

Email: murraymarsh1@gmail.com

I am writing this submission: ☐ as an individual ☒ on behalf of an organisation

Organisation name: THE ANCHORAGE ASSOCIATION

## **Tell us in person**

If you are providing a written submission, you can also attend our hearing to tell us about your thoughts in person. Please tick the box below.

Alternatively, you don't have to write a submission to provide us with your feedback. You can use this form to register to attend the hearing and just tell us your thoughts in person.

Tuesday 30 June 2020 ☐ Yes ☐ No

Depending on the Covid-19 Alert Level at the time of the hearing this will be either held in the Dargaville Town Hall or remote with audio or audio-visual links. We will advise you of the final format closer to the date.

Please get your submission and/or your hearing registration to us by **5pm Friday 19 June 2020**.

## **Tell us in writing**

Be sure to get your written comments to us by **5.00pm on Friday 19 June**. Follow the instructions and provide your comments on the next page.

## **How to register and/or get your feedback to us**

**In person:** By visiting our customer service desks at either Dargaville, 42 Hokianga Road or Mangawhai, 6 Molesworth Drive (Unless we are still closed to the public due to the Covid-19 Alert Level).

**On the phone:** Phone 09 439 7059 or 0800 727 059 and one of our friendly Customer Services staff will take your registration or can even fill this form out for you over the phone.

**By mail:** General Bylaws - Kaipara District Council, Private Bag 1001, Dargaville 0340

**Online:** Complete this form online: [www.kaipara.govt.nz/haveyoursay](http://www.kaipara.govt.nz/haveyoursay)

**Email:** Email us at [submissions@kaipara.govt.nz](mailto:submissions@kaipara.govt.nz) and put 'General Bylaws' in the subject line.

## **Join Kaipara District People's Panel!**

Tick the box if you want to be added to Kaipara District People's Panel. As a member you will be asked periodically to complete short surveys, as well as to participate in other consultations Council is undertaking in the future. If you tick 'yes', you will be sent an email for more information about the panel and an invitation to complete your first survey.

I would like to join the People's Panel: ☐ Yes ☐ No

# Attachment A

**THE ANCHORAGE ASSOCIATION INC**  
**P.O.BOX 290 MANGAWHAI 0505**



25 February 2020

Kaipara District Council  
Private Bag 1001  
Dargaville 0340  
Attention : Roading Manager

**RE : Kedge Drive Mangawhai Village**

Dear Sir / Madam

The elected Committee for The Anchorage Association Inc represents 110 property owners in the Mangawhai Village subdivision called The Anchorage.

We are writing to you seeking Council assistance to remedy a road traffic safety issue, involving dangerous vehicle speed down Kedge Drive. This road is the main thoroughfare through the center of the sub-division.

Kedge Drive is a narrow road with no-parking (yellow dotted lines) on one side of the road for its entire length. When cars are parked on the other side of the road the road reduces to one-way. This is a very frequent occurrence.

There is a significant number of cars that travel at excessive speed down this narrow residential road which has a high proportion of children living on it or near it. It should also be noted that the street is adjacent to the Mangawhai Beach Primary School with considerable juvenile pedestrian traffic morning and mid afternoon

Can you advise what options are realistic in terms of reducing overall speed on a permanent basis. This Committee is in favour of speed bumps being installed at various intervals, particularly on the two bends in Kedge Drive.

We would appreciate Council's advice and assistance.

Thank you

Yours sincerely

A handwritten signature in blue ink, appearing to read "Murray Marsh".

**Murray Marsh**

**Secretary The Anchorage Association Inc**





**Safer  
Speed  
Area**



# Attachment A

## Kaipara District Council Consolidated Bylaw Submission

### Submitter # 7

**Name:** Jacqui Tobin

**Email:** jacquitobin@yahoo.co.nz

**Cell phone:** 0272291990

### Mailing Address

14 Anchorage Road  
Mangawhai Heads  
Northland 0505

**Date received:** 27/05/2020

**Form received:** Peoples Panel

**Submission made as:** Individual

**Wants to be heard:** No

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### Submission:

Why would I bother commenting or making a submission? You simply dont listen.

You have allowed Mangawhai to become the place we chose to get away from. We don't want x division sections creating a rabbit warren which is just awful. You are allowing what we don't want and you don't listen so why should we talk?

I would ask simply this...are we replying/talking to robots, or are you actually real people that we employ, who just choose not to listen to your constituents?

You all just disappoint me. You should be ashamed of yourselves for allowing "your" version of Mangawhai (aka Auckland) to evolve. Sleep easy councillors because after many years here, I've signed out of Mangas and moved elsewhere that stands true to it's people. House rented out and won't come back. But what do you care? You don't listen to us. You sadden me.

# Attachment A

My name is Reg Whale and I am currently the contracted trapper for the New Zealand Fairy Tern Charitable Trust (and have been so for the past 10 years) and carry out predator control on the Mangawhai Wild Life Refuge. I also at times am faced with dealing with non-compliance of issues on the refuge, eg vehicles, e-bikes, bikes, horses, dogs and newer threat drones and motorised gliders.

Currently the by-law allows the above to be there at low tide on the wet sand.

I am finding this very problematic as the public seem to think:

- 1 At high tide because they are on wet sand they are entitled to be there
- 2 Once they are there whether high or low tide the temptation is too great and some tend to spread over the spit with their vehicles/horses etc

I also think it has become necessary to ban drones and motorised gliders from the Mangawhai spit air space.

I believe it is necessary to have a total ban of all of the above over the whole area of the Mangawhai spit to eliminate any grey areas that the public may conceive.

Conclusion – Under the present by-laws the danger to the Fairy Tern and dotterel chicks is considerably great as they tend to use the low tide areas at times and because of their natural instinct they tend to freeze when confronted by vehicles, horses etc . I have witnessed this first hand. Given the wild life's threatened status I believe they are entitled to as much protection as possible.

I wish KDC to review their general bylaw, to include prohibitions of vehicles, e-bikes, bikes, horses, dogs, drones and motorised gliders on the Mangawhai Sandspit below mean high water – which is where all our problems arise.

# Attachment A

## SUBMISSION FORM – Proposed Consolidated General Bylaws

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

### **Please enter your details below**

First name(s): Reg Last name: Whale  
Postal address: 1494 Mangawhai Road, RD 5, Wellsford 0975  
Mobile: 0275349222 Other phone: 094314852  
Email: rlwhale@actrix.co.nz

I am writing this submission: ☒ as an individual ☐ on behalf of an organisation

Organisation name: \_\_\_\_\_

### **Tell us in person**

If you are providing a written submission, you can also attend our hearing to tell us about your thoughts in person. Please tick the box below.

Alternatively, you don't have to write a submission to provide us with your feedback. You can use this form to register to attend the hearing and just tell us your thoughts in person.

Tuesday 30 June 2020 ☒ Yes ☐ No

Depending on the Covid-19 Alert Level at the time of the hearing this will be either held in the Dargaville Town Hall or remote with audio or audio-visual links. We will advise you of the final format closer to the date. Please get your submission and/or your hearing registration to us by **5pm Friday 19 June 2020**.

### **Tell us in writing**

Be sure to get your written comments to us by **5.00pm on Friday 19 June**. Follow the instructions and provide your comments on the next page.

### **How to register and/or get your feedback to us**

**In person:** By visiting our customer service desks at either Dargaville, 42 Hokianga Road or Mangawhai, 6 Molesworth Drive (Unless we are still closed to the public due to the Covid-19 Alert Level).

**On the phone:** Phone 09 439 7059 or 0800 727 059 and one of our friendly Customer Services staff will take your registration or can even fill this form out for you over the phone.

**By mail:** General Bylaws - Kaipara District Council, Private Bag 1001, Dargaville 0340

**Online:** Complete this form online: [www.kaipara.govt.nz/haveyoursay](http://www.kaipara.govt.nz/haveyoursay)

**Email:** Email us at [submissions@kaipara.govt.nz](mailto:submissions@kaipara.govt.nz) and put 'General Bylaws' in the subject line.

### **Join Kaipara District People's Panel!**

Tick the box if you want to be added to Kaipara District People's Panel. As a member you will be asked periodically to complete short surveys, as well as to participate in other consultations Council is undertaking in the future. If you tick 'yes', you will be sent an email for more information about the panel and an invitation to complete your first survey.

I would like to join the People's Panel: ☐ Yes ☒ No

# Attachment A

## Kaipara District Council Consolidated Bylaw Submission

### Submitter # 19

**Name:** Rachael Williams

**Email:** [oldskoolbrick@gmail.com](mailto:oldskoolbrick@gmail.com)

**Cell phone:** 027 488 5668

### Mailing Address

P.O.Box 132  
Mangawhai  
Northland 0505

**Date received:** 14/05/2020

**Submission made as:** Individual

**Form received:** Peoples Panel

**Wants to be heard:** Yes

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### Submission:

#### Part 8: Keeping of Animals, Poultry, Stock and Bees

Thank you for including rural areas to the bylaw re bee keeping. We have had a hard few years with our home, cars, washing, and clothing being stained and damaged. Over a 6 month continuous period. This will give us some hope that our neighbours will be held accountable and will have to listen to our concerns and frustrations of bee effluent, instead of ignoring us. Thank you. Regards Rachael Williams