



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

Kaipara District Council Open Agenda

Date: Wednesday 28 October 2020
Time: 9.30 a.m.
Location: Mangawhai Domain
75 Moir Street
Mangawhai

Elected Members: Mayor Dr Jason Smith
Deputy Mayor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Karen Joyce-Paki
Councillor Jonathan Larsen
Councillor Mark Vincent
Councillor Peter Wethey
Councillor David Wills
Councillor Eryn Wilson-Collins

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

Wednesday, 28 October, 2020

9:30 am

Mangawhai Domain

75 Moir Street

Mangawhai

Pages

1. Opening	
1.1. Karakia	
1.2. Apologies	
1.3. Confirmation of agenda	
1.4. Conflict of interest declaration	
2. Presentations and petitions	
3. Minutes	1
3.1. Confirmation of Open minutes 30 September 2020	3
4. Notice of motion	
5. Decision	
5.1. Consideration of a Māori Ward	13
5.2. Final Consolidated General Bylaw	17
5.3. Dangerous, Affected, and Insanitary Buildings Policy	131
5.4. Pouto wharf physical works procurement plan	163
5.5. Externally funded project agreements - to be circulated separate from this agenda.	

5.6.	Long Term Plan: Regional Economic Development – Joint Delivery Model Update	173
5.7.	Approval – Dargaville Lions Club Christmas Parade 2020	199
5.8.	Committee Structure Changes - 2019 to 2021 triennium	211
6.	Information	
6.1.	Exceptions report for October 2020	215
6.2.	Resolutions Register	243
7.	Resolution to move into Public Excluded Session	253
8.	Return to Open Session	
9.	Closure	
9.1.	Karakia	

Confirmation of open Council meeting minutes 30 September 2020

Meeting: Kaipara District Council
Date of meeting: 28 October 2020

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Confirms that the open minutes of the Council meeting held on 30 September 2020 are a true and correct record.

Open Meeting Minutes of the Kaipara District Council

Date: Wednesday 30 September 2020
Time: 9:34 am – 2.29 pm
Location: Lighthouse Function Centre / Te Whare Taonga o Tunatahi
32 Mount Wesley Coast Road
Dargaville

Members Present: Mayor Jason Smith
Deputy Mayor Anna Curnow
Councillor Jonathan Larsen
Councillor Karen Joyce-Paki
Councillor Victoria del la Varis-Woodcock
Councillor Mark Vincent
Councillor Peter Wethey
Councillor David Wills
Councillor Eryn Wilson-Collins

1. Opening

1.1 Karakia

Cr Wilson-Collins opened the meeting with Karakia.

1.2 Apologies

There were no apologies.

1.3 Confirmation of agenda

Moved: Mayor Smith

Seconded: Cr Joyce Paki

That the Kaipara District Council:

- a) Confirms the agenda for 30 September 2020 with addition of item 5.13 – Speed Limit Review Consultation.

Carried

1.4 Conflict of interest declaration

Item	Name
6.2 – Resolution Register	Cr Wilson-Collins
5.1 – Three Waters Review and Delivery Plan	Cr Wills

2. Presentations and petitions

There were no presentations or petitions.

3. Minutes

3.1 Confirmation of Open Council meeting minutes 26 August 2020

Moved: Deputy Mayor

Seconded: Cr Vincent

That the Kaipara District Council:

- a) Confirms that the open minutes of the Council meeting held on 26 August 2020 are a true and correct record.

Carried

3.2 Confirmed open minutes from other Council committees

Moved: Cr Joyce Paki

Seconded: Cr Wethey

That the Kaipara District Council:

- a) Notes the confirmed open minutes from other KDC governance committee meetings held between August and September 2020 (Attachment A).

Carried

4. Notice of motion

There were no notices of motion.

5. Decision

5.1 Three Waters Review – Delivery plan and funding agreement

Moved: Mayor

Seconded By: Deputy Mayor

That Kaipara District Council:

- a) Notes that the Funding Agreement cannot be amended or modified by either party and doing so would void the document.
- b) Delegates the Mayor the authority to sign the Funding Agreement located (at Attachment A) on behalf of the Council, for submission to the Department of Internal Affairs and Crown Infrastructure Partners.
- c) Notes that the Delivery Plan shows that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, which:
 - i. supports economic recovery through job creation; and
 - ii. maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.
- d) Approves the Delivery Plan located (at Attachment B) for submission to the Department of Internal Affairs.
- e) Delegates the Chief Executive the authority to finalise the Delivery Plan, if any feedback from central government is received, in order to obtain approval and release funding
- f) Notes that the agreed share of the regional pool is \$2,345,524 in accordance with the regional national formula, bringing the total available pool to \$4,691,048.

Carried unanimously

5.2 Budget carry over from 2019/2020

Moved: Cr Wethey

Seconded: Cr Wills

That Kaipara District Council:

- a) Approves the increase in financial budgets for the unfinished capital projects as set out in Attachment A to the “Budget carry-overs from 2019/2020” report, totalling \$5,432,911 and for the amounts to be added to the 2020/2021 Annual Plan project budgets to enable staff to complete the identified works.
- b) Approves the carrying over of operational project expenditure as set out in Attachment A to the “Budget carry-overs from 2019/2020” report totalling

\$2,641,860 and for the amounts to be added to the 20/2021 Annual Plan project budgets to enable staff to complete the identified works.

- c) Approves the additional required loan funding of \$81,975

Carried

5.3 Contract 888 variation - Kaipara unsealed roading network improvements

Moved: Mayor

Seconded: Cr del la Varis Woodcock

That the Kaipara District Council:

- a) Approves a contract variation of \$3,150,000 + GST to Contract 888 *Road Maintenance And Renewals* to implement the Unsealed Roding Network programme of works, as detailed in the Kaipara Roding Package Agreement 2 with the Ministry of Business, Innovation and Employment.
- b) Approves a contract variation of \$4,910,000 + GST to Contract 888 Road Maintenance And Renewals to implement the Unsealed Roding Network programme of works, subject to Council approval of a new funding agreement with the Ministry of Business, Innovation and Employment.

Carried

5.4 Contract 963 - Waipoua River Road Sealing Physical Works delegation to award

Moved: Mayor

Seconded: Deputy Mayor

That the Kaipara District Council:

- a) Delegates authority to the Mayor and Chief Executive to approve the award of Contract 963 for Waipoua River Road sealing works subject to Te Roroa approving the award of the contract, and subject to the contract price being within the approved project budget of \$1,600,000 + GST.
- b) Notes that the project is 100% externally funded.

Carried

5.5 Alamar boat ramp and carpark improvements

Moved: Cr Wethey

Seconded: Cr Wilson-Collins

That the Kaipara District Council:

- a) Approves the allocation of Financial Contributions up to \$900k for the design and construction of the boat ramp car park.
- b) Approves the Procurement Plan for the construction of the car park.
- c) Delegates award of Contract to the CEO subject to the price being within the approved budget

Carried

The meeting adjourned at 11.03 am for morning tea.

The meeting reconvened at 11.17 am.

5.6 Hakaru Closed Landfill leachate treatment improvements.

Moved: Cr Larsen

Seconded: Cr Vincent

That the Kaipara District Council

- a) Approves the allocation of \$550,000.00 from the Hakaru Leachate Provisioning Reserve and approves the tender and contract award process to complete the physical works for the Hakaru Closed Landfill Leachate Treatment.
- b) Approves the attached Business Case/Procurement Plan.
- c) Delegates the Chief Executive to approve the contract for award once the tender process is completed.

Carried

5.7 Mangawhai Wastewater Treatment Plant Balance Tank

Moved: Cr Wethey

Seconded: Cr del la Varis Woodcock

That the Kaipara District Council

- a) Approves the Mangawhai Wastewater Treatment Plant Balance Tank Project with a total budget spend of \$2,100,000.
- b) Approves to bring forward the Mangawhai Wastewater Development Plant Upgrades budget totalling \$1,450,000 into Year 2021/2022. This will reduce

expenditure of \$500,000 from Year 2024/2025 and \$950,000 from Year 2025/2026.

- c) Delegates the Chief Executive to approve the contract for award up to a contract price of \$2,100,000 (excluding GST) once the tender process has been concluded.

Carried

5.8 Dog Control Annual Report 2019/2020

Moved: Cr Curnow

Seconded: Cr Joyce Paki

That Kaipara District Council:

- a) Adopts the 'Kaipara District Council Dog Control Annual report for the 12 months ending 30 June 2020' (circulated as Attachment A to the above mentioned report) and forwards it to the Secretary for Local Government, in terms of s10A(1) and s10A(2) of the Dog Control Act 1996.
- b) Delegates the Chief Executive and the Mayor to approve minor typographical changes that do not alter the intent of the information in the 'Kaipara District Council Dog Control Annual report for the 12 months ending 30 June 2020'.

Carried

5.9 Treasury Policy

Moved: Cr Wethey

Seconded: Mayor

That Kaipara District Council

- a) Approve the attached Treasury Policy to be included as part of the Long-Term Plan 2021- 2031
- b) Delegates the CE and the Mayor to approve minor typographical changes that do not alter the intent of the information in the Treasury policy.

Carried

**Cr Wills and Cr del la Varis Woodcock voted against
Cr Vincent abstained**

5.10 Whistleblowing Policy adoption

Moved: Cr Wills

Seconded: Cr Joyce Paki

That the Kaipara District Council:

- a) Approves the amended Whistleblowing Policy and Fraud Policy (**Attachment A**).
- b) Agrees to engage Price Waterhouse Coopers as the new whistle-blower service provider (Option 1) as recommended by the Audit, Risk and Finance committee.

Carried

5.11 Climate Adaptation Joint Committee establishment and appointments

Moved: Mayor

Seconded: Deputy Mayor

That the Kaipara District Council:

- a) Agrees to establish the Joint Committee on Climate Change Adaptation under clauses 30 and 30A of Schedule 7 of the Local Government Act 2002, using the Terms of Reference (**Attachment B of this report**).
- b) Appoints Mayor Dr Smith to be the Kaipara District Council representative on the Joint Committee on Climate Change Adaptation.
- c) Appoints Cr Wilson Collins to be the alternate representative on the Joint Committee on Climate Change Adaptation.
- d) Agrees that Te Roroa and Te Uri o Hau will be engaged, to provide nominations for, the roles of primary Mana Whenua / Iwi representative and alternate Mana Whenua / Iwi representative, with a final recommendation to come to the Kaipara District Council for a decision by 16 December 2020.

Carried

The meeting adjourned for lunch at 12.35 pm.

The meeting reconvened at 1.06 pm.

5.12 Non-Elected Member Remuneration policy adoption

Moved: Cr Joyce Paki

Seconded: Cr Wilson Collins

That the Kaipara District Council:

- a) Adopts the Non-Elected Member Remuneration Policy located at Attachment A to this report.
- b) Notes the policy implementation timeframes and processes.
- c) Delegates the Mayor and Chief Executive the authority to make minor editorial changes that do not alter the intent of the policy

Carried

5.13 Speed Limit Review Consultation

Moved: Mayor

Seconded: Deputy Mayor

That the Kaipara District Council:

- a) Adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2018" for consultation.
- b) Confirms that the submission period for the speed limit review will open on 29th October and close on 18th December, with hearings to be scheduled in February 2021.
- c) Undertakes consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002.
- d) Agrees to establish a Speed Limit Review Panel to receive and hear submissions and make a recommendation to the Kaipara District Council. It shall be made up of Cr Larsen, Cr Wethey, and Cr Wills.
- e) Delegates the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.

Carried

6. Information

6.1 Exceptions report August 2020

Moved: Cr Joyce Paki

Seconded: Cr Vincent

That the Kaipara District Council:

- a) Notes the Exceptions Report for August 2020.

Carried

6.2 Resolutions Register

Moved: Cr Larsen

Seconded: Deputy Mayor

That the Kaipara District Council:

- a) Notes the Resolutions Register September 2020.

Carried

7. Resolution to move into Public Excluded session

Moved: Cr Wilson-Collins

Seconded: Cr Vincent

- a) That the following items are considered with the public excluded:

Item	Grounds for excluding the public
<ul style="list-style-type: none"> ▪ Confirmed public excluded committee minutes ▪ Independent Hearing Commissioner Appointments ▪ Kaipara Water Storage 	<ul style="list-style-type: none"> ▪ To protect the privacy of natural persons, including that of deceased natural persons (LGOIMA s7(2)(a)), to avoid prejudice to measures protecting the health or safety of members of the public(LGOIMA s7(2)(d)), to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (LGOIMA s7(2)(h)) and to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (LGOIMA s7(2)(i)). ▪ To protect the privacy of natural persons, including that of deceased natural persons (LGOIMA s7(2)(a))

Carried

The meeting moved in a Public Excluded session at 2.28 pm.

The meeting returned to Open session at 2.29 pm.

9. Closure

The meeting closed with a Karakia at 2.29 pm

Kaipara District Council

Dargaville

unconfirmed

Consideration of a Māori Ward

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Jason Marris, GM Engagement and Transformation

Purpose/Ngā whāinga

To decide on establishing a Māori Ward for the 2022 and 2025 triennial elections.

Executive summary/Whakarāpopototanga

There are statutory considerations to improve opportunities for Māori to contribute to local government decision-making. This report recommends that Council approves the establishment of a Māori Ward, which would apply for the 2022 and 2025 triennial elections. Council's iwi partners, Te Roroa and Te Uri o Hau, have advised after engagement with Māori in their rohe, that preference is to establish a Māori ward in the Kaipara District. If approved by Council, the public have until 21 February 2021 to demand a poll on the matter, which would then need to be completed by 21 May 2021. If a poll occurs and the result is that a Māori ward be established, this will be included in the upcoming representation review process. If the result of any poll is not to establish a Māori Ward, council cannot revisit this again for a further six years.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Agrees to establish a Māori ward in the Kaipara District, applicable for the 2022 and 2025 triennial elections.

Context/Horopaki

Local Authorities have the ability to establish Māori wards. The statutory basis for this is:

- The principle of fair and effective representation for individuals and communities (s4 (1)(a) Local Electoral Act).
- The purpose of Local Government to provide for democratic and effective local government that recognises the diversity of New Zealand communities. Specifically, the promotion of accountability of local authorities to their communities (s3, Local Government Act).
- Obligation to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes (s4, 14(d), 81 Local Government Act).

While Council could resolve to conduct a public poll or the public could demand a poll on the matter at any time, if Council wishes to establish a Māori ward applicable for the upcoming 2022 and 2025 local triennial elections, a decision must be made by 23 November 2020.

Staff reported to Council on this matter at the June council briefing. Direction provided at that briefing was for staff to engage with our iwi partners and report back to Council for a decision.

The process to establish a Māori Ward

The authority for Council to establish Māori ward(s) comes from the Local Electoral Act 2001 (LEA). The process is outlined below:

1. Council may decide by resolution to establish a Māori ward. To establish a Māori ward it needs to be resolved by 23 November 2020.

2. Public notice of this decision must then be made by 30 November 2020. The notice also advises that the public may demand a poll on the matter. A valid demand to conduct a poll would be one which is signed by at least 5% of electors across the district (approximately 790 electors).
3. Any demand for a poll must be received by Council by 21 February 2021.
4. If no demand for a poll is received, Council must then conduct a representation review to incorporate the Māori ward into the District's representation arrangements.

A representation review is a formal process that takes into account aspects such as population growth and distribution, community boards, ward(s)/names and number of elected members etc for the district.

Kaipara District Council (KDC) conducted a representation review prior to the 2019 local triennial elections. On approving the new representation arrangements, the Local Government Commission recommended that KDC conduct another review prior to the 2022 local government elections, due in part to the significant population growth across the district and this will commence in 2021. The representation review will be completed and will be the subject of future reporting.

5. If a valid demand for a poll is received, Council is then required to conduct a poll of all electors on the matter. This poll must be conducted by 21 May 2021. The estimated cost for conducting a poll is \$30k. There is no provision for this cost in the 2020/21 Annual Plan.
6. If the poll countermands the original Council decision to include a Māori ward, the Māori ward is not included in the arrangements for the 2022/2025 local government elections. If this occurs, council cannot revisit the option of establishing a Māori ward for a further six years.
7. Should a Māori ward be established either by way of a Council resolution or a poll, it must remain in place for at least two triennial elections (2022 and 2025).

How would a Māori ward work?

If Council ultimately establishes a Māori ward, candidates in future elections have an option to stand for the Māori ward or in a general ward. Candidates must be registered parliamentary electors. However, Māori ward candidates do not need to be on the Māori electoral roll (provided they're on the general electoral roll) and vice versa for candidates standing in the general ward(s).

Electors on the Māori electoral roll are then eligible to vote for candidate(s) in their Māori ward. Electors on the general electoral roll are then eligible to vote for candidate(s) in their general ward. Regardless of which roll an elector is on, an elector only has one vote (either for a Māori ward or a general ward). Every five years, electors have the opportunity to change from being on the general electoral roll to the Māori electoral roll and vice versa.

In Kaipara, the Māori electoral population is 3,630 and the general electoral population is 20,760. These are the estimates from Statistics New Zealand as at June 2019, based on the 2018 census. The Māori electoral population by ward is as follows:

Ward	Māori Electoral population
Kaiwaka-Mangawhai	720
Otamatea	790
West-Coast Central	960
Dargaville	1,160

Calculating the number of Māori and general members

There is a prescribed calculation to determine the number of Māori and general members in the LEA for a local authority. It is a proportionate calculation based on the Māori electoral population against the general electoral population. This is determined by Statistics New Zealand and provided to the Local Government Commission.

The number of councillors would be determined during the representation review. However, should the total number of councillors remain at eight (excluding the Mayor) this would mean that there would be one Māori councillor (elected at large by those on the Māori electoral roll at the election) and seven general councillors (elected from one or more wards by those on the general electoral roll).

The councillor remuneration pool is no longer based on the number of councillors. Therefore, the pool remains the same amount regardless of the number of councillors to be remunerated from the pool.

Discussion/Ngā kōrerorero

Engagement with Iwi

Following the June council briefing, staff engaged with our iwi partners, Te Roroa and Te Uri o Hau. Presentations and communication collateral providing all of the relevant information were created to easily allow our iwi partners to discuss broadly with Māori in their rohe. Both Te Roroa and Te Uri o Hau have formally advised that the preference of Māori is for a Māori ward to be established.

Options

Option 1: Agree to establish a Māori ward. This is the recommended option.

Option 2: Not agree to establish a Māori ward. This is the status quo option.

The advantages and disadvantages of each option are described below:

Option	Advantages	Disadvantages
Establish a Māori ward	<ul style="list-style-type: none"> Recognises the preference of Māori in the District and contributes toward a stronger relationship. Would provide a mandate for a Māori councillor to speak on behalf of Māori. A method to recognise Council's obligation under the LGA to increase participation of Māori in decision-making and to recognise the diversity of its communities. Consistent with the LEA requirements to consider the principle of fair and effective representation for individuals and communities. 	<ul style="list-style-type: none"> Can be divisive for certain parts of the community.
Not establish a Māori ward	<ul style="list-style-type: none"> Status quo would apply. May be less divisive for certain parts of the community. 	<ul style="list-style-type: none"> Would not reflect the request from Māori in the District. No formal mandate for Māori to be represented by a councillor Would not formally recognise this option of involving Māori in decision-making or fair and effective representation.

Policy and planning implications

Regardless of whether a Māori ward is established or not, staff will continue to progress the representation review process. Council's electoral officer, Dale Ofoske of Independent Election

Services Ltd has been engaged to conduct the process. This work will commence soon and be reported to Council.

Financial implications

If a request for a poll is received by Council, this will need to be conducted between March and May next year. Any cost to administer the poll, estimated at \$30k, would be unbudgeted expense in this 20/21 Annual Plan. The costs for the upcoming representation review have been budgeted for.

Significance and engagement/Hirahira me ngā whakapāpā

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

The Council is not required to undertake community engagement or consultation on the decision to establish a Māori ward. To inform this report Te Roroa and Te Uri o Hau were consulted. If the decision is to proceed with the establishment of a Māori ward, public notice of this decision will be provided in our local papers.

Next steps/E whaiake nei

Staff will:

- Undertake the steps outlined in this report, depending on the decision made.
- Communicate with our community regarding the decision made and relevant information regarding that decision.
- Commence the representation review process.

Final Consolidated General Bylaw

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Shireen Munday, Policy Team Leader

Purpose/Ngā whāinga

To make the Consolidated General Bylaw 2020.

Executive summary/Whakarāpopototanga

Council adopted a Statement of Proposal (SOP) for consultation to revoke the 2008 General Bylaws and replace them with a Consolidated General Bylaw. At the same meeting Council delegated the authority to hear and deliberate on matters raised in submissions to a Panel of Elected Members. This report includes the final proposed Consolidated General Bylaw based on the decisions of the Panel.

Council must consider three key matters before it determines to make the Bylaw, which are whether a bylaw is the most appropriate way of addressing the perceived problem, whether the proposed Bylaw is the most appropriate form of bylaw and whether the Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

In addition to making the new Bylaw, Council must also revoke the existing 2008 General Bylaws.

The Bylaw is scheduled to come into effect on 1 December. Staff will provide a hand-over to the Regulatory Department and will report to the November Council Briefing on the future review process of the Bylaw.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Determines that a bylaw is the most appropriate way of addressing the perceived problem, and that the proposed Consolidated General Bylaw 2020
 - i. is the most appropriate form of bylaw
 - ii. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- b) Makes the Consolidated General Bylaw 2020 as provided in Attachment A, with effect from 1 December 2020.
- c) Revokes the 2008 General Bylaws, with effect from 30 November 2020.
- d) Authorises the Chief Executive to make any minor edits or amendments to the Bylaw to correct any spelling errors or make typographical edits, and/or to reflect decisions made by Council at this meeting.

Context/Horopaki

Council's current 2008 General Bylaws are subject to the review requirements of the Local Government Act 2002 (LGA). This review was commenced in 2017 but was not able to be completed until April 2020.

Council has now consulted on the revocation of the General Bylaws 2008 and the associated proposed new Consolidated General Bylaw (the Bylaw). Council delegated to a Panel of Elected Members (The Consolidated General Bylaw Panel) the authority to hear views and consider written

and verbal submissions, and to make associated recommendations to Council. The Panel was chaired by Deputy Mayor Curnow and consisted of Councillors Larsen and Vincent as members.

This report outlines those recommendations and the remaining matters Council must address before making a final determination.

Discussion/Ngā kōrerorero

Consultation outcomes and Panel recommendations

The Consolidated General Bylaw Panel has heard submitters and held deliberations. The relevant agenda items and minutes for these meetings are available on Council's website, for the hearing [here](#) and for the deliberations meeting [here](#).

Submissions to the Bylaw were made on the following topics:

- Smokefree matters
- Footpath use
- Vehicles and horses on the beach adjacent to the Mangawhai Wildlife Sanctuary
- Solid Waste
- Bees
- Cemeteries and crematoria
- Water supply

The Panel discussed and approved the proposed changes to the Bylaw as a result of the submissions and associated staff recommendations.

Further proposed staff amendments for clarity, deletion of duplications and associated consequential amendments were proposed and approved by the Panel.

During deliberations the Panel included requests for three minor further changes to be made. These are; one new explanatory note, an edit to an existing explanatory note and combining two existing savings provisions in Parts 6 and 10 of the Bylaw into a single provision in Part 1 of the Bylaw. These further changes have been approved by the Panel Chair, Deputy Mayor Curnow, in accordance with the resolutions of the Panel at the 6 August 2020 deliberations meeting.

The final Consolidated General Bylaw 2020, based on the decisions of the Panel, and the approval of the Panel Chair, is provided in Attachment A and presents the Panel's recommendations to Council for the final Bylaw in accordance with the Panel's delegations.

Legislative determinations

The relevant legislative framework within which Council undertakes a bylaw review and makes subsequent decisions has been outlined to Council in various previous items on this review process and as far back as 2017. The matters of section 155 LGA in particular, guide Council's decision-making process. These matters were presented for Council's consideration prior to making their determination to adopt the SOP in April this year.

Council must make the following three key determinations before making a bylaw:

- is the bylaw the most appropriate way of addressing the perceived problem (s155(1))
- is the proposed bylaw the most appropriate form of Bylaw (s155(2)(a))
- does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990.

The relevant information and analysis on these matters was provided in [Attachment A](#) and [Attachment B](#) to the April 2020 agenda report and can be found on Council's website.

Making the new Bylaw and revocation of the 2008 General Bylaws

The adopted SOP included two aspects, the proposal to make a new Bylaw and at the same time to revoke the existing 2008 General Bylaws. While the 2008 General Bylaws would normally have been automatically revoked in June this year, Covid-19 related local government legislation means that this period has been extended until June 2021. Therefore, Council must both make the new

Bylaw as well as revoking the current 2008 General Bylaws. This matter is reflected in the recommended resolutions.

While the 2008 General Bylaws are to be revoked, the Consolidated Bylaw contains provisions to ensure that certain matters addressed or permitted in accordance with the previous Bylaw remain in force. This also applies to any relevant resolutions of Council made under the 2008 General Bylaws.

Significance and engagement/Hirahira me ngā whakapāpā

Council has consulted with the community on the Bylaw in accordance with section 83 LGA and as provided for in sections 156 and 160 of the LGA. The recommendations and associated decisions are made in accordance with the legislative requirements and are being made after appropriate consultation and engagement with the community has been undertaken.

Next steps/E whaiake nei

Staff will complete a hand-over with the Regulatory Department prior to the commencement date of the new Bylaw.

The item presented to Council at the April meeting to adopt the SOP for consultation provided that the process included the recommendation to propose a new Bylaw, as opposed to amending the current General Bylaws 2008. Council has proceeded on this basis. The implications for this are that in accordance with section 158 of the LGA, this new Bylaw must be reviewed within five years of being made (instead of the 10 year review period for an amended bylaw). This means that the Bylaw will require a complete review by September 2025.

The review process has highlighted some issues and concerns about the scale of the Bylaw and how useful it is to have all the individual Parts combined into a single bylaw. A submission on this matter was also received and this issue was further commented on by the Panel.

Staff are considering solutions to this matter, which will likely include recommending that the Bylaw is split up into its individual Parts or logical groups of Parts and that this process commences in the near future so as to avoid a significant workload for staff and Council leading up to the 2025 review date.

Staff are in the process of preparing a Briefing item on this matter to be presented to Council at the November Briefing.

Attachments/Ngā tapiritanga

	Title
A	Consolidated General Bylaw

Kaipara District Council

Consolidated General Bylaw 2020

Made by Kaipara District Council by Resolution in Council [Insert date here]

Commencement: [Insert date here]



Kaipara te Orangahui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

This Bylaw is made pursuant to the Local Government Act 2002 and the Land Transport Act 1998.



Introduction	Part 1
Public Places	Part 2
Trading in Public Places (& trading as a Hawker, Mobile Shop or Itinerant Trader)	Part 3
Public Nuisances	Part 4
Signs	Part 5
Keeping of Animals, Poultry, Stock and Bees	Part 6
Cemeteries and Crematoria	Part 7
Traffic	Part 8
Solid Waste	Part 9
Water Supply	Part 10
Land Drainage	Part 11

Explanatory note: In this Bylaw, where a reference to another clause in the Bylaw is provided, that reference is always for the relevant clause number within the same Part of the Bylaw that contains the reference, unless otherwise specified. For example, if in Part 3 under clause 4.3 there is a reference to clause 2.1, that reference means clause 2.1 of Part 3 of the Bylaw.

Relationship between this Bylaw and Acts, Regulations, Council's District Plan, and other bylaws of Council

Compliance with this Bylaw does not remove the need to comply with all other applicable Acts, Regulations, the Operative District Plan and other bylaws of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Consolidated General Bylaw 2020

Part 1 - Introduction

Contents

1. Purpose	2
2. Interpretation	2
3. Powers of delegation	5
4. Powers of entry for purposes of this Bylaw	5
5. Licences	6
6. Suspension and revocation of licences or permissions	6
7. Compliance waiver	7
8. Documents	7
9. Fees and charges	7
10. Orders, notices and service	8
11. Offences and breaches	8
12. Penalties for breach of the Bylaw	9
13. Savings	9

1. Purpose

- 1.1 The purpose of this Part is to set out general provisions which may be relevant to more than one Part of the Consolidated General Bylaw. As well as defining some terms and expressions that are used throughout the General Bylaw, this Part also covers the following matters:
- a. serving of orders and notices
 - b. powers of delegation
 - c. powers of entry onto land
 - d. licences, suspension of licences (approvals) and revocation of licences
 - e. removal of works executed contrary to the Bylaw
 - f. fees and charges
 - g. offences and breaches and penalties for breach of the Bylaw.
- 1.2 This Part should be read in conjunction with all other Parts of the Consolidated General Bylaw (the Bylaw). If there is a discrepancy with another Part of the Bylaw, the other Part will take precedence. This includes where the other Part of the Bylaw contains more specific provisions dealing with the same subject matter e.g. a licensing regime.

2. Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

<i>Agent of Council</i>	means a person who is not a Council employee who has been delegated or appointed to act on Council's behalf and with its authority.
<i>Animal</i>	Animal means any member of the animal kingdom but does not include humans or dogs.
<i>Approval or approved</i>	means written approval by Council or by any Authorised Officer.
<i>Authorised Officer</i>	means any Officer or other person appointed or authorised by Council to perform duties required under this Bylaw, irrespective of the designation given to that officer and person; and includes a Police Constable; or a person appointed as an enforcement officer under section 177 of the Local Government Act 2002.
<i>Bylaw</i>	means a bylaw of Council in force, made under the provisions of any Act or authority enabling Council to make bylaws.
<i>Berm</i>	means a raised strip of ground that runs along the side of a road and usually contains a path or/and a strip of grass.
<i>Chief Executive</i>	means the Chief Executive of the Kaipara District Council or a person acting in their capacity.
<i>Council</i>	means the Kaipara District Council or any Committee, Community Board, elected member of Council or Officer to which Council has delegated authority to act.
<i>District</i>	means the Kaipara District.

<i>Dwelling or dwelling house</i>	includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes any adjacent land associated with the dwelling.
<i>Electronic means</i>	means any means of digital communication including email, text and any other such electronic messaging but does not include social media platforms such as Facebook or Twitter.
<i>Licence</i>	means any written approval, permission or licence from Council or an Authorised Officer.
<i>Licensed</i>	means holding a licence under this Bylaw or under any Act.
<i>Material or thing</i>	means any material or thing of whatever kind and includes but is not limited to jumbo bins and other containers for waste material but excludes vehicles.
<i>Motor vehicle</i>	has the meaning in section 2(1) of the Land Transport Act 1998.
<i>Nuisance</i>	includes but is not limited to the meaning assigned to it by the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person. <i>Explanatory note:</i> <i>Circumstances that may be deemed a nuisance can include noises and odour associated with the keeping of animals.</i>
<i>Occupier</i>	means a person who inhabits, leases, uses or controls any property or premises, whether as an owner, tenant, licensee or otherwise.
<i>Owner</i>	means, in relation to real property, a registered proprietor, trustee and any person for the time being entitled to receive the rent of the property, land, building, or premises or who would be entitled to the rent if the property were let to a tenant. Where any such person is absent from New Zealand or mentally incapable as defined in section 94 of the Protection of Personal and Property Rights Act 1988, 'owner' includes his or her attorney or agent. means, in relation to personal property, the person lawfully in charge of the management of the property, whether or not that person possesses or occupies the property.
<i>Offence</i>	includes any act or omission in relation to this Bylaw or any part of it for which any person can be penalised either by prosecution or by issuing an infringement notice.
<i>Person</i>	includes an individual, a corporation sole, a body corporate, and an unincorporated body.
<i>Poultry</i>	means any bird (including domestic fowls, ducks, geese, turkeys, guinea-fowl, pheasants, peacocks, swans and pigeons) that is kept or raised to produce eggs, hatching eggs or poultry products for human consumption, or for the purpose of rearing on behalf of another person.

<i>Prescribed fee</i>	means the fee or fees that may be set by Council from time to time for a certificate, approval, permit, consent, inspection or other matter, including a fee set pursuant to clause 9 of this Bylaw.
<i>Premises</i>	means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.
<i>Public litterbin</i>	means a refuse container made available by the Council for the placement of litter by members of the public.
<i>Public notice</i>	has the meaning in section 5(1) of the Local Government Act 2002.
<i>Publicly notified</i>	means notified by way of a public notice.
<i>Public place</i>	means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place, and includes but is not limited to every reserve, park, domain, beach, and recreational ground under the control of Council.
<i>Reserve</i>	has the meaning in the Reserves Act 1977.
<i>Residential activity</i>	means the use of land and buildings by people for the primary purpose of living accommodation.
<i>Road</i>	shall have the same meaning as in section 315 of the Local Government Act 1974 whereby the term street is considered a road and includes all land lying within the boundaries of a road including footpaths and berms.
<i>Rural area</i>	means any land that has been zoned Rural in the Operative Kaipara District Plan.
<i>Sign</i>	means a visual message or notice conveyed to the public and visible from a public place displayed to advertise or identify a product, business, or service, inform or warn the public and includes any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, message or notice painted on, affixed to, or otherwise incorporated with a building, structure, site, banner, flag, poster, billboard, sandwich board, wind sock, vehicle, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this part of the Bylaw.
<i>Stock</i>	means any cattle, deer, alpaca, llama, sheep, goat, donkey, mule, horse and any other animal kept in captivity, or farmed, and dependent on humans for their care and sustenance, but does not include poultry.
<i>Private road, footpath and private way</i>	have the respective meanings in section 315 of the Local Government Act 1974.

- Urban area** means any area that has been zoned Residential, Commercial or Industrial in the Operative Kaipara District Plan.
- Vehicle** has the meaning in section 2(1) of the Land Transport Act 1998.
- Writing, written** or any similar term means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, including by electronic means.

Explanatory note: *In this Bylaw, in some instances the meaning of a word has been determined to have the same meaning as provided for that word or term in a stated piece of Legislation or other Regulatory tool. For completeness, in the event of the meaning of a word or term changing in the relevant legislation or regulatory tool, then the meaning of the word or term changes for the purposes of this Bylaw as well.*

- 2.2 Words implying the singular include the plural and vice versa.
- 2.3 The Interpretation Act 1999 applies to this Bylaw.
- 2.4 Any explanatory notes and attachments are for information purposes, and do not form part of this Bylaw, and may be inserted, amended or revoked without formality.
- 2.5 All Council resolutions made under this Bylaw will be publicly notified in accordance with section 5(3) of the Local Government Act 2002.

Explanatory Note: *For the purposes of clause 2.5, every resolution is still required to consider and follow sections 76-81 of the Local Government Act prior to making a resolution.*

3. Powers of delegation

- 3.1 In all cases where this Bylaw provides for the issue of any order, notice or licence, such order notice or licence shall be deemed to be issued in compliance with this Bylaw if the same is issued by an Authorised Officer.
- 3.2 The powers or duties imposed on any Authorised Officer under this Bylaw may be delegated to any other Officer of Council, either generally or particularly and with or without conditions.
- 3.3 All Authorised Officers appointed by Council under or for the purpose of any repealed or expired Bylaw, and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw in relation to any provision of this Bylaw that with or without modification, replaces or that corresponds to a provision of the repealed or expired Bylaw.
- 3.4 In this bylaw, where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of Council

4. Powers of entry for purposes of this Bylaw

- 4.1 In administering and enforcing the Bylaw, the Council may utilise the applicable powers of entry in the Local Government Act 2002 and any other relevant legislation.
- 4.2 Every person who obstructs or hinders any such Officer or agent in the exercise of their power of entry under this Bylaw, shall be liable to prosecution for an offence against this Bylaw.

Explanatory note: Specific powers of entry are provided to Council under a range of legislation, including under the Local Government Act 2002. Any person exercising a power of entry onto private land is required to provide a written warrant under seal of the Council as evidence of authority to do so.

5. Licences

- 5.1 Any person doing or proposing to do anything or cause any condition to exist for which a licence from the Council is required under a Bylaw, shall first obtain such a licence.
- 5.2 A written consent issued by an Authorised Officer in accordance with any enactment to allow a person to do anything or to cause any condition to exist for which a licence of Council is required under this Bylaw, shall be deemed to be a licence under this Bylaw.
- 5.3 Every application for a licence or permission shall be accompanied by the relevant prescribed fee.
- 5.4 No application for a licence, payment or receipt for any fee paid in connection with such application, provides any right, authority or immunity on the person making that application or payment.
- 5.5 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.
- 5.6 Unless a Bylaw provides otherwise, every licence or permission and every application for a licence shall be in such a form as may be prescribed by Council.
- 5.7 Unless a Bylaw provides otherwise, a licence is not transferable, and no such licence authorises any person other than the licence holder to act in any way under its terms and conditions.
- 5.8 If, following a request for payment, any licence fee due remains unpaid, the licence shall immediately cease to be valid.

6. Suspension and revocation of licences or permissions

- 6.1 Unless otherwise expressly provided for in this Bylaw, should the holder of any licence granted under this Bylaw be subsequently convicted of any offence that the Council considers has an effect on the holder's suitability as a licensee, Council may immediately revoke or suspend the licence for any specified time.
- 6.2 Council may by notice in writing call upon the licence holder to appear before Council and give reasons why the licence should not be revoked or suspended, if any of the following are brought to the notice of Council:
 - a. That the licence holder:
 - i. has acted or is acting in a manner contrary to the purpose and meaning of any bylaw
 - ii. has failed to comply with any of the conditions of the licence
 - iii. is in any way unfit to hold the licence.
 - b. That the premises for which the licence was issued is being used for any purpose other than that stated in the licence, or is in a state of disrepair contrary to the terms of the licence
 - c. That the Bylaw or the conditions of the licence are not being properly observed.

- 6.3 Council may, if it considers that any of the circumstances described in clause 6.2 apply, or if there is no appearance by the licence holder:
- revoke the licence
 - suspend the licence for any specified time
 - amend the terms and conditions of the licence.
- 6.4 A person whose licence has been suspended under this clause and any premises for which that licence has been suspended shall, during the period of such suspension, be deemed to be unlicensed.

7. Compliance waiver

- 7.1 An application may be made to Council to waive full compliance with any provision of this Bylaw on the basis that it would needlessly cause harm, loss or inconvenience to any person, or the operation of any business, without any corresponding benefit to the community.
- 7.2 On receipt of an application under clause 7.1 Council may:
- waive the strict observance or performance of any provision of this Bylaw
 - impose such other terms or conditions consistent with the intention and purpose of the Bylaw as Council may think fit.
- 7.3 Except to the extent expressly stated, any waiver granted by Council under clause 7.2 shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by Council and such waiver shall not constitute a justification for the breach of the provisions of a Bylaw for anything other than the expressed terms of the waiver.

8. Documents

- 8.1 Council may prescribe the form of any application, certificate, licence, permit or other document, which is required under this Bylaw. These forms may be altered or amended at any time.
- 8.2 Variation from the exact form prescribed under CLAUSE 8.1 shall not render any application, certificate, licence, permit, or other document void. However, Council may reject any document where it considers the non-compliance is of significance and substantially detracts from the required spirit and effect of the document.

9. Fees and charges

- 9.1 Council may, by resolution, publicly notified:
- charge a fee for receiving and processing an application and issuing a permit under this Bylaw
 - prescribe any charges to be paid for the use of a permit issued under this Bylaw
 - determine situations when permit fees under this Bylaw may be remitted, refunded or waived.
- 9.2 Council may, by resolution, vary any fee in respect of any matter provided for in this Bylaw.

- 9.3 Council may require either full or a part payment of any fee or charge payable in respect of this Bylaw before issuing any licence, approval or consent or performing any other action to which the fee or charge relates.
- 9.4 Where any inspection or service for which a fee has been paid under the provisions of clause 9.1 has not been given or made, Council may refund any such fee or portion thereof as it may determine.
- 9.5 The Chief Executive may waive any fee charged for a license, approval or consent under this Bylaw on a case by case basis.

10. Orders, notices and service

- 10.1 Where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be made by delivering it personally to the person or by sending it by courier or post or fax or by electronic means, to that person's last known residential or business address, or last known contact details.
- 10.2 If such person is absent from New Zealand the order or notice may be served on that person's agent instead of to such person, in any manner referred to in clause 10.1.
- 10.3 If the order, notice, or other document relates to land or buildings, and the owner is not known or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:
- served on the occupier of the land or buildings
 - if there is no occupier, put up on some noticeable part of the land or buildings
 - it is not necessary to name the occupier or the owner of the land or buildings in that notice.
- 10.4 An Authorised Officer may require any person who breaches or fails to comply with the provisions of any bylaw, or the conditions of a licence issued pursuant to it, to remedy the breach or comply with the same by giving such person notice in writing.
- 10.5 Any order or notice shall state the time within or date before which any remedial action must be carried out and may be extended by written authority from an Authorised Officer.

11. Offences and breaches

- 11.1 Any person commits a breach of this Bylaw who:
- does, or causes to be done, or knowingly permits or suffers to be done anything contrary to the provisions of this Bylaw
 - omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the purpose and meaning of this Bylaw, ought to be done by that person at the time and in the manner provided for by this Bylaw
 - does something which under this Bylaw they are required not to do
 - knowingly permits or suffers any condition or thing/s to exist contrary to any provision/s in this Bylaw
 - fails to comply with any notice or direction given to that person under this Bylaw

- f. obstructs or hinders any Authorised Officer in the performance of any duty to be discharged by that Officer under or in the exercise of any power conferred upon them by this Bylaw.

11.2 Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an Authorised Officer provide their full name and address.

12. Penalties for breach of the Bylaw

12.1 Every person who commits an offence against this Bylaw is liable to:

- a. the penalty set out in section 242 of the Local Government Act 2002
- b. where another enactment specifies the penalty for a breach of the Bylaw, that other penalty.

12.2 In accordance with section 162 of the Local Government Act 2002, Council may apply to the District Court for an injunction to restrain a person from committing a breach of this Bylaw.

***Explanatory Note:** Pursuant to section 242(5) of the Local Government Act, the penalty upon conviction for an offence under this Bylaw is a fine of up to \$20,000.*

13. Savings

13.1 Any permissions, approvals or other authorisations issued under the General Bylaws 2008 continue to be in force in accordance with their terms, unless re-negotiated, renewed, or cancelled by Council.

Consolidated General Bylaw 2020

Part 2 – Public Places

Contents

1. Purpose	2
2. Interpretation	2
3. Public safety and nuisances	3
4. Wheeled recreation devices	3
5. Obstructing public places	4
6. Encroachment to be removed upon notice	4
7. Removal of works	4
8. Damage to public places	5
9. Placing of articles on public places	5
10. Exposing articles for sale	6
11. Vehicle crossings	6
12. Assembly	7
13. Awnings and blinds	7
14. Projections on public places not permitted	7
15. Restrictions on use of barbed wire and electrified fences	7
16. Road and building identification	8
17. Animals and stock on public places	8
18. Vegetation liable to obstruct	9
19. Additional requirements for reserves	9

1. Purpose

- 1.1 The purpose of this Part of the Bylaw is to regulate a diverse range of activities for the well-being and enjoyment of the public in public places. Communities need to feel safe and maintain high confidence in their ability to visit and conduct business in public places.

Part 2 seeks to:

- a. protect the public from nuisances
- b. protect and maintain public health and safety
- c. minimise the potential for offensive behaviour
- d. manage public land under the control of the Council.

The Bylaw does not duplicate statutory provisions. It seeks to complement existing statutory provisions that may also affect public places such as under the Local Government Act 1974 and 2002, the Resource Management Act 1991 and the Building Act 2004, by addressing specific needs assessed in the community from time to time.

Council shall accept no liability for any damage arising from the activities in any public place and permitted under this Bylaw.

2. Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

<i>Advertising devices</i>	means a structure or device, which conveys information or directions of any kind and is intended for advertising purposes that is external to a building and visible from a public place, or inside a building and visible from a road.
<i>Amusement devices</i>	includes any land-borne inflatable devices, fairground rides and any other mechanically-powered unit that is used for rider entertainment.
<i>Busking</i>	means any transient street entertainer performing for donations.
<i>Infrequent</i>	means no more than once a week on an unsealed road and no more than once a fortnight on a sealed road.
<i>Psychoactive substance</i>	Has the meaning in section 9 of the Psychoactive Substance Act 2013.
<i>Stall</i>	means any structure or thing controlled by an organisation or a person occupying any portion of any public place for the purpose of advertising and/or selling any food or refreshments, newspapers, lottery tickets, textiles, hardware or merchandise.
<i>Vehicle crossing</i>	means a formed vehicle access from the carriageway of any road to a property adjacent to the road and includes any culvert, bridge or kerbing.
<i>Vaping</i>	Is the use of electronic cigarettes and the use of heated tobacco products (HTPs), and vape has the equivalent meaning.

Wheeled recreation device has the meaning in the Land Transport (Road User) Rule 2004.

3. Public safety and nuisances

- 3.1 Except with the prior written permission of Council or an Authorised Officer and in accordance with any conditions that may be required, a person shall not on any public place:
- a. place or leave litter or any material, thing or substance that is likely to be hazardous or cause injury to any person, or likely to create a nuisance
 - b. cause or allow any material or thing to be deposited onto a public place or road
 - c. dispose of, the body or part of the body of any animal into a public place or into any water body or onto any bank thereof
 - d. deposit, discharge or leave any offensive or dangerous matter or cause pollution of any river, stream, pond, lake, watercourse, or open drain
 - e. leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place
 - f. cause a nuisance by flying from or land any aeroplane including model aeroplanes, helicopter, drones, hot air balloons or hang-gliders except in an emergency
 - g. consume, inject or inhale any psychoactive substances or offer or sell such substances to any person
 - h. play any game, use or ride any object including but not limited, to skating devices or similar, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or cause injury or cause a nuisance to persons in any public place, or damage the public place
 - i. erect or place any structure on, over or under any public place except in compliance with any other Part of this Bylaw
 - j. light any fireworks or explosive material near or on any public place as to endanger, annoy or frighten passers-by or cause distress to animals and wildlife.
- 3.2 An Authorised Officer may give written notice to an owner or occupier requiring them to repair or remove any fence, wall, retaining wall or any other structure encroaching on a public place or posing some danger, if in the Authorised Officer's opinion the said fence, wall, retaining wall, or adjacent land is in a condition that could cause damage or injury to a person.

4. Wheeled recreation devices

- 4.1 Council may by resolution publicly notified:
- a. designate areas in which the use of all or specified wheeled recreational devices is prohibited
 - b. add to, amend, or remove areas designated under a.
- 4.2 Except with the prior permission of Council or an Authorised Officer, a person shall not use a wheeled recreational device:
- a. in an area contrary to a prohibition made under clause 4.1

- b. in any public place, in a manner that may cause damage to any property or is inconsiderate or harmful to others.

Explanatory Note: *A list of the areas which are subject to a resolution made under clause 4.1a. is maintained together with this Bylaw.*

5. Obstructing public places

- 5.1 No person without the express prior written permission of an Authorised Officer and in accordance with any conditions that are imposed shall in a public place:
 - a. obstruct the entrances to or exits from a public place
 - b. place, carry or leave any material or thing, including signage, that could obstruct the public right of passage
 - c. allow any gate or door on property abutting or next to a public place, to swing over or across a public place or any part of it
 - d. carry out any work on any motor vehicle, unless the work is essential to move the vehicle after an accident or in an emergency.
- 5.2 Council may require the alteration or removal of any material, building or thing placed on, over or under a public place in contravention of this Bylaw, by giving notice to the owner. The owner shall comply with any notice within the time stated in the notice.

6. Encroachment to be removed upon notice

- 6.1 No person shall construct or place any work or thing, including any material, part of a building or structure on, under, over or across any public place without first obtaining the prior written approval of Council.
- 6.2 Council may by written notice require the owner to remove any work or thing that has been constructed or placed upon, under, over or across any public place.
- 6.3 Any notice issued under clause 6.2 may require such precautions to be taken as Council thinks fit for the safety of the public and for the proper securing of such work or thing that may remain after such removal.

7. Removal of works

- 7.1 Where a notice served under clause 6.2 has not been complied with in the timeframe specified in the notice, an Authorised Officer may remove or alter any work or thing constructed or placed under, over or across any public place in contravention of this Bylaw.
- 7.2 Council may recover costs from any person responsible for the construction or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration. This includes the cost of debt collection and legal fees.
- 7.3 The exercise of this authority under clause 6.2 shall not release any such person of any penalty for erecting or permitting the continued existence of any such work or thing.
- 7.4 Council may take immediate action and recover all reasonable costs of doing so, if the Council considers that the breach causes a public health or safety concern or there is a risk of consequential damage to Council assets.

- 7.5 Subject to clause 7.6 on payment of all Council's costs, including storage where applicable, the lawful owner may claim any work or thing removed under clause 7.1 or 7.3.
- 7.6 If not claimed within 6 months, Council may notify the owner pursuant to section 168(2) of the Local Government Act 2002 that it intends to dispose of the work or thing. If not claimed within the time period specified in the notice, Council may dispose of any work or thing as it sees fit and apply any proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any remaining amount.

***Explanatory note:** The powers to remove, seize and dispose of works under this clause are subject to sections 163 to 168 of the Local Government Act 2002.*

8. Damage to public places

- 8.1 Except with the prior approval of Council or an Authorised Officer, and in accordance with any conditions in such approval, a person in a public place shall not:
- damage, interfere with, destroy or remove any grass plot, flowerbed, tree, shrub or plant growing there or any inscription or label relating to it
 - pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facility
 - cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place
 - damage or interfere with any natural feature, animal or plant
 - use any vehicle, any object, or be in control of an animal in any manner so that it damages any part of a public place
 - drive or park any vehicle in a public place, including footpaths, except in an area set aside for the driving or parking of vehicles
 - remove any sand, soil or other naturally occurring material found in a public place
 - remove any metal or gravel placed in a public place by Council or agent of Council
 - open, damage or obstruct any culvert, drain or sewer on any public place
 - disturb or remove the surface of, any public place.
- 8.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an Authorised Officer.

9. Placing of articles on public places

- 9.1 No person shall place or leave any material or thing, including signage, amusement devices or items for sale or hire, on any public place except:
- if they have written approval by Council or an Authorised Officer and subject to any such conditions as may be imposed
 - for the purpose of waste or other collections from the public place authorised by Council
 - if they have approval given under any other Part of this Bylaw or any other bylaw.

10. Exposing articles for sale

- 10.1 Except in accordance with any licence having first been obtained from Council or an Authorised Officer and in accordance with any conditions that may be required, a person shall not on any public place:
- expose for sale any article whatsoever on any footpath, or outside any shop or other business premises, or doorway connected to any public place, so as to encroach onto any public place, or hang or suspend any article over such public place, (refer to Part 3 of this Bylaw in relation to Trading in Public Places, and trading as a Hawker, Mobile shop or itinerant trader)
 - place any table, trestle, chair, seating, display stand, stall or otherwise display, advertise or sell any goods or services, (refer to Part 3 of this Bylaw in relation to Trading in Public Places, and trading as a Hawker, Mobile shop or itinerant trader)
 - place or carry any placard, board, flag, screen, frame or other device by way of advertisement or any other sign, including any traffic sign
 - park a vehicle or trailer displaying advertising or sales material on any public place including any parking place or transport station. This restriction includes vehicles and trailers that are for sale and mobile billboards.

11. Vehicle crossings

- 11.1 Any person wishing to construct, repair, remove, reconstruct or widen any vehicle crossing shall apply to an Authorised Officer for permission and pay such fees as prescribed in Council's Fees and Charges.
- 11.2 No person shall construct, repair, remove, reconstruct, relocate or widen any vehicle crossing without first having obtained a permit from an Authorised Officer.
- 11.3 A permit issued by Council under clause 11.2 may be subject to such conditions and standards the Authorised Officer considers reasonably necessary to ensure protection of the road adjacent to the vehicle crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- 11.4 A permit for the construction, repair, removal, reconstruction, relocation or widening of a vehicle crossing, and is not subject to a resource consent, shall be valid for six (6) months, during which time the work shall have been completed, to the satisfaction of an Authorised Officer.
- 11.5 If construction, repair, removal, reconstruction, relocation or widening of a vehicle crossing has not been completed within six months of the date of issue of the permit, the permit shall be deemed to have expired and the permit holder shall be required to apply for a fresh permit and pay a further fee before construction, repair, removal, reconstruction, relocation or widening can begin or be continued.
- 11.6 No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a vehicle crossing properly constructed under the provisions of this Bylaw. This does not include driving across a water channel along a beach within the district.
- 11.7 If in the opinion of an Authorised Officer any vehicle crossing is in a bad or unsafe state of repair, an Authorised Officer may by notice in writing, require the owner of the land to

which the vehicle crossing provides access, to repair, reconstruct, or renew such crossing to the satisfaction of an Authorised Officer. Every such owner or occupier who fails to comply with any such notice within the period specified shall be guilty of an offence against this part of this Bylaw.

- 11.8 Where a vehicle crossing is required and has not been constructed or has not been correctly constructed an Authorised Officer may by notice in writing, require the owner of the land to which the vehicle crossing is required to provide access, to obtain a vehicle crossing permit in accordance with this Part of the Bylaw and to construct the vehicle crossing in accordance with that permit. Every such owner or occupier who fails to comply with any such notice within the period specified shall be guilty of an offence against this Part of this Bylaw.

12. Assembly

- 12.1 No person shall, without the prior written consent of an Authorised Officer, participate in any assembly or associate with other persons on a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place.

13. Awnings and blinds

- 13.1 No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an Authorised Officer. In granting such permission an Authorised Officer may set such conditions as are considered appropriate. Any such permission may be revoked at any time by an Authorised Officer.

14. Projections on public places not permitted

- 14.1 Except where permitted by any other Part of this Bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, doorstep, cellar door, lamp post, signboard, window shutter, gatepost, or other obstruction or projection of anything whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

15. Restrictions on use of barbed wire and electrified fences

- 15.1 Except with the written permission of an Authorised Officer:
- a. no person shall erect or permit to be erected any electrified fencing or barbed wire along, or within one metre of any boundary line between any land or building on the one side, and any public place on the other side
 - b. no person shall renew or repair or join, in whole or in part, any existing or future fence, along, or within one metre of any such boundary line as said above, with barbed wire, or electrified wire.
- 15.2 clause 15.1a. shall not apply within any Rural Area, except when the fence borders on or adjoins a footpath.

16. Road and building identification

- 16.1 Council shall have the exclusive right to paint or affix on a clearly visible part of a building, the name of the road, private road or public place to which it has frontage.
- 16.2 Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50mm in height for residential buildings and at least 150mm in height for all other buildings. Numbers shall be as allocated or approved by an Authorised Officer and displayed in a position so as to be readily visible from the road to which it has frontage.
- 16.3 Numbers required by clause 16.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 16.4 Council shall have the power at any time to alter the number of any building where it may be in Council's opinion necessary or desirable to do so.

17. Animals and stock on public places

- 17.1 No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
- 17.2 See also Council's Policy on Dogs and Dog Management Bylaw and Part 6 Keeping of Animals, Poultry, Stock and Bees.
- 17.3 No person shall take or allow stock under their care or control onto a public place except as provided in other statutes, regulations and bylaws.
- 17.4 Any person having control of stock on any public place shall ensure that the stock are kept under proper control, with consideration for other persons using the public place.
- 17.5 No person shall drive any stock on any road including a beach during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such stock on the road.
- 17.6 No person shall drive any stock along any road including a beach within the district except:
- a. in the case of escape or emergency
 - b. for the infrequent movement of stock up to five kilometres but not in an urban area
 - c. with the prior written permission of an Authorised Officer.
- 17.7 No person shall move stock along or across a road where they may reasonably move the cattle along private land instead. Where it is not reasonable to move cattle on private land those cattle shall not be moved on a public place unless it is with the prior written consent of an Authorised Officer who may set such conditions as the Authorised Officer considers necessary.
- 17.8 Council may by resolution publicly notify certain roads to be stock routes and prohibit or restrict the use of any public place or urban area for the driving of stock. Any public notification of a route, prohibition or restriction may be altered or revoked by a further

Council resolution publicly notified. This shall not apply to any person who rides or leads a horse under proper control on a road.

- 17.9 Subject to the requirements of clauses 17.1 to 17.8 every person being the owner or having the care, custody, or control of any animal shall keep and prevent the animal from wandering or being at large without proper control on any public place.

Explanatory Note: See also Council's Policy on Dogs and Dog Management Bylaw.

18. Vegetation liable to obstruct

- 18.1 No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.

19. Additional requirements for reserves

- 19.1 Subject to the provisions of this Part of this Bylaw every reserve shall be open to the public at all times except during such hours as Council or an Authorised Officer may determine that any reserve shall be closed to the public.
- 19.2 An Authorised Officer may set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities to take place there for such periods as they think fit. An Authorised Officer may set conditions upon such approvals and Council may charge for the right to have exclusive use of a reserve.
- 19.3 Council may fix charges for the entry to a reserve or part of it, and it shall be an offence against this Part of the Bylaw to enter a reserve or part of it without having paid the proper charge for entry if a charge is payable.
- 19.4 An Authorised Officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of, the reserve, or for safety reasons. Any closure shall be advertised by signs at the entrance(s) to the reserve. It shall be an offence against this Part of the Bylaw to be found on a reserve at any time when the reserve is closed to public entry.
- 19.5 Apart from the requirements of any other clause of this Part of the Bylaw a person shall not on any reserve:
- a. light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;
 - b. camp in an area not set aside for the purpose of camping. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.
- 19.6 The exercise of any powers in clause 19 is subject to the Reserves Act 1977.

Consolidated General Bylaw 2020

Part 3 – Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader

Contents

1. Purpose	2
2. Interpretation	2
3. Licence required	2
4. Application	3
5. Licence details	3
6. Fees	4
7. Production of licence	4
8. Conditions of licence	4
9. Licence not transferable	4
10. Exemptions	4

1. Purpose

- 1.1 The purpose of this Part of the Bylaw is to regulate a diverse range of activities for the well-being and enjoyment of the public in public places. Communities need to feel safe and maintain high confidence in their ability to visit and conduct business in public places.

Part 3 seeks to:

- a. regulate the conduct of persons selling goods on public places, roads and footpaths
- b. to regulate the conduct of persons using vehicles to sell goods and services to the general public.

2. Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

Goods means any product or service.

Hawker means any person who is a permanent resident in the district, who carries or takes any goods for sale to another person, without invitation to call or any previous request or order for such goods. This only refers to goods carried by a person.

Itinerant trader means any person who sells goods in the district and:

- a. is not continuously a resident in the district for at least six months
- b. does not own or lease premises in the district for a period of six months or more.

Mobile shop operator means the operator of a vehicle, whether self-propelled or not, from which goods, including food are offered, or exposed for sale in a public place, or road reserve, including the carriageway of a road, or from which goods including food may be ordered in a public place, or road reserve, including the carriageway of a road (whether or not in pursuance of any invitation to call with the goods) or from which services are offered for sale in a public place, or road reserve, including the carriageway of a road: but does not include any vehicle used to transport and deliver goods pursuant to a prior order placed for the delivery of the goods.

Service delivery vehicle means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

3. Licence required

- 3.1 No person shall, without first having obtained a licence, engage in any public place in the sale of goods of any description whatsoever (except as provided in clause 10.1), whether acting on their own account, or on behalf of another person.
- 3.2 All Hawkers, Mobile Shop Operators and Itinerant Traders must have a licence to operate.

4. Application

- 4.1 Every person who wishes to obtain a licence to sell goods in a public place or intending to trade as a hawker, mobile shop or itinerant trader shall make a written application in the prescribed form to the Authorised Officer. The information to be supplied by the applicant may include any of the following, but is not restricted to:
- name and address of the applicant
 - name and address of the person(s) selling the goods
 - location/site
 - telephone number of the applicant
 - type of goods for sale
 - time sought for selling
 - type of vehicle(s) and registration number if applicable.
- 4.2 An Authorised Officer may give written notice to an owner or occupier requiring them to repair or remove any fence, wall, retaining wall or any other structure encroaching on a public place or posing some danger, if in the Authorised Officer's opinion the said fence, wall, retaining wall, or adjacent land is in a condition that could cause damage or injury to a person.

5. Licence details

- 5.1 The Authorised Officer in granting any licence may impose conditions. The conditions imposed may include, but not be restricted to, any of the following:
- reason for licence
 - time and frequency
 - duration of the licence
 - location
 - types of goods for sale
 - area available for sale
 - persons entitled to sell
 - safety and hygiene requirements
 - use of signage
 - use of musical chimes or other audible devices for attracting customers
 - litter, cleanliness
 - name and address to be conspicuously displayed
 - site rental.
- 5.2 The holder of a licence must comply with the terms and conditions of the licence when trading in the public place.
- 5.3 Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so on reasonable grounds by an Authorised Officer alter his/her site for sale to any other site as indicated by the Authorised Officer.

6. Fees

- 6.1 Council may by resolution prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

7. Production of licence

- 7.1 Every licence holder shall carry the licence granted to them pursuant to clause 5.1 at all times when engaged in the sale of goods and show the licence to any Authorised Officer on demand.

8. Conditions of licence

- 8.1 Every person who trades not in conformity with any of the conditions of their licence commits an offence.

9. Licence not transferable

- 9.1 No licence issued under this Part of the Bylaw shall be transferable to any other person or location, or times except with the written permission of Council on payment of a transfer fee.

10. Exemptions

- 10.1 No licence shall be required under clause 3.1 for the sale of goods:
- a. pursuant to Part 4 of the Fisheries Act 1996
 - b. from a service delivery vehicle including a milk vendor
 - c. pursuant to any trade or calling that Council has approved by resolution as not requiring a licence
 - d. from any market, stall or stand which has a current approval under any other bylaw, legislation or specific resolution of Council.

Consolidated General Bylaw 2020

Part 4 – Public Nuisances

Contents

1. Purpose	2
2. Burning	2
3. Vermin and flies	2
4. Offensive smells	2
5. Dead animal on private premises	2

1. Purpose

- 1.1 The purpose of this Part of the Bylaw is to protect the public from nuisance and to promote public health and safety in relation to activities that take place on private property.
- 1.2 This Part of the Bylaw does not apply to land designated by Council to be a disposal site, landfill or transfer station.

2. Burning

- 2.1 A person must not burn any material or thing in such a way as to cause a nuisance in an urban area.
- 2.2 No incinerator, drum or open fire used for burning any material or thing may be situated closer than three (3) metres to any property boundary.

3. Vermin and flies

- 3.1 The owner or occupier of any land or premises shall not keep any material or thing in such manner as to:
 - a. be offensive
 - b. harbour or be likely to harbour rats or vermin
 - c. likely to cause injury to health.
- 3.2 The owner or occupier of any premises on which there are conditions giving rise, or likely to give rise, to the breeding of flies, mosquitoes or other insects which are capable of causing or transmitting disease, must take such action as directed by an Authorised Officer to prevent such conditions. That action may include:
 - a. disinfecting
 - b. spraying or applying larvicide or insecticide
 - c. cleaning
 - d. screening
 - e. removal or destruction of breeding grounds or places as required to prevent breeding taking place, or other processes as directed by an Authorised Officer.

4. Offensive smells

- 4.1 The owner or occupier of any land or premises shall ensure that no condition exists upon such property which causes or is likely to cause an offensive odour capable of being detected beyond the boundary of the premises.

5. Dead animal on private premises

- 5.1 A person must not leave, permit or allow, any dead animal or any vermin on any private premises in such manner as to create a nuisance.

Consolidated General Bylaw 2020

Part 5 – Control of Advertising Signs

Contents

1. Purpose	2
2. Explanation	2
3. Application	2
4. General requirements for siting of signs	2
5. Requirements for construction and maintenance of signs	3
6. Exemptions	3
7. Removal or repair of signs	3
8. Display boards	4

1. Purpose

- 1.1 The purpose of this Part is to ensure that advertising signs visible from a public place are erected, maintained, and displayed in a way that ensures public safety, preserves amenity values and maintains aesthetic standards. The Bylaw recognises there is a need to advertise businesses for commerce or promote activities, and events with signage.

2. Explanation

- 2.1 This Part of the Bylaw complements rather than duplicates provisions for signs within the Operative Kaipara District Plan. The environmental impacts of signage are considered more fully in the Operative Kaipara District Plan.

3. Application

- 3.1 Part 5 of the Bylaw does not apply to:
- traffic, direction, information and naming signs erected by or with the approval of the Council
 - signs indicating hazardous substances used at a hazardous facility
 - signs erected pursuant to any Act or regulation
 - signs that have been erected or sited pursuant to a resource consent
 - place any sandwich board on public land except in accordance with clause 4.2.

4. General requirements for siting of signs

- 4.1 No person shall:
- display or erect any sign which does not comply with this Part of the Bylaw unless:
 - pursuant to clause 3.1, this part of the Bylaw does not apply to the sign
 - an exemption to the requirements of this part of the Bylaw has been granted by Council or an Authorised Officer
 - place any poster on any building or structure without the permission of the owner or occupier of that building or structure unless it is designated display board.
 - erect any sign identified in this part of this Bylaw requiring a building consent before that building consent is issued
 - place or allow to remain in place any sign which explicitly or implicitly:
 - is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993
 - is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993
 - is offensive, threatening or insulting
 - incites or counsels any persons to commit any offence
 - erect or display a sign in any location where, in the opinion of an Authorised Officer, the sign would create a traffic hazard or traffic safety issue. This includes any sign that:
 - obstructs, obscures or impairs the line of sight of any corner, bend, intersection, vehicle crossing, pedestrian crossing, or view of any traffic control device

- ii. obstructs or hinders the safety or movement of persons or vehicles using the footpath or any other part of the road
- iii. resembles, or is likely to be mistaken for, a traffic control device
- iv. directed at a person driving a vehicle on a road and cannot be read safely by such a person travelling at the legal speed limit of that road
- v. uses any method of illumination that may adversely affect traffic safety, including but not limited to, reflective materials, lasers, flashing or revolving lights
- f. erect or display any sign, including attaching a sign in any way to a pole, fence, street furniture or other public utility structure, in a public place under the control of Council unless approved by an Authorised Officer or by or under any other provision in this Bylaw or by resource consent

4.2 Council may, by resolution, identify streets or areas of the district where sandwich boards may be placed on public land outside the business to which the sandwich board relates. In approving such streets or areas for this purpose Council may impose conditions including the maximum size of the sandwich boards and their placement. Sandwich boards may only advertise services or products available from the business to which they relate.

4.3 Council may prescribe fees for assessing and determining an application for an exemption for any sign that does not comply with this part of this Bylaw.

5. Requirements for construction and maintenance of signs

5.1 All signs and their supporting structures shall be constructed, fixed, placed and maintained so they do not pose a hazard or danger to property or the public. The sign owner and the owner of the land or building on which the sign is placed shall be responsible for the construction, placement and maintenance of that sign.

6. Exemptions

6.1 Where a sign lawfully existed prior to the coming into force of this Bylaw, it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of non-compliance with this Bylaw. Every sign shall be removed at the expiry of any time set as a condition of a resource consent or approval under this Bylaw or any other enactment.

6.2 Where an Authorised Officer is satisfied that compliance with any requirements of this Part of the Bylaw would be unreasonable or impracticable, an Authorised Officer may grant an exemption for any clause within this Part of the Bylaw and may include such conditions as are considered appropriate

7. Removal or repair of signs

7.1 An Authorised Officer may by written notice require the owner or lease holder of any unsightly, noncomplying, unsafe or unauthorised sign to remove such sign or repair the sign to the standard so as to comply with this Part of the Bylaw, within the period stated in such notice.

- 7.2 Where any person fails to comply with any requirements to alter or remove any sign an Authorised Officer may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.
- 7.3 Council may alter or remove any sign that has been placed on:
- any building or structure without the permission of the owner of that building or structure
 - any surface, building or structure in a public place in breach of this Bylaw
- and recover the costs of removal from the persons placing the sign or at whose direction the sign was placed.
- 7.4 Any sign removed by Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 7.5 Any sign that remains unclaimed for a period exceeding six months or, is not released for a period exceeding six months may be sold or otherwise disposed of by Council. Where such sign is sold, the proceeds of sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application.

Explanatory Note: *Seizure and disposal of any sign needs to follow the process as applicable that is set out under sections 164 -168 as applicable of the Local Government Act 2002.*

8. Display boards

- 8.1 Council or an Authorised Officer may supply or approve the installation of display boards in any public place for the purpose of allowing posters or advertising devices to be displayed announcing forthcoming functions or events and may impose conditions to such approvals.
- 8.2 Any person who has displayed a poster or advertising device on a display board in a public place shall remove the poster or advertising device within 24 hours of the event concluding.
- 8.3 Should a person fail to remove the poster or advertising device when requested, an Authorised Officer or his/her agent may do so, and all expenses incurred by Council in connection with such removal shall be recoverable from those persons.

Consolidated General Bylaw 2020

Part 6 – Keeping of Animals, Poultry, Stock and Bees

Contents

1. Purpose	2
2. Burning	2
3. Interpretation	2
4. Obligations of animal owners in general	2
5. Pig keeping	3
6. Stock in urban areas	3
7. Poultry keeping	3
8. Bee keeping	3
9. Cats	4
10. Consequences of breach of Bylaw	5

1. Purpose

- 1.1 This Part of the Bylaw regulates the keeping of animals (excluding dogs), poultry, stock and bees within the urban area unless otherwise specified.

The purpose of this Part of the Bylaw is to protect the public from nuisance and maintain and promote public health and safety.

2. Burning

- 2.1 This Part of the Bylaw supplements, rather than duplicates, other animal owner obligations. Dogs are regulated by the Kaipara District Council Policy on Dogs and Dog Management Bylaw.

3. Interpretation

- 3.1 In this Bylaw, unless the context otherwise requires:

Animal Means any member of the animal kingdom that is kept in a state of captivity or is dependent upon a human being for its care and sustenance, and includes their young or eggs, but does not include humans or dogs.

Hive means any receptacle housing a honeybee colony and includes 1 receptacle per colony used solely for the purposes of queen breeding, hive maintenance and swarm prevention purposes between 1 October and 31 March.

Owner in relation to any animal, means a person who has an animal in their possession or custody, or under that person's care, control or supervision, and includes the parent or guardian of a person under the age of 16 years who:

- a. owns the animal
- b. is a member of the parent's or guardian's household living with and dependent on the parent or guardian
- c. but does not include any person who has seized or taken custody of an animal in accordance with the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987.

- 3.2 Where there are reasonable grounds to do so an approval granted under this Part of the Bylaw may be cancelled by an Authorised Officer at any time.

4. Obligations of animal owners in general

- 4.1 The owner or occupier or person in charge of any animal shall
- a. ensure that animal does not cause a nuisance to any other person
 - b. ensure that animal does not cause a risk to public health and safety
 - c. ensure that animal does not damage any property belonging to any other person.
- 4.2 Any owner who, in the opinion of an Authorised Officer, fails to comply with these obligations, must act on any request of the Authorised Officer to comply with these obligations, including, if directed, to remove the animal(s) or hive(s) from the property within a specified period.

Explanatory note: *Circumstances that may be deemed a nuisance can include noises and odour associated with keeping animals.*

5. Pig keeping

- 5.1 A person must not keep any pig in an urban area without the prior written approval of an Authorised Officer.

6. Stock in urban areas

- 6.1 A person must not keep any stock in an urban area without the prior written approval of an Authorised Officer.

7. Poultry keeping

- 7.1 A person must not keep a rooster on any premises in an urban area.
- 7.2 Subject to clause 7.1 a person may not keep more than six (6) head of poultry in an urban area.
- 7.3 Any poultry house located on any premises in an urban area must meet the requirements of clause 4.1, in the opinion of an Authorised Officer.
- 7.4 A person may apply to the Council to keep more than six (6) head of poultry in an urban area.

8. Bee keeping

- 8.1 No person shall keep bees in the district if in the opinion of an Authorised Officer, the keeping of bees is likely to become a nuisance or potential danger to any person.
- 8.2 For the avoidance of doubt, clauses 4.1 and 4.2 and 8.1 apply to any keeping of bees in the district, including in a rural area.
- 8.3 A person may keep bees in the urban area as follows:

Property Area	Maximum number of hives
1,000 square metres or less	2
1,001 square metres or greater	4

- 8.4 Council may give written approval to persons to keep additional hives to those permitted under clause 8.3 and may prescribe any conditions, including specifying distances from boundaries, maximum numbers of hives and time limits on such licences.

Explanatory note: *Beekeepers have a legal obligation to register their apiary under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998. Registration of apiaries is intended to protect honeybees from American foulbrood disease. The register also allows the Ministry for Primary Industries to carry out surveillance for exotic pests and diseases of honey bees and respond to an incursion. Registrations are processed byASUREQuality Ltd and registration codes are required to be displayed in a visible manner in each apiary, usually on a beehive. Further information on American foulbrood disease can be found at www.afb.org.nz. In addition to the registration of hives, beekeepers are also required to comply with the on-going management*

requirements as provided in the AFB Pest Management Plan and are required to provide evidence of this compliance where required. Honey and bee products that are produced for commercial purposes are also subject to additional legal requirements, such as the Food Act 2014. Information on these requirements is available on the Ministry for Primary Industries website.

Apiculture New Zealand Incorporated provides a Code of Conduct for beekeepers.

In cases where enforcement officers respond to complaints about bees, the initial assessment will include determining whether the bees are being kept in accordance with national regulations as well as the Apiculture NZ Code of Conduct.

Additional Guidelines

Compliance with the following guidelines is also recommended to minimise potential nuisances arising from beekeeping activities. Kaipara District Council also advises every person wishing to keep bees in an urban area to participate in a beekeeping training course.

Flight path management

Honey bees will fly at head height for some distance from their hives unless their surrounding environment directs their flight path upwards. Honey bees can be encouraged to fly above head height if a flyway barrier, two or more metres tall, is placed 1-2 metres out from the front of the hive entrance. It is important that flightpaths are not directed across public pathways on private and public land. Barriers that can be used include shrubs or trees, a wall, a hedge or a fence. Beehives can be placed on top of sheds or buildings but it may be more difficult to work with the bees in these restricted locations.

Swarming/seasonal build up

Swarming is the natural means of dispersal of honey bee colonies. However, beekeepers can undertake responsible bee management practices to minimise the occurrence of swarms in urban areas. These practices can include re-queening on an annual basis, taking a nucleus colony out of populous hives (artificial swarming) and re-queening colonies that have been started from swarms.

Honey bee colonies are more likely to swarm if there are limited cells in the hive for the worker bees to store honey and pollen. Responsible bee management practices include providing plenty of room for the queen to lay eggs and for the bees to store honey.

Water provision

Providing a source of clean water may reduce the number of bees foraging elsewhere for water and creating a nuisance to neighbours, especially if they own a swimming pool.

Bee excrement management

Like other animals, bees excrete waste products. Honeybees going on orientation, foraging or cleaning flights often excrete after exiting the hive. This can leave distinct trails of coloured bee excrement within a 500 metre radius of the hive and can cause a nuisance to neighbours. The colour of the excrement is typically yellow to brown. The excrement may be hard to remove from clothing, vehicles and buildings. Hives can be re-positioned on the property or rotated so that flight paths can be encouraged in a direction away from neighbouring properties.

9. Cats

- 9.1 No person may keep more than five (5) cats of an age greater than three (3) months on any property within the urban area without the written approval of an Authorised Officer.

10. Consequences of breach of Bylaw

- 10.1 Council may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw.
- 10.2 Council may recover the costs of removal or alteration from the person who committed the breach.
- 10.3 If an authorised officer is issued with a warrant under the Search and Surveillance Act 2012 the authorised officer may enter private property pursuant to section 165 of the Local Government Act 2002 and
 - a. seize animals and bees that are on the premises in breach of this Bylaw
 - b. seize property other than animals and bees that is materially involved in the commission of an offence under this Bylaw.

Consolidated General Bylaw 2020

Part 7 – Cemeteries and Crematoria

Contents

1. Purpose	3
2. Interpretation	3
3. Hours of burials	4
4. Notice of burial	4
5. Burial of persons in financial need	4
6. Fees	5
7. Maintenance of memorials	5
8. Physical works associated with plots or other work in any cemetery	5
9. Soliciting trade	5
10. Display of manufacturer's name	6
11. Photography	6
12. Tributes	6
13. Vegetation	7
14. Vehicles	7
15. Animals	7
16. General conduct	7
17. Burials	8
18. Burials and sale of plots	8
19. Exclusive right of burial	9
20. Physical works associated with plots or other work in any cemetery	9
21. Transfer of exclusive right	9
22. Burial plots and graves	9

1. Purpose

- 1.1 Cemeteries play a very important role in our community. Kaipara District Council administers six cemeteries in the Kaipara area. They are old Mt Wesley, new Mt Wesley, Dargaville (Mt Wesley) RSA, Redhill, Arapohue and Tokatoka. All of the cemeteries which Council administers have Historical Significance as they have been going for over a 100 years.
- All other cemeteries are administered by Trustees - people who live within the area where the cemetery is located. They are open to the public seven days a week, 52 weeks a year.
- 1.2 The purpose of this Part of the Bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the district.

2. Interpretation

- 2.1 In this Part of the Bylaw, unless the context other requires:

<i>Cemetery</i>	means any land vested in or under the control of Council from time to time that is held, taken, purchased, acquired, set apart, dedicated, or reserved, under the provisions of any Act, or before the commencement of the Burial and Cremation Act 1964, exclusively for the burial of the dead generally, and, where the context so permits, includes a closed cemetery.
<i>Closed cemetery</i>	means a cemetery which has been closed by a closing order.
<i>Concrete berm</i>	means a load bearing structure fabricated from concrete of prescribed dimensions, set flush with the ground and supplied by the Council, for the purpose of mounting monuments.
<i>Crematorium</i>	means appliances and machinery and furnaces for the purpose of cremation that are under the control of Council, and includes any building in which any such appliances, machinery, or furnaces are fixed.
<i>Removal</i>	means the removal of any body, or the remains of any body, from its burial place. Exhumation has the same meaning.
<i>Exclusive right of burial</i>	means the exclusive right of burial referred to in Section 10 of the Burial and Cremation Act 1964
<i>Authorised officer</i>	means any person appointed by Council to control or manage or to assist in the control and management of any cemetery and crematorium under the control of Council and to carry out burials and cremations as provided in this Part of the Bylaw.

- 2.2 Nothing in this Part of the Bylaw shall derogate from any provision of, or the necessity for, compliance with:
- Burial and Cremation Act 1964
 - Health Act 1956
 - Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967

- d. Cremation Regulations 1973
- e. Health (Burial) Regulations 1946.

3. Hours of burials

- 3.1 Burials at cemeteries administered by the Kaipara District Council may be held on such days and at such times as the Council shall determine.
- 3.2 Except to comply with the duties of the Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, Council by resolution publicly notified the days and times to which burials may take place.
- 3.3 No burials shall take place on New Year's Day, ANZAC Day, Good Friday or Christmas Day.
- 3.4 The Authorised Officer will, after consultation with the funeral director or other person responsible for the management or control of the burial, determine the time of the burial.
- 3.5 Burials that occur during the weekend will incur additional fees/charges.
- 3.6 Burials may take place at other times than specified in clause 3.2 by special arrangement with the Council and on payment of the prescribed additional fee.

4. Notice of burial

- 4.1 The Authorised Officer shall be given at least two (2) working days' notice prior to any burial.
- 4.2 If such notice is not given, the burial may be delayed for such reasonable period of time as the Authorised Officer decides to enable the Authorised Officer to make the necessary arrangements.
- 4.3 Any extra expenses incurred because of late notice shall be the responsibility of the funeral director or other person responsible for the management or control of the burial.
- 4.4 An additional fee may be charged where notice has been received less than two (2) working days prior to burial.

5. Burial of persons in financial need

- 5.1 Where an application is made to the Council for the interment of a deceased person in financial need, the applicant shall provide a declaration signed by a Justice of the Peace, certifying that:
 - a. the deceased person has not left sufficient means to pay all the prescribed fees
 - b. all the prescribed fees are not covered by an Accident Compensation or Government entitlement or subsidy
 - c. the deceased person's relatives are unable or unwilling to pay the prescribed fees.
- 5.2 Additional proof to confirm the declaration may be required by the Council.

Explanatory Note: Council will work with family or undertaker as appropriate to arrange burial under mutually satisfactory conditions.

6. Fees

- 6.1 The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.
- 6.2 Except as provided for in clause 5.1, burials will only be carried out on payment of all the prescribed fees or suitable financial arrangement acceptable to the Council have been made.
- 6.3 Out of district fees:
- a. An out of district fee shall be payable under the following circumstances:
 - i. where the burial is of a deceased person not permanently residing within the boundaries of the Kaipara District for at least twelve months prior to date of death or
 - ii. where the deceased person is a child of less than twelve months of age, including stillborn children, unless one of whose parents was a resident or ratepayer of the district for at least six months prior to date of death.
 - b. Temporary absences of short duration from the district will not detract from the permanency of residence.
 - c. The Council will determine if payment of the out of district fees are required.

7. Maintenance of memorials

- 7.1 All memorials, including laminated photographs, shall be kept in proper order and repair by the owner of the plot or their representatives.
- 7.2 Should a memorial fall into a state of decay or disrepair, it may be at any time be dealt with by Council pursuant to the Burial and Crematorium (Removal of Monuments and Tablets) Regulations 1967.

***Explanatory Note:** A photographic record of the memorial will be taken prior to any removal and retained in Cemetery records.*

8. Physical works associated with plots or other work in any cemetery

- 8.1 Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an employee of the Council, or a person authorised by the Council.
- 8.2 Any Authorised person undertaking physical works within any cemetery must:
- a. obtain prior approval from the Council for the works
 - b. pay all applicable fees
 - c. adequately protect the surrounding plots, memorial and cemetery infrastructure
 - d. not use any footpaths or other part of the cemetery for placing or depositing any tools, planks or materials for longer than is reasonably necessary to complete that work.

9. Soliciting trade

- 9.1 With the exception of the transactions of the Authorised Officer and their staff undertaken in the course of running the cemetery and crematorium, no person may solicit trade or accept orders or goods or services within a cemetery.

10. Display of manufacturer's name

- 10.1 Notwithstanding clause 9.1 of this Bylaw, the manufacturer of a monument, other than a tablet, may display their name on the monument in a space no larger than 50mm by 100mm, with the consent of the person entitled to maintain the monument and of the Council.
- 10.2 The display of the manufacturer's name must be unobtrusive and meet the aesthetic requirements of the Council.

11. Photography

- 11.1 No person shall take any photograph or make video recordings for commercial or editorial purposes, or for the purpose of publication, at a funeral without prior approval of the funeral director or other person responsible for the management or control of the funeral.
- 11.2 No person shall take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, of a grave without prior approval from the person entitled to maintain the monument.

12. Tributes

- 12.1 Flowers placed at time of interment
- Only flowers, wreathes, and floral tributes may be placed on graves at the time of interment. After seven days from the date of interment, the Council may remove from any grave any flowers, wreaths, or floral tributes placed there at the time of interment, and level-off the surface of the grave to be sown down in grass.
 - In the case of a designated natural burial area, the grave shall be levelled and the area mulched to encourage the planned native vegetation.
 - A temporary grave marker made from timber or plastic, not exceeding 800mm in height, may be placed on the concrete berm in a secure manner for up to 12 months following burial.
- 12.2 Permitted floral tributes
- After a grave has been levelled and sown as described in clause 12.1a. artificial or natural cut flowers may only be placed in the container set in recess in the base of the memorial. Containers may not be placed on the concrete berm or the grave.
 - In natural burial areas tributes must be limited to natural cut flowers only and no containers of any kind are to be placed on or near graves.
- 12.3 Removal and disposal of floral tributes
- Any object, or artificial or natural cut flowers, placed or remaining on any grave in contravention of clause 12.2 or which have become unsightly, or any receptacle which has been broken or damaged, may be removed and disposed of by the Authorised Officer.
 - The Council shall be under no liability to any person in respect of such removal, destruction or disposal.
 - Any fences and rails; any glass, plastic, ceramic or terracotta items; any rocks, stones or pebbles; any wire or other metal-based items may be removed from any

grave by the Manager and may be destroyed or disposed of by the Council as it shall see fit.

13. Vegetation

- 13.1 No vegetation shall be planted on any grave or within the cemetery boundaries without the prior consent of the Council.
- 13.2 Vegetation planted in any portion of the cemetery may at any time be trimmed, removed or cut down at the discretion of the Council without notice.
- 13.3 No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of the Council.
- 13.4 No person shall plant, cut down or destroy any tree or shrub in any cemetery without the consent of the Council.

14. Vehicles

- 14.1 Unless authorised by the Council, no person shall take any vehicle of any kind into any cemetery except during the hours of daylight or during such times stipulated by a publicly notified resolution of Council.
- 14.2 Within cemeteries, vehicles may only be driven on formed roads which are open to vehicular traffic and may only be parked in designated parking areas.
- 14.3 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- 14.4 Any person driving a vehicle in a cemetery shall stop or move that vehicle as directed by the Authorised Officer or any other Authorised Officer.
- 14.5 Any person driving a vehicle in a cemetery shall obey all signs or notices concerning traffic movement and parking displayed in that cemetery.
- 14.6 No vehicle shall be driven faster than the speed limit indicated by a sign or notice on any road within the cemetery, and in any direction other than that indicated on a sign or notice.
- 14.7 In the absence of a speed limit sign or notice, no vehicle may be driven at a speed greater than 10 km/h in any cemetery.
- 14.8 Clause 14.1 to 14.7 do not apply to an emergency vehicle used at the time to save or protect life or health or prevent injury or serious damage to property.

15. Animals

- 15.1 No person shall take any animal into, or allow to remain in, any open cemetery other than during the hours of daylight, subject to the provisions of other Bylaws.
- 15.2 Any animal in a cemetery must be under the control of the owner at all times.

16. General conduct

- 16.1 No person shall:
 - a. damage, paint, write or carve on any building or monument within a cemetery or crematorium or damage property within any cemetery

- b. unlawfully or improperly interfere with, interrupt or delay the carrying out of any burial, cremation, funeral service or ceremony within any cemetery or crematorium
- c. behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or be offensive to any other person
- d. bring into or exhibit in any cemetery or crematorium any article that is a nuisance or offensive
- e. enter or remain in the cemetery between the hours of sunset and sunrise without prior permission
- f. conduct themselves in a manner that is unlawful, violent, or improper
- g. remove, interfere, or take from any grave in any cemetery, any vase, wreath, plant, flower, shrub or other object, except for the purpose of tidying the grave and surrounding area
- h. disturb, damage, or take any cutting or flower from any plant or tree in the cemetery
- i. light or allow any fire to be lit in the cemetery
- j. discard household waste in cemetery bins.

Explanatory Note: *In administering and enforcing this clause the Council will, where appropriate, take into account the rights and freedoms contained in the New Zealand Bill of Rights Act 1990.*

17. Burials

17.1 Burial warrants

- a. No burial shall be made in any cemetery without a burial warrant for that purpose, obtained by the funeral director or other person having the management or control of the burial from the Council and presented to the Authorised Officer as authority for burial.
- b. A person requiring a burial warrant shall apply to the Council on the approved application form.
- c. No burial warrant may be issued unless ground conditions are suitable for burial or before suitable financial arrangements acceptable to the Council have been made, for the exclusive right of burial.

Explanatory Note: *Physical works within any cemetery must do so in accordance with clause 8.2.*

18. Burials and sale of plots

- 18.1** Burials may be made in any plot in any cemetery vested in the Council or under its control that is not closed, and in accordance with the terms and conditions determined by the Council and this Part of the Bylaw.
- 18.2** The Council shall determine the size and location of the plots that may be sold and the allocation of the sold plots.
- 18.3** Burial plots shall be sold upon the terms and conditions as may be determined by the Council and the exclusive right of burial may be granted for such limited period as the Council determines.
- 18.4** The Council, upon receipt of the prescribed fees for any exclusive right of burial, shall issue a Certificate of Title to Plot to the applicant, and on request and payment of the

prescribed fee the Council may issue a duplicate Certificate of Title to Plot to replace any lost Certificate of Title to Plot.

18.5 Unless the exclusive right of burial has been obtained, a burial shall take place in a plot and in a cemetery determined by the Council.

18.6 No person shall place any monument on a grave until all the prescribed fees have been paid.

19. Exclusive right of burial

19.1 The exclusive right of burial shall be granted to the purchaser of a plot once the Council has received the prescribed fees or suitable financial arrangements acceptable to the Council have been made.

19.2 The purchase of the exclusive right of burial excludes the digging and closing of a grave or the opening and closing of the ground for burial.

19.3 The holder of an exclusive right of burial must comply with any conditions imposed by the Council before a burial may take place.

19.4 Burial of any other person than the owner of the exclusive right to be buried within a plot will only take place with the express prior consent of the holder of the right.

20. Physical works associated with plots or other work in any cemetery

20.1 Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an employee of the Council, or a person authorised by the Council.

Explanatory Note: Physical works within any cemetery must do so in accordance with clause 8.2.

21. Transfer of exclusive right

21.1 The holder of the exclusive right to be buried in a plot in which no burial has yet taken place may sell or transfer that right to any other person with the consent of the Council, subject to the payment of the prescribed fee to the Council.

21.2 The holder of the exclusive right of burial in a plot in which no burial has yet taken place may, if able to prove to Council that they are suffering significant financial hardship or experiencing extraordinary circumstances, sell or transfer that right to the Council on such terms and conditions as the Council may determine, subject to the payment of the prescribed fee to the Council. Plots that have been bought back may be resold by the Council.

22. Burial plots and graves

22.1 Digging plots and graves

- a. No person other than the Authorised Officer or assistants of the Authorised Officer or any other person authorised by the Council shall dig or fill any grave in or open the ground for burial in any part of a cemetery.
- b. Extra-depth burials can only occur if the water table permits and ground conditions are suitable.
- c. A maximum of two (2) people may be buried in any one plot, except if prior consent is given by the Council to bury more than two (2) people.

- d. No grave may be re-opened for a further burial except with the consent of the person entitled to maintain the monument and consent is given by Council.
- e. If a casket for a child is too large for a child burial plot, it shall be buried in an adult burial plot subject to the payment of the prescribed fees.

23. Burial of ashes

- 23.1 With the prior approval of the Council any person may scatter the ashes of a deceased person in a cemetery, as directed by an Authorised Officer.
- 23.2 With the prior approval of the Council and on payment of the prescribed fees any person may bury a container holding the ashes of a deceased person in any plot, subject to the exclusive right of burial.

***Explanatory Note:** Clause 23 also applies to burial of ashes.*

24. Removal

- 24.1 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 and subject to the payment of the prescribed fees.
- 24.2 The removal and/or reinternment of a body must be conducted with the prior approval of the Council and must take place in the presence of:
 - a. the Authorised Officer and
 - b. a funeral director and staff and
 - c. an inspector of the Ministry of Health and
 - d. any other person with prior approval of the Council.
- 24.3 It will be the responsibility of the Council to open the grave only to the extent of exposing the lid of the casket. Removal of the casket from the grave will be the responsibility of the funeral director present.
- 24.4 No plot from which a removal has taken place will be used for any subsequent burial of another person and no refund of the cost of the original burial or any part of that cost will be made.

25. Construction and Installation

- 25.1 Minimum structural design, installation and renovation for all monuments shall be those specified in New Zealand Standard for Headstones and Cemetery Monuments NZS4242:2018.
- 25.2 Only one tablet or monument will be allowed on any one grave, including extra-depth burial graves, and it shall be placed on the grave in a position approved by the Council. A tablet may be attached to an existing monument. Monuments may cover no more than two plots.
- 25.3 All monuments shall be constructed of permanent materials. The Council may from time to time by resolution publicly notified determine a list of permanent materials that may be used in the construction of monuments.
- 25.4 All monuments will be constructed in accordance with sound engineering principles and will meet the aesthetic requirements of the Council.

- 25.5 Delivery and installation of monuments will be at the expense of the owner and will be carried out at times agreed with the Authorised Officer.
- 25.6 Any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed either from the cemetery or to a place within the cemetery approved by the Authorised Officer.
- 25.7 All monuments must be consistent with the Kaipara District Council Cemeteries and Crematoria Policy.

Explanatory Note: *In administering and enforcing this clause the Council will, where appropriate, take into account the rights and freedoms contained in the New Zealand Bill of Rights Act 1990.*

26. Work practices

- 26.1 No person erecting or repairing any monument or carrying out other work in any cemetery shall use any footpaths or other part of the cemetery for placing or depositing there any tools, planks or materials for a longer time than is reasonably necessary to complete the work.
- 26.2 Any person mixing cement or mortar within a cemetery shall do so on a proper mixing board approved by the Council. Residue shall be removed from the cemetery.
- 26.3 Any person installing or tending to a monument or carrying out any other work in a cemetery shall withdraw for the duration of an adjoining funeral service. Such person shall also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of the service.

27. Safety

- 27.1 The Council may carry out regular audits of all monuments to ensure the health and safety of any persons or property within the cemetery boundaries.
- 27.2 Any headstone that an Authorised Officer considers to be unsafe may be removed in accordance with clause 8.2.

28. Monumental and upright memorial cemeteries

- 28.1 Any person wishing to install a monument in any part of a cemetery must apply for Council approval to carry out such work. The applicant must submit details of the monument design, including materials and dimensions, and details of all inscriptions and their positions on the monument and pay the prescribed fee.
- 28.2 Monumental cemeteries may inter either ashes or full body remains.
- 28.3 The following criteria are applicable to the construction of monuments in monumental cemeteries:
- the holder of an exclusive right to burial may enclose the plot or plots allotted to him or her with kerbing. Where the allocated plots are next to each other they may be enclosed as a single unit
 - the kerbing of the plots in a monumental area will be constructed out of permanent materials approved by the Council and shall not exceed a maximum height of 600mm 950mm above ground level
 - monuments may be erected within the plot boundary

- d. it is preferred that the design of the memorial include one or two recesses for flower vases within the memorial dimensions
- e. once a memorial has been installed, artificial or natural cut flowers may only be placed in the container set in vase recess in the memorial. Containers may not be placed on the concrete berm or the grave.

29. Removal of monuments

- 29.1 No person will be allowed to remove from a grave or plot any monument without obtaining the prior written permission of the Authorised Officer.

30. Authorisation

- 30.1 Maintenance and any other work in a cemetery may only be carried out by a person duly authorised by the Council, or under the supervision of a Council employee.

***Explanatory Note:** This excludes monuments which are the responsibility of the exclusive rights person representative in accordance with clause 8.2.*

31. Types of cemetery

- 31.1 Council may, by Council resolution publicly notified, declare any part of a Council Cemetery to be of a particular kind.

32. Lawn cemetery

- 32.1 Lawn area cemeteries may inter either ashes or full body remains.
- 32.2 The Council may provide a continuous concrete berm at ground level approximately 500mm wide for a single row or approximately 1 metre wide for a double row for monuments to be placed on.
- 32.3 The following conditions and criteria are applicable to lawn cemeteries:
- a. plaque/tablet bases will not stand higher than 100mm above the berm and will be a maximum depth front to back of 400mm and 600mm in length (left to right)
 - b. the base will maintain clear space of 100mm at the front of the berm
 - c. plaque/tablet bases may allow for inserts for flower containers where this is required. Flower containers should be embedded below the ground level
 - d. no plaque shall be enclosed with any railing or kerbing or similar and no monument except a tablet shall be placed on any concrete berm
 - e. no person shall place on any plot any memorabilia except flowers and foliage which shall be placed in the flower containers inserted in the headstone
 - f. no grave shall be enclosed with any railing or kerbing or similar and no headstone, memorial, cross, marker or memorial shall be placed on any grave except a memorial plaque, which complies with the stated dimensions.

33. Ash berm and ash garden berm areas

- 33.1 An authorised officer may approve the scattering of ashes within specified designated areas. This may be within a cemetery or on other public land.

- 33.2 Plaques may be placed on a memorial wall or in the ground after being approved by an authorised officer.

34. RSA and services cemeteries

- 34.1 Eligibility for RSA and Service Cemeteries are as follows:
- a. areas of cemeteries may be laid out as Services Cemeteries
 - b. those eligible for burial there are as defined in the most recent version of the Office of Veterans' Affairs publication, "War Graves and Services Cemeteries Handbook"
 - c. notwithstanding clause 34.1 (b) the body or ashes of the spouse or partner of a returned service person may at the request of the surviving returned services partner be interred in an extra-depth plot in the Services Cemetery.
- 34.2 Commemoration shall be as described in the above-mentioned publication, or by other means as agreed with the Office of Veteran's Affairs.
- 34.3 The Council may waive the prescribed fee payable for the exclusive right of burial in the Services Cemeteries. Other prescribed fees shall be payable.

35. Closed cemeteries

- 35.1 As deemed appropriate, the Council may apply to officially close cemeteries under Part 6 of the Burial and Cremation Act 1964.
- 35.2 The Council shall maintain such cemeteries in perpetuity, subject to conditions as set under Part 6 of the Act.

36. Natural burial areas

- 36.1 In areas that are set aside for natural burials in Council cemeteries, the following conditions shall apply:
- a. Memorials:
 - i. no permanent memorials are permitted. Temporary biodegradable markers supplied by the Council will be installed at the time of interment
 - ii. a cemetery tracking system will be used to find burial plots once the area has returned to native vegetation, otherwise the burial plot will not be identifiable
 - iii. trees will be selected and planted to be generally in keeping with the cemetery native vegetation restoration plan. In general, there shall be one tree for every few graves.
 - b. General:
 - i. natural burials must comply with all legislative and regulatory requirements
 - ii. there is no embalming of the deceased. Certified organic sanitisers are allowable.
 - c. Acceptable caskets:
 - i. caskets must be made of biodegradable, chemically untreated material. Pine, macrocarpa, wicker or willow is deemed acceptable. Casket linings and fittings must be biodegradable. Calico, wool and hemp are deemed acceptable
 - ii. all items or contents in the casket (including clothing) must be of biodegradable material

- d. Acceptable shrouds:
 - i. shrouds must be made of natural fibre. Wool, silk or calico are deemed acceptable
 - ii. shrouds must be fastened to a solid base for lowering purposes and made of biodegradable, chemically untreated material.

37. Crematoria

- 37.1 The Cremations Regulations 1973 are applicable to all crematoria within the District.
- 37.2 Subject to clause 39.3 of this Bylaw access to any crematorium and any cremation process within the District is restricted and general entrance by members of the public is not allowed.
- 37.3 Where a cremation takes place in accordance with a religious ceremony that traditionally practices cremation, persons directly concerned with the deceased may at the manager of the crematorium's discretion attend the placing of the coffin in the incineration hall.

38. Records

- 38.1 The Council will keep plans of the cemeteries it controls, records of all rights of burial granted, and a record of all burials in the cemeteries. Plans and records will be open for inspection by the public at the offices of the Council during normal office hours.

39. Offences and breaches

- 39.1 No person shall do anything or cause any condition to exist for which prior approval from the Council is required under this Bylaw without first obtaining that approval and the failure to do so shall constitute a breach of this Bylaw.
- 39.2 No application for a prior approval from the Council, and no payment of or receipt for any fee paid in connection with such application or approval, shall confer any right, authority, or immunity on the person making such application or payment.
- 39.3 Any person commits a breach of this Bylaw who:
 - a. does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this Bylaw
 - b. omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done by them at the time and in the manner therein provided
 - c. does not refrain from doing anything which under this Bylaw they are required to abstain from doing
 - d. knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this Bylaw
 - e. refuses or neglects to comply with any notice duly given to him/her under the Bylaw
 - f. obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this Bylaw
 - g. fails to comply with any notice or direction given under this Bylaw.

39.4 Any person commits a breach of this Bylaw who:

- a. has constructed, affixed or provided, or caused to be constructed, affixed, or provided, any monument or any work or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this Bylaw; or
- b. has omitted to construct, affix, or provide any work or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by the Council or any authorised officer of the Council, fails to carry out the remedial action specified in that notice.

39.5 A notice issued under clause 40.3 or 40.4 shall state the time within which the remedial action is to be carried out and may be extended from time to time by the Council.

40. Penalties for breach of Bylaw

40.1 Every person who fails to comply with this Bylaw commits an offence and shall be liable for the relevant penalty as provided for under this Bylaw or in applicable legislation.

40.2 Any person who breaches the following clauses of this Bylaw, will be liable to the maximum fine available in accordance with section 16(i) of the Burial and Cremation Act 1964:

- a. Clause 9 offences relating to soliciting trade
- b. Clause 14 offences relating to vehicles
- c. Clause 15 offences relating to animals and dogs
- d. Clause 16 offences relating to misconduct
- e. Clauses 24, 25 and 26 offences relating to authorised reopening of graves
- f. Clauses 28, 29 and 30 offences relating to memorials.

40.3 The continued existence of any work or object in a state contrary to this Bylaw shall be deemed a continuing offence.

40.4 The Council may in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this Bylaw.

40.5 The Council may in accordance with the Trespass Act 1980, serve a Trespass Notice after warning a person to leave or warning to stay off its premises.

41. Removal of works

41.1 The Council may remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw.

41.2 The Council may recover the costs of removal or alteration under clause 39.4 from the person who committed the breach.

41.3 The exercise of this authority shall not relieve any such person from any other liability for breach of the Bylaw.

42. Officers to continue in office

42.1 All officers appointed by the Council under or for the purpose of the repealed Kaipara District Council Cemeteries and Crematoria Bylaw 2008 and holding office at the time of

the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw.

43. Dispensing power

- 43.1 Where in the opinion of the Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, or the operation of any business, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the application of that person, dispense with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.
- 43.2 The Council may, after consideration of any representation by affected persons and if in its opinion it is justified, extend, withdraw or amend a dispensation granted under clause 43.1.
- 43.3 Except if expressly granted otherwise, a dispensation by the Council under clause 43.1 shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by the Council and such dispensation will not constitute a justification for the breach of the provisions of this Bylaw outside the expressed terms of the dispensation.

Consolidated General Bylaw 2020

Part 8 – Traffic

Contents

1. Purpose	2
2. Interpretation	2
3. Resolutions made under this part of the Bylaw	4
4. Stopping, standing and parking	4
5. Mobility parking	5
6. Electric charge stations	5
7. Immobile vehicles	5
8. General parking restriction	5
9. Selling vehicles on the road	6
10. Goods service vehicles	6
11. Weight restricted bridges	6
12. One-way roads	7
13. Left or right turns and U-turns	7
14. Routes and manoeuvres on roads	7
15. Traffic control by size, nature or goods (incl. heavy vehicles)	7
16. Temporary speed restrictions	8
17. Road works	8
18. Damage to signs	8
19. Exemptions and dispensations	8
20. Offences and penalties	9
21. Removal of vehicles and items in breach of Bylaw	9
22. Savings	9

1. Purpose

- 1.1 The purpose of this Part of the Bylaw is to set requirements for parking and control of vehicular or other traffic on any road under the control of Council within the Kaipara district.

Schedules to this Bylaw may be amended from time to time by Council. Up-to-date register of resolutions are held at the Council office.

Explanatory note: *This Bylaw does not apply to roads under the control of the NZ Transport Agency. Speed Limits have their own Bylaw, please refer to the Kaipara District Council Speed Limits Bylaw 2018.*

2. Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

Berm and grass verge means any part of the land lying between the formed carriageway of the road and the adjacent road boundary.

Class of vehicle means a particular grouping of vehicles defined by reference to any common feature and includes:

- vehicles of type, description, weight, size or dimension
- vehicles carrying specified classes of load by the mass, size or nature of such loads
- vehicles carrying no fewer than a specified number of occupants
- vehicles used for specified purposes
- vehicles driven by specified classes of persons
- carpool and shared vehicles
- vehicles displaying a relevant permit authorised by Council.

Disabled person has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.

Enforcement Officer has the meaning in section 2(1) of the Land Transport Act 1998.

Emergency vehicle means a vehicle used for attendance at emergencies and operated:

- by an enforcement officer
- by an ambulance service
- as a fire service vehicle
- as a civil defence emergency vehicle
- as a defence force emergency vehicle.

Footpath means as much of any road or public place that is laid out or constructed by the authority of Council for pedestrian use; and includes the edging, kerbing and channelling thereof.

Goods service vehicle means a motor vehicle used or capable of being used in a goods service for the carriage of goods, but does not include a vehicle specified as an exempt goods service vehicle in regulations or rules made under the Land Transport Act 1998.

<i>Immobile vehicle</i>	means any vehicle that has no effective motor power in or attached to it, or cannot be driven safely, and includes boats, trailers, caravans and the shell or hulk of a vehicle.
<i>Large passenger service</i>	means a passenger service provided in a large passenger service vehicle.
<i>Large passenger service vehicle</i>	means any passenger service vehicle that is designed or adapted to carry more than 12 people (including the driver).
<i>Mobility parking permit</i>	means a disabled person's parking permit or mobility parking permit: <ol style="list-style-type: none"> issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated approved by an Authorised Officer.
<i>Parking and park</i>	means: <ol style="list-style-type: none"> in relation to any portion of a road where parking of the vehicle is permitted but subject to payment of a charge in relation to any other portion of any land or building, the stopping or standing of a vehicle upon that portion of land or building.
<i>Parking place and parking</i>	means a road or part of a road or any zone or other place, including a building, provided by Council where vehicles, or any class of vehicles, may stop, stand or park.
<i>Parking warden</i>	means any parking warden appointed by Council to hold the office of parking warden under section 128D of the Land Transport Act 1998.
<i>Passenger service</i>	has the meaning in section 2(1) of the Land Transport Act 1998.
<i>Passenger service vehicle</i>	has the meaning in section 2(1) of the Land Transport Act 1998.
<i>Road</i>	means: <ol style="list-style-type: none"> a street a beach a place to which the public have access, whether as of right or not bridges, culverts, gates and fords forming part of a road or street, or a place referred to in sub clause (c) which is under the control of Council.
<i>Small passenger service</i>	means a passenger service provided in: <ol style="list-style-type: none"> a small passenger service vehicle a vehicle designed or adapted to carry 12 or fewer people (including the driver) that is provided by one of the passengers being carried

- c. a vehicle designed or adapted to carry 12 or fewer people (including the driver) that is being used in a facilitated cost-sharing arrangement.

Small passenger service vehicle means any passenger service vehicle that is designed or adapted to carry 12 or fewer people (including the driver)

Transport station has the meaning in section 591(6) of the Local Government Act 1974

2.2 Nothing in this Part of the Bylaw shall derogate from any provision of, or the necessity for, compliance with:

- a. Land Transport Act 1998 or any Act passed in amendment of or substitution of that Act.
- b. Any regulations or rules made under the Land Transport Act 1998 or any regulations or rules made in amendment of or substitution for those regulations or rules.

3. Resolutions made under this part of the Bylaw

3.1 The power to make a resolution under this Bylaw includes the power:

- a. to control, restrict or prohibit the matter or thing generally, or for any specified classes of case, or in a particular case
- b. to apply the control, restriction or prohibition to all vehicles or traffic or to any specified class of vehicles or traffic
- c. to apply the control, restriction or prohibition of any specified road or roads or part of a road or roads under the control of Council
- d. to apply the control, restriction or prohibition at any specified time or period of time.

3.2 The power for Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace it with another or to reinstate an earlier resolution. In the event of any conflict between resolutions the most recent resolution shall prevail.

4. Stopping, standing and parking

4.1 Council may, by resolution publicly notified:

- a. prohibit the stopping, standing or parking of vehicles on any roads
- b. limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class.

4.2 Council may, by resolution publicly notified, prohibit, restrict or control the parking of vehicles in any parking place (including on a reserve) or transport station or any part or parts of such parking place or transport station.

4.3 Every resolution under clause 4.2 may:

- a. be made in respect of any specified class of vehicle

- b. prescribe the times, manner and conditions for the parking of the vehicles or classes of vehicle
- c. prescribe:
 - i. any charges to be paid for the use of the parking place or transport station
 - ii. the manner by which parking charges must be paid by the use of parking machines or electronic payment or in any other specified manner.

4.4 In relation to a parking space within a time-limited area, a vehicle first parked then manoeuvred within and parked again in that space shall be deemed to have continuously parked in that location until it has been entirely removed from that parking space.

5. Mobility parking

- 5.1 Council may, by resolution publicly notified, specify any parking space as a mobility parking space, and may prescribe any time limits and parking charges for vehicles parking in the mobility parking space.
- 5.2 A person must not park a vehicle in a mobility parking space unless:
 - a. the vehicle is lawfully displaying a mobility parking permit
 - b. the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

6. Electric charge stations

- 6.1 Council may, by resolution publicly notified, specify any parking space as an electric charging station parking space.
- 6.2 A person must not stop or park any vehicle on any electric charging station parking space unless the vehicle is an electric vehicle which is in the course of being charged.

7. Immobile vehicles

- 7.1 Except with the written permission of an Authorised Officer given in respect of any immobile vehicle and in compliance with any conditions subject to which permission is given, a person must not park an immobile vehicle on any road or other land under the control or ownership of Council, for a period exceeding seven (7) days. After seven (7) days the immobile vehicle is required to be permanently removed.
- 7.2 If after seven (7) days, the owner or person in charge of any immobile vehicle referred to in clause 7.1 cannot be located or refuses to remove the immobile vehicle, subject to sections 356 to 356B of the Local Government Act 1974, section 113 of the Land Transport Act 1998 and any other applicable legislation, Council may take such reasonable steps as it considers appropriate to remove the vehicle from the road or land, and may recover the costs of doing so.

8. General parking restriction

- 8.1 Except as directed by a police officer, enforcement officer, parking warden, or except in a traffic emergency, a person must not park any vehicle or permit any

vehicle to remain parked on any road, parking place, transport station or reserve, or any part or parts of such road, parking place, transport station or reserve contrary to this Part of the Bylaw or a resolution made under this Part of the Bylaw.

- 8.2 A person must not upon any berm or road reserve in an urban area:
- drive or park any vehicle
 - cause or permit any vehicle to be driven or parked.
- 8.3 A person must not park a vehicle in a parking space so that any part of the vehicle extends beyond the marked space or is not entirely within the space.
- 8.4 Notwithstanding clause 8.2, if, because of its size, it is necessary for a vehicle to occupy more than one adjoining parking space, it may do so.
- 8.5 A person must not park any vehicle in a parking space beyond the maximum time period for parking in that parking space.
- 8.6 A person must not, without approval from an Authorised Officer, park in a parking space where parking is temporarily prohibited by an Authorised Officer using signs or cones.

9. Selling vehicles on the road

- 9.1 A person must not use any road or public place for the parking of any vehicle for sale, exhibition, demonstration, advertisement, signage or storage of that vehicle, without prior written approval from an Authorised Officer and in accordance with any conditions placed on any such approval.
- 9.2 Council may, by resolution publicly notified, specify and identify places where the parking of any vehicle for sale shall be permitted.

10. Goods service vehicles

- 10.1 A person must not use any goods service vehicle for the purpose of delivering or picking up any parcels or goods to or from the front entrance of any business premises, if there is vehicular access available to the rear entrance of the premises either by service lane, loading docks, private right-of-way, or lane, yard or otherwise.
- 10.2 Council may by resolution:
- determine any road or part of a road or any parking space to be a loading zone
 - specify the class(es) of vehicle that may use the loading zone
 - prescribe the maximum length of time any vehicle or class of vehicle may park in a loading zone.
- 10.3 A person must not use a loading zone in contravention of a prohibition or restriction made under clause 10.2.

11. Weight restricted bridges

- 11.1 Council may by resolution publicly notified:
- prohibit or restrict any specified classes(s) of vehicles from using any particular bridge under its control within the district

- b. specify weight limits for vehicles that may use a particular bridge that is under the control of Council and the conditions under which vehicles of a particular weight may use that particular bridge.

11.2 A person may apply to Council to use a particular weight restricted vehicle on a particular bridge contrary to clause 11.1. An Authorised Officer may approve such use and set such conditions as they consider appropriate when allowing any approvals.

12. One-way roads

12.1 Council may by resolution publicly notified prohibit the driving of vehicles or riding of any horse or bicycle along any road except in one specified direction only.

12.2 No person shall drive a vehicle, horse or bicycle other than in the direction specified under clause 12.1.

13. Left or right turns and U-turns

13.1 Council may by resolution prohibit:

- a. vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction
- b. vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.

13.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Council has prohibited or restricted such movements.

14. Routes and manoeuvres on roads

14.1 Council may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.

14.2 A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Council.

15. Traffic control by size, nature or goods (including heavy vehicles)

15.1 Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.

15.2 A person must not use a road contrary to a prohibition or restriction made by Council.

15.3 If in the opinion of Council, it is safe to do so, Council may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of:

- a. loading or unloading goods or passengers at any property whose access is by way of the road

- b. providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available
- c. undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available
- d. undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available.

16. Temporary speed restrictions

- 16.1** An Authorised Officer may temporarily restrict the use of or speed limit of, or class of vehicle which may use any part of any road or any other vehicle access way under the jurisdiction of the Council. Any such restriction shall be defined by the display of temporary warning signs in accordance with the Land Transport Act 1998.

17. Road works

- 17.1** Without limiting the Land Transport Act 1998, any vehicle being used for the purpose of maintenance or construction of roading or of any other utility or otherwise with permission of an Authorised Officer, may be driven or parked contrary to any restriction in force under this Part of this Bylaw, so long as that is with due consideration for other road users.

18. Damage to signs

- 18.1** A person must not interfere with, damage or remove any infrastructure associated with land transport and the provision of roading services. This includes the road structure and surface, guardrails and sightrails, streetlights, fences, signs, markers and roadmarking. Council may recover the costs incurred from such damage, interference or removal of its roading infrastructure.

19. Exemptions and dispensations

- 19.1** The driver or person in charge of the following emergency vehicles shall be exempt from the provisions of this Bylaw for a vehicle used under the following conditions:
- a. an ambulance being used in an emergency response.
 - b. a fire response vehicle engaged in an emergency response.
- 19.2** The driver or person in charge of the following vehicles shall be exempt from the parking and no stopping provisions of this Bylaw for a vehicle used under the following conditions:
- a. elected members or employees of Council who are at the time engaged on official Council business and who display the appropriate exemption card in a readily visible position or are driving in a vehicle marked as being the property of Council.
 - b. where any vehicle is engaged in a public work at that place, where:
 - i. no other practicable alternative is available
 - ii. the vehicle is being used with due consideration to other road users
 - iii. the use of the vehicle is reasonably necessary for the purposes of the public work.
 - c. Any authorised vehicle engaged in the collection of or delivery of money or other valuable items to any bank.

- d. Volunteer firefighters' personal vehicles shall be exempt from parking restrictions where Council has issued permits to allow parking contrary to this Bylaw. Council may impose conditions on the use of the permit, including specifying parking areas or parking spaces where the permit applies. Any permit may be cancelled by Council at any time.

20. Offences and penalties

- 20.1 Without limiting clause 12 of Part 1 of this Bylaw and any enforcement powers under the Land Transport Act 1998, every person commits an offence against this Part of this Bylaw and is liable for the applicable penalty who:
- a. commits or causes to be committed, any act contrary to this Part of the Bylaw or any resolution made under this Part of this Bylaw
 - b. fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed or made or erected on or upon any road, parking place, reserve or other places controlled by Council pursuant to any of the provisions of this Part of this Bylaw or any resolution made under this Part of this Bylaw
 - c. fails to comply with any condition, duty, or obligation, imposed by this Part of this Bylaw or by any resolution made under this Part of this Bylaw
 - d. obstructs or hinders any Authorised Officer in the performance of any power or duty conferred upon him or her by this Part of this Bylaw or by any resolution made under this Part of this Bylaw.

21. Removal of vehicles and items in breach of Bylaw

- 21.1 Where any item or any vehicle is parked on any public place or any road, berm, footpath parking place or transport station in contravention of this Bylaw, Council may give notice to the owner to immediately remove such item or vehicle to any other place. Where the owner fails to comply with the notice given under this clause, the Council may take such action as it considers appropriate to remove such items at the owners cost, which may include:
- a. a towage fee for the removal of the item or vehicle
 - b. reasonable storage charges on a daily basis until the item or vehicle is collected as specified in any Regulations or Notices made pursuant to the Land Transport Act 1998.

Explanatory Note: *Removal and disposal of vehicles are to be undertaken in accordance with the relevant provisions in the Local Government Act 1974, Local Government Act 2002 and/or Land Transport Act 1998.*

22. Savings

- 22.1 Any resolution, approval, permit or other act of authority made under any Traffic Bylaw of the Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by resolution of Council. These include the previous schedules of the General Bylaws 2008, being:
- Schedule A Parts of Carriageway covered by No Stopping Areas

Schedule B	Parts of Carriageway covered by Parking Restrictions
Schedule C	Parts of Carriageway covered by Operation Mobility Carparks
Schedule D	Give way and Stop Signs
Schedule E	Parts of Carriageway covered by Parking Restrictions – Bus stops/taxi stands

Explanatory Note: *The Schedules are not themselves part of the Bylaw but are a record of resolutions made by the Council under this Bylaw and former Bylaws.*

Consolidated General Bylaw 2020

Part 9– Solid Waste

Contents

1. Purpose	3
2. Interpretation	3
3. General compliance with Bylaw	6
4. Household waste	7
5. Accumulation of waste	7
6. Approved containers	7
7. Council supplied approved containers	7
8. Use of approved containers	8
9. Private waste collection and placement of approved containers	8
10. Deposit of certain materials in an approved container is prohibited	8
11. Owner of multi-unit building to manage waste	8
12. Trade waste	8
13. Collection by Council	9
14. Prohibited or hazardous waste	9
15. Recycling	9
16. Collection and transportation of waste	10
17. Restrictions on waste collection operations	10
18. Application for licence	10
19. Consideration of application for licence	10
20. Conditions of licences & use of a public place for collection of waste	11
21. Controls for the collection, transportation and disposal of waste	12
22. Waste management for events at Council reserves and facilities	13
23. Nuisance	13
24. Donated goods containers	14

25. Litter and illegal dumping _____	14
26. Transfer stations _____	14
27. Establishment and control of other disposal sites _____	15
28. Removal of material from disposal site _____	15
29. Solid waste policies _____	16
30. Non-compliance with conditions of a licence _____	16
31. Non-compliance with public place waste collection conditions _____	16
32. Non-compliance with controls for Council collection points _____	17
33. Offences and penalties _____	17
34. Exceptions, revocation and saving provisions _____	17

1. Purpose

- 1.1 The purpose of this Bylaw is to contribute to:
- the management and minimisation of waste, through regulating the collection, transportation and disposal of waste
 - the protection of the health and safety of waste collectors, waste operators and the public
 - the management of litter and nuisance.
- 1.2 Relevant Acts
- Local Government Act 2002
 - Waste Minimisation Act 2008
 - Litter Act 1979
 - Health Act 1956

2. Interpretation

- 2.1 In this Part of the Bylaw, unless the context otherwise requires:

<i>Approved container</i>	means any mobile bin, plastic bag or multi-wallpaper bag or other receptacle from time to time approved by Council for the collection of household waste.
<i>Authorised agent</i>	means any person that has the written authority from the Chief Executive to act as an agent on Council's behalf.
<i>Approved incinerator</i>	is a drum or container with a mesh or solid lid designed to prevent the escape of hot ash or fire and designed exclusively for incineration.
<i>Clean fill material</i>	means waste that: <ol style="list-style-type: none"> does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health is not diverted material includes natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of: <ol style="list-style-type: none"> combustible, putrescible, degradable or leachable components hazardous waste products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices materials that may present a risk to human health or the environment liquid waste. has less than 2% by volume by load of tree or vegetable matter.

<i>Clean fill site</i>	means the land used for the disposal of clean fill material and other hard fill material.
<i>Council collection point</i>	means a place publicly notified by Council as a place where waste and/or recycling may be placed for collection, subject to this bylaw.
<i>Deposit</i>	means to cast, place, throw or drop any waste or diverted material and <i>deposited</i> has the equivalent meaning.
<i>Disposal</i>	has the meaning given by the Waste Minimisation Act 2008.
<i>Diverted material</i>	has the meaning given by the Waste Minimisation Act 2008.
<i>Donated goods container</i>	means a container approved by the Council for the collection of donated goods.
<i>Event</i>	means any organised temporary activity that is likely to create litter in a public place including an organised gathering, open air market, parade, protest, festival, film shoot, concert or celebration.
<i>Food waste</i>	means household waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.
<i>Green waste</i>	means waste that is organic in origin and that results from domestic gardening activities or arboriculture business activities and includes lawn clippings and plant material.
<i>Hazardous waste</i>	means waste that: <ol style="list-style-type: none"> contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 under the Hazardous Substances and New Organisms Act 1996 meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433:2012 Part 1 & Part 2 Transport of Dangerous Goods on Land meets the definition for radioactive material included in the Radiation Safety Act 2016.
<i>Household waste</i>	means waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any household and includes but is not limited to cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers, or any other waste arising or resulting from domestic housekeeping operations.
<i>Illegal dumping</i>	means the placement of any waste onto private or public land where no licence or lawful approval exists to place or accept such waste.

	This may include but is not limited to small bags of rubbish in an urban environment to larger scale dumping of materials in isolated areas, such as bushland.
<i>Inorganic waste</i>	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by a Council resolution as suitable for: <ol style="list-style-type: none"> collection from a public place by Council collection from any premises by Council delivery to a resource recovery facility.
<i>Litter</i>	means any waste, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste material, or any other similar thing not deposited in an approved container or public litterbin.
<i>Managed fill site</i>	means land used for the disposal of soil with low levels of contamination.
<i>Manager</i>	means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.
<i>Mono-fill site</i>	means land used for the disposal or storage of waste of a category specified by Council and that originates from a specified source or location.
<i>Multi-unit building</i>	means a building which contains more than one separate household.
<i>Organic waste</i>	includes green waste and food waste.
<i>Other hard fill material</i>	means materials other than natural hard fill material specified by Council under clause 27 as suitable for disposal at a clean fill site.
<i>Prohibited waste</i>	means waste containing: <ol style="list-style-type: none"> any material capable of causing injury to any person or animal unless it is sufficiently contained to prevent injury any material capable of causing damage to an approved container or likely to shatter in the course of collection unless it is sufficiently contained to prevent damage to the approved container or to prevent injury any material that may endanger any person, animal or vehicle that may come into contact with it prior to, during or following collection, transportation or disposal any liquid or any viscous fluid any radioactive wastes, excluding domestic smoke detectors any used oil and lead-acid batteries any hazardous waste

- h. medical waste (as defined in New Zealand Standard 4304:2002 Management of Healthcare Waste)
- i. any material prohibited by Council under clause 21.

<i>Recovery</i>	has the meaning given by the Waste Minimisation Act 2008
<i>Recyclables</i>	means items which are so designated from time to time by Council and which are either collected, or accepted at any transfer station, by or on behalf of Council.
<i>Recycling</i>	has the meaning given by the Waste Minimisation Act 2008.
<i>Resource recovery facility</i>	means any facility that receives, collects, sorts, stores or processes waste in order to contribute to waste minimisation and a decrease in waste disposal, and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.
<i>Reuse</i>	has the meaning given by the Waste Minimisation Act 2008.
<i>Trade waste</i>	means any scrap or waste material resulting from the carrying-on of any business (including a commercial business), construction, demolition, manufacture, process, trade, market, or any other undertaking.
<i>Transfer Station</i>	means any land or facility owned, managed, leased or used by Council, or used with the consent of Council, as a site for the recovery, reuse, recycling, collection and transfer of any waste including waste, recyclables and organic waste and includes any, resource recovery facility and any similar facility.
<i>Waste</i>	has the meaning given by the Waste Minimisation Act 2008.
<i>Waste collector</i>	means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.
<i>Waste operator</i>	means a person who owns or manages a landfill site, clean fill site, managed fill site, mono-fill site or a resource recovery facility.
<i>Waste Management and Minimisation Plan</i>	means the waste management and minimisation plan adopted by Council under section 43 of the Waste Minimisation Act 2008.

- 2.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Waste Minimisation Act 2008.
- 2.3 Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- 2.4 The Interpretation Act 1999 applies to this Bylaw.

3. General compliance with Bylaw

- 3.1 No person may deposit, discard, dispose of, collect, transport, sort, store or process waste other than in accordance with this Bylaw;
- 3.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, and bylaws.

4. Household waste

4.1 Ownership of Waste Stream

Except with the approval of an Authorised Officer:

- a. with respect to any premises, no person other than the occupier may put waste into an approved container for those premises, without the consent of the occupier
- b. no person may remove waste from, or interfere with, any waste deposited in an approved container except the person who deposited the waste.

- 4.2 The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.

5. Accumulation of waste

- 5.1 The owner and manager of any premises must provide adequate areas and receptacles for the storage on the premises of waste from activity on the same premises.
- 5.2 Where in the opinion of an Authorised Officer an accumulation of household waste exists on any premises that is likely to be:
 - a. cause injury to health
 - b. harbour vermin

an Authorised Officer may serve a notice on the occupier requiring them to remove and dispose of the household waste within a specified time. If the occupier of that premises neglects or refuses to comply with such notice, the occupier shall be guilty of an offence.

6. Approved containers

- 6.1 Approved containers containing waste and recycling shall be placed for collection on the berm outside the premises or at a Council collection point on the day and time notified by Council or an Authorised Officer.
- 6.2 An Authorised Officer will notify an occupier or owner of an affected premises, of any change to the official collection day, time or Council collection point.
- 6.3 Occupiers shall not leave an approved container on the berm or at the Council collection point earlier than the collection day.
- 6.4 Where an occupier fails to remove an approved container or any waste left at the berm or Council collection point, the Council may remove the approved container. Council may recover the costs of removal of the approved container from the owner or occupier of the premises.

7. Council supplied approved containers

- 7.1 Council may either directly or by way of private contract, supply approved containers to individual properties.
- 7.2 Any approved containers supplied in accordance with 6.1 may be registered against specific properties and shall remain at that property.
- 7.3 Approved containers no longer required must be returned by the owner of the property to Council.

8. Use of approved containers

- 8.1 Where the approved container provided by Council pursuant to clause 6.1 is re-useable:
 - a. occupiers shall place waste only in a manner that allows the whole of the contents to fall out easily and cleanly when emptied
 - b. during collection, the licensed waste collector, or its employees or agents, shall pick up any waste spilled and deposit it into the waste collection vehicle
 - c. the licensed waste collector, or its employees or agents shall return approved containers to the berm adjoining the premises or Council collection point but clear of private ways, car parking areas, and placed in such a way to ensure the container does not unduly interfere with the free passage of pedestrians
 - d. an approved container must be kept clean and in good repair by the occupier
 - e. this clause shall not absolve any contractor from any contractual requirements regarding the provision and maintenance of approved containers.
- 8.2 Where the approved container provided by Council pursuant to clause 6.1 is single use:
 - a. the approved container is to be securely sealed and placed for collection at a Council collection point or within a berm side collection area;
 - b. the contents of the approved container must not weigh more than 15kg.

9. Private waste collection and placement of approved containers

- 9.1 No person shall put out an approved container for private waste collection other than in accordance with a contract between the occupier and a licensed waste collector, and in accordance with the licensed waste collector's conditions.

10. Deposit of certain materials in an approved container is prohibited

- 10.1 No prohibited waste may be deposited in an approved container.

11. Owner of multi-unit building to manage waste

- 11.1 The owner and manager of a multi-unit development or building must ensure that provision is made through a waste management and minimisation plan approved by Council for the management of all waste generated within the property.
- 11.2 The approved container(s), as stipulated in a waste management and minimisation plan provided in accordance with clause 10.1 must have sufficient storage capacity to hold waste pending collection and ensure that any potential pests are managed so as to not cause a nuisance or health hazard.

12. Trade waste

- 12.1 No person carrying on a business or other undertaking shall cause or permit an accumulation of trade waste to remain in, or about the premises.
- 12.2 Perishable waste shall be removed at the cost of the owner or occupier on a daily basis, except where stored in a manner approved by an Authorised Officer.
- 12.3 Where Council agrees to accept trade waste for disposal, the person disposing of the waste shall take it to the place specified by an Authorised Officer at the appointed time and must pay any charge as Council shall determine by resolution for the disposal of the trade waste.
- 12.4 To avoid doubt, Council is not obliged to accept for disposal any trade waste, or any particular component or type of trade waste.
- 12.5 No person shall take to any place of disposal any prohibited waste.

Explanatory note: *The term business includes, commercial business, Industrial business, construction, demolition, manufacture, process, trade, market.*

13. Collection by Council

- 13.1 No trade waste will be removed or disposed of by Council, unless the waste is contained within an approved container, at an approved location.

14. Prohibited or hazardous waste

- 14.1 All prohibited or hazardous waste is required to be disposed of in a place specifically set aside for the disposal of waste of that type.
- 14.2 No person shall place any prohibited or hazardous waste in a public place.
- 14.3 When prohibited or hazardous waste is being disposed of by Council, the generator of the waste shall supply to Council a complete description of the waste including:
 - a. chemical composition
 - b. form (solid, liquid or gas)
 - c. quantity
 - d. any other information needed to assess the environmental and operational impact of its disposal.
- 14.4 Council may charge all reasonable costs associated with undertaking the disposal of prohibited or hazardous waste from the generator of the waste, including any pre-treatment costs.
- 14.5 Prior to acceptance for disposal, Council may require prohibited or hazardous waste to be pre-treated to neutralise and stabilise them.

Explanatory note: *If the disposal method is unknown, the generator should contact Council to identify the best disposal method.*

15. Recycling

- 15.1 Council may arrange for the collection of specified recyclable material.

- 15.2 Council may by resolution determine the items which are recyclable and that will be either collected by
- 15.3 Council or accepted at any Council recycling station.
- 15.4 Council may supply to occupiers an approved container for the recyclable materials to be placed in. Clause 6 applies to any such containers.
- 15.5 When an approved container has been placed on any road berm for collection by Council, no person shall interfere with or remove the container or the contents, except in the course of collecting the container or the contents on behalf of Council.
- 15.6 Where recyclable materials may be received at a Council Resource Recovery Facility, every person using that facility shall adhere to an Authorised Officer's verbal or written directions for the use of that facility.
- 15.7 No person shall place or leave any non-recyclable materials in any approved container meant for recyclable materials at any Resource Recovery Facility, berm or Council collection point.
- 15.8 All private recycling operators are required to be licensed in accordance with this bylaw.

16. Collection and transportation of waste

- 16.1 Persons transporting waste in the district shall at all times ensure that waste contained in any vehicle is adequately secured, to prevent the waste falling or escaping from the vehicle.

17. Restrictions on waste collection operations

- 17.1 All waste collectors require a Waste Collection licence.
- 17.2 No person shall engage in the collection of household waste, green waste, recyclables, trade waste or donated goods from any roadside or from any land or premises owned by or under the control of Council without first obtaining a licence under this Bylaw and subject to such conditions as the Council may impose.
- 17.3 Any waste collector who is operating in the district without a licence as at the date that this Bylaw comes into force must apply for a licence within thirty (30) days. If any such waste collector fails to apply for a licence within that time period or if Council refuses the application for a licence, the waste collector must cease operating within the district within seven (7) days.
- 17.4 A waste collector holding a licence at the date that this Bylaw comes into force, shall be required to obtain a new licence under this Bylaw when that licence has expired or five (5) years of the Bylaw coming into force, whichever is the earlier.

18. Application for licence

- 18.1 Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the prescribed application and processing fees and such further supporting information as Council may require to enable processing of the application.
- 18.2 The holder of an existing licence may apply to Council for a renewal of that licence.

18.3 Licences may be granted or declined at the discretion of Council, upon such terms and conditions as an Authorised Officer thinks fit.

18.4 A licence is personal to the licence holder and is not transferable.

19. Consideration of application for licence

19.1 When considering an application for a licence and the conditions to be imposed under it, Council may take into account matters relating to the suitability of the applicant to hold a licence, including but not limited to the following:

- a. public health and safety
- b. the extent to which the licensed activities will promote the achievement of Council's Waste Management and Minimisation Plan and waste reduction initiatives
- c. the applicant's experience, reputation and track record in the waste industry, including any past operational or other issues which may affect, or may in the future affect, the applicant's performance and suitability to hold a licence
- d. if the applicant is a past or present licence-holder, the performance of the applicant in carrying out the licensed operations
- e. the type of waste to be collected or transported
- f. the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono-fill site or clean fill site at which it is proposed that treatment or disposal will occur
- g. the terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal
- h. the frequency and location (private or public space) of the waste collection, transportation (including routes) or disposal services
- i. the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

20. Conditions of licences and use of a public place for collection of waste

20.1 A licence under clause 17 may be issued subject to such conditions as Council may approve, including but not limited to the following matters in relation to the collection or transportation of waste from a public place:

- a. the area to which the licence applies
- b. the type, size and construction of approved containers that may be used for the storage and collection of waste and recyclable materials
- c. the categories of recyclable material and waste that may be deposited at or collected from a public place
- e. the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers
- f. requirements to ensure the correct separation of waste and recyclable materials into approved containers
- g. the locations, access times and conditions of use of Council collection points

- g. duration of licence
- h. any other operational matter required for the safe and efficient operation of a collection service from a public place.

20.2 Any person providing or using a waste collection service in or from a public place must comply with all conditions of any licence relating to that collection.

20.3 The general terms and conditions upon which a licence may be granted include, but are not limited to the following:

- a. term – a licence may be granted for a term of up to five (5) years
- b. licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time and publicly notified
- c. bond – Council may require a licence holder to post a bank guaranteed bond
- d. compliance with standards – the licence holder must comply with national and Council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
 - i. the collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process
 - ii. provision of waste collection services within reasonable times specified by Council
- e. provision of information – the licence holder must provide waste data to Council during the term of the licence in the form and at the times specified by Council including the following data:
 - i. waste logbooks for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process
 - ii. weighbridge receipts
 - iii. gate records of waste tonnage
 - iv. provision of itemised recycling volume data.

20.4 Further conditions may be imposed relating to:

- a. the types of vehicles to be employed in waste collection
- b. the hours and days of waste collection
- c. placement of approved containers before and after collection
- d. suitably qualified vehicle operators
- e. type and capacity of approved containers collected.

21. Controls for the collection, transportation and disposal of waste

21.1 Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:

- a. household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material or waste

- b. maximum allowable limits of any matter that may be disposed of at a mono-fill site or clean fill site
- c. categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any clean fill site, mono-fill site and material that may be used as cover material at any such site
- d. materials that are suitable for use as natural or other hard fill material at a clean fill site
- e. types of waste originating from a specified single source or location that may be disposed of at a mono-fill site
- f. types of waste that are prohibited
- g. approve containers for use for waste collection
- h. use and maintenance of approved containers
- i. type and amount of waste that may be and may not be deposited in a type of approved container
- j. the times when approved containers may be placed on or retrieved from a public place.

21.2 Any control specified by Council under clause 21.1:

- a. must, be made by a Council resolution that is publicly notified
- b. may:
 - i. prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case
 - ii. apply to all waste or to any specified category of waste
 - iii. apply to Kaipara district or to a specified part of Kaipara district
 - iv. apply at all times or at any specified time or period of time.

Explanatory note: A control under clause 21.1 may relate to collection of inorganic waste.

22. Waste management for events at Council reserves and facilities

22.1 Council may require an organiser of an event being undertaken on Council-owned reserve or facility to have a Waste Plan approved for that event.

22.2 Council may require an approved Waste Plan to set out:

- a. an estimate of the types and amounts of waste to be generated by the event
- b. how waste generated by the event is to be minimised
- c. the steps that will be taken to maximise the collection and use of recyclables and re-usable material
- d. the equipment to be provided for the storage, collection and transportation of waste and diverted material
- e. the person responsible for the collection and disposal of waste and the methods to be used
- f. a waste analysis following the conclusion of the event.

22.3 The organiser of an event must comply with the approved Waste Plan for that event.

23. Nuisance

23.1 No person may:

- a. allow any accumulation of waste or diverted material on any premises they own, occupy or manage to escape, become offensive, be a nuisance or likely to be harmful to health
- b. use an approved container in a manner that creates a nuisance, is offensive or is likely to be harmful to health
- c. dispose of any waste on any premises except at a Council approved landfill site, clean fill site, managed fill site, mono-fill site.

24. Donated goods containers

24.1 Any Person who places or provides a donated goods container for collection of donated goods on:

- a. a public place; or
- b. any privately owned premises where the donated goods are likely to be left within ten (10) metres of public place.

must obtain a licence to do so from the Council in accordance with clause 17 of this Bylaw.

24.2 The grant of a licence is at the discretion of the Council, on such terms and conditions as it sees fit.

24.3 The licence holder must comply with any conditions of the licence.

24.4 The licence holder must take all steps to the satisfaction of the Council to prevent the donated goods from:

- a. being carried from or otherwise escaping from the donated goods container onto a public place
- b. accumulating on a public place outside of a donated goods container.

24.5 The Council may recover costs from the owner of a donated goods container associated with the removal and disposal of donated goods on a public place in breach of clause 24.4.

25. Litter and illegal dumping

25.1 No person may:

- a. deposit any waste arising from that person's household or that person's domestic or business activities in any public litterbins;
- b. remove any waste from any public litterbins, where this results in any waste being deposited outside the approved container unless authorised by Council to do so;
- c. deposit or attempt to deposit any litter in any public litterbin if:
 - i. the public litterbin or public recycling litterbin is full
 - ii. the litter is likely to escape.
- d. deposit in a public litterbin any waste which is not intended for that bin, for example non-recyclable waste in a public recycling litterbin

- (e) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any public litterbin or public recycling litterbin
- (f) damage any public litterbin or public recycling litterbin.

25.2 No person may undertake illegal dumping of waste within the Kaipara district.

26. Transfer stations

26.1 A transfer station must be authorised by Council as a disposal site.

26.2 The delivery and receipt of waste to a transfer station owned or operated by Council shall be subject to such conditions as may be imposed by Council.

Conditions may include:

- a. the operational hours
- b. the nature of solid waste including recyclables and/or organic waste which may be delivered
- c. any prescribed fees that may be payable
- d. the layout of various disposal options
- e. any other matter which Council may consider necessary or desirable as determined by any such resolution.

26.3 All persons entering a transfer station shall comply with any relevant rules and requirements of the transfer station and any instructions from an Authorised Officer or manager of the transfer station. Any person who fails to comply with any such rules, requirements or instructions commits a breach of this Bylaw.

***Explanatory Note:** Conditions imposed may be the result of any consent or approval given under the Resource Management Act 1991 or other legislation and such conditions and policies as Council and/or Council contractors may from time to time impose in respect to access to a transfer station.*

27. Establishment and control of other disposal sites

27.1 A waste disposal sites must be authorised by Council as a disposal site.

27.2 Any land or premises authorised by Council for the disposal of waste shall be subject to such controls as Council may from time to time by resolution impose in respect of:

- a. the operational hours
- b. the nature of the waste which may be disposed
- c. the charges in respect of any such disposal
- d. the layout of various disposal options
- e. any other matter which Council may consider necessary or desirable to determine by any such resolution.

27.3 All persons entering a disposal site shall comply with the relevant rules and requirements made in accordance with clause 27.1 of this Bylaw and as posted at the entrance of such facility. Any person failing to abide by such conditions or who acts contrary to the instruction of an, Authorised Officer or manager of the disposal site shall be deemed to be in breach of this Bylaw.

Explanatory Note: Conditions imposed may be the result of any consent or approval given under the Resource Management Act 1991 or other legislation and such conditions and policies as Council may from time to time by resolution impose in respect of access to such land or premises.

28. Removal of material from disposal site

28.1 A person must not enter, loiter at, or disturb any deposit of waste at any land or premises set aside by Council for the disposal of waste, nor remove from such a place any article or material of any kind, unless those premises have specific approved facilities that allow for members of the public or other agencies to purchase or obtain waste materials for the purposes of re-use or upcycling.

29. Solid waste policies

29.1 Council may, by resolution publicly notified, make and amend controls governing the collection of household waste by or for Council, including:

- a. the weights and contents of containers which will be collected
- b. the placing of containers for collection and such other matters as Council considers relevant
- c. such policy shall be enforceable as part of this Bylaw.

Upon the making or amendment of such policy Council shall in full give public notice of the policy so made or amended.

30. Non-compliance with conditions of a licence

30.1 Where a licence holder does not comply with the terms and conditions of the licence, Council may take one or more of the following steps:

- a. issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence.
- b. review the licence, which may result in:
 - i. amendment of the licence
 - ii. suspension of the licence
 - iii. withdrawal of the licence.
- c. require a performance bond or security where Council has incurred any cost as a result of the breach of the licence condition, including where Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder
- d. review the amount and nature of the performance bond or security, which may result in:
 - i. an increase of the amount of the performance bond or security
 - ii. a change to the nature of the security that must be provided
- e. prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979
- f. prosecute or issue an infringement notice for any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

31. Non-compliance with public place waste collection conditions

- 31.1 Where a person does not comply with clauses 6,7,8,10,14 or 15, the waste collector may:
- reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place if the contents or placement of the container is non-compliant
 - remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of waste from that premises
 - withdraw or suspend the collection service provided by the waste collector to that person.
- 31.2 Where a person does not comply with clauses 6,7,8,10,14 or 15, Council may:
- prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979
 - prosecute or issue an infringement notice for any breach of this Bylaw as provided for in the Health Act 1956, Local Government Act 2002, Litter Act 1979 and Waste Minimisation Act 2008.
- 31.3 If a person places an approved container for waste collection outside of the specified date, time or place for collection of the approved container, any costs incurred by Council for collection of the approved container may be recovered from that person.

32. Non-compliance with controls for Council collection points

- 32.1 Where a person does not comply with a control made by Council under clause 21 the Council may:
- issue a trespass notice to that person to prevent them from using the Council collection point
 - suspend that person's use of any waste collection service provided by or on behalf of Council
 - prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979
 - prosecute or issue an infringement notice for any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

33. Offences and penalties

- 33.1 A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty upon conviction pursuant to the Waste Minimisation Act 2008, the Local Government Act 2002, Litter Act 1979 and/or the Health Act 1956.

34. Exceptions, revocation and saving provisions

- 34.1 A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.

34.2 A product stewardship scheme accredited under the Waste Minimisation Act 2008 may be exempted from the requirements of this Bylaw.

Consolidated General Bylaw 2020

Part 10 – Water Supply

Contents

1. Purpose	4
2. Interpretation	4
3. Ordinary supply	6
4. Extraordinary supply	7
5. Use of ordinary supply	7
6. Use of extraordinary supply	7
7. Reclassifying supply	7
8. Continuity of supply	7
9. Pressure	7
10. Prohibition or restriction of supply	8
11. Restricting water in other circumstances	8
12. Exemption from water supply restrictions	9
13. Water supply before occupation of dwelling	9
14. Change of ownership	9
15. Application for supply	9
16. Supplies from standpipes on hydrants	10
17. Determination of size of service	10
18. Work not to be commenced without approval	10
19. Disconnections required	10
20. Notice when supply not required	10
21. Re-connection fee	11
22. Inspection of installations	11

23. Point of supply _____	11
24. Stop taps to be provided _____	11
25. Only one point of supply _____	12
26. One pipe not to serve two premises _____	12
27. Work in streets and public places _____	12
28. General _____	12
29. Pipes for fire fighting purposes _____	12
30. Quick closing valves not to be used _____	13
31. Float valve installation _____	13
32. Flush valves _____	13
33. Protection of ball valves _____	13
34. Watering troughs _____	14
35. No connection to other supplies _____	14
36. Drawn water not to be returned _____	14
37. Minimum air gap _____	14
38. Priming of pumps _____	14
39. Supply to shipping _____	14
40. Check valves in multiple services _____	14
41. Protection of supply pipes _____	14
42. Prevention of backflow _____	15
43. Waste and improper use to be prevented _____	15
44. Overflow pipes _____	15
45. Fittings to be in good repair _____	15
46. Deficient pipes _____	15
47. Sprinklers and hoses _____	16
48. Water used for cooling _____	16
49. Installation and maintenance of meters _____	16
50. Protection of meters _____	16

23. Point of supply _____	11
24. Stop taps to be provided _____	11
25. Only one point of supply _____	12
26. One pipe not to serve two premises _____	12
27. Work in streets and public places _____	12
28. General _____	12
29. Pipes for fire fighting purposes _____	12
30. Quick closing valves not to be used _____	13
31. Float valve installation _____	13
32. Flush valves _____	13
33. Protection of ball valves _____	13
34. Watering troughs _____	14
35. No connection to other supplies _____	14
36. Drawn water not to be returned _____	14
37. Minimum air gap _____	14
38. Priming of pumps _____	14
39. Supply to shipping _____	14
40. Check valves in multiple services _____	14
41. Protection of supply pipes _____	14
42. Prevention of backflow _____	15
43. Waste and improper use to be prevented _____	15
44. Overflow pipes _____	15
45. Fittings to be in good repair _____	15
46. Deficient pipes _____	15
47. Sprinklers and hoses _____	16
48. Water used for cooling _____	16
49. Installation and maintenance of meters _____	16
50. Protection of meters _____	16

1. Purpose

- 1.1 The purpose of this Part of the Bylaw is to protect water supplies in the Kaipara district. The Bylaw sets out regulations on Council-provided water supplies such as pipes, as well as metering and charging. It also aims to prevent contamination of, and wastage from, the water supply system.

2. Interpretation

- 2.1 In this Part of the Bylaw, unless the context otherwise requires:

<i>Air gap separation</i>	means a minimum vertical air gap as defined by the Building Code G12 Water Supplies between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
<i>Air gap separator</i>	means a physical break between a supply pipe and a receiving vessel.
<i>Approved</i>	means approved by an Authorised Officer.
<i>Backflow</i>	means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.
<i>Backflow prevention device</i>	means a testable device that prevents backflow. For the purpose of this Bylaw a backflow prevention device refers to those devices installed at the property boundary.
<i>Check valve</i>	means a valve designed to prevent flow in the reverse direction to normal flow.
<i>Controlled catchment area</i>	means an area under the control of a Council, to which the public and domestic animals are prohibited from entry and from which waters are drawn for a public water supply.
<i>Customer</i>	means a person who has the right to use or direct the manner of use of water supplied by Council to any premises.
<i>Double check valve</i>	means an assembly of two independently acting check valves including gate valves on each side of the check valve assembly with suitable leak-detector drains plus connections available for testing the water tightness of each check valve.
<i>Direct connection</i>	includes any underwater outlet or any arrangement of pipes, hoses, or fittings temporary or otherwise which renders possible back flow into Council's water supply network system.
<i>Domestic</i>	in relation to water supply, means water used for household activities including but not limited to personal cleaning, for cooking, drinking, for washing linen or clothes, for washing or cleansing floors, windows, domestic or other furniture or utensils or any part of the consumer's dwelling house or premises, and for toilets, baths, and urinals except automatic flushing toilets and urinals.
<i>Engineering Standards</i>	means the Council document for the time being which sets out the processes and standards that are expected to be followed and met

whenever any development project is undertaken in accordance with Council's District Plan.

<i>Extraordinary supply</i>	means any water supplied from the water supply network and not used for the purpose of an ordinary supply
<i>Fire hose reel</i>	means a metal reel, permanently connected to the water supply, on which is wound rubber tubing and, which can be used for first-aid firefighting purposes.
<i>Fire sprinkler system</i>	means a system of pipes fitted with sprinkler nozzles which open by extraordinary rise in temperature to automatically drench an area for the purpose of extinguishing fire.
<i>Hydrant</i>	means a fitting in a street or other public place with a nozzle by which a hose may be attached to public water supply.
<i>Meter</i>	means a device for the purpose of measuring the volume of water consumed.
<i>Ordinary supply</i>	means any water supplied from the water supply network to properties situated within an area served by a public water supply and used for strictly domestic purposes.
<i>Point of supply</i>	means the point as determined by Council where the responsibility for ownership and maintenance of the water supply pipe passes from the Council to customer.
<i>Potable</i>	has the meaning in section 69G of the Health Act 1956.
<i>Public water supply</i>	means a reticulated water system that supplies water to properties and is owned by Council.
<i>Quick closing valves</i>	means a kind of pressure reducing valve in which the automatic process control valve for fluid pressure control is used for unmanned machinery spaces.
<i>Reduced-pressure-zone back-flow prevention device</i>	means a device incorporating an automatically operating differential relief valve located between the two check valves, with two gate valves for isolating the necessary appurtenances for testing.
<i>Service pipe</i>	means the pipe between the street main and the point of supply, and is 250mm distance outside of the consumer's property boundary and includes: <ol style="list-style-type: none"> the stop tap at the junction of the service pipe with the main any stop tap fitted at the end of the service pipe any stop tap fitted on the service pipe between the end thereof and the main.
<i>Sprinkler</i>	means a revolving spray, sprinkler pipe, or device to distribute water for garden or lawn watering, but does not include a hand-held hose, or a device installed exclusively for the purpose of extinguishing fire.

<i>Stop tap</i>	includes a stopcock, stop valve, and any other device for stopping at will the flow of water in a line of pipes.
<i>Storage tank</i>	means any tank other than a flushing cistern having free water surface under atmospheric pressure from which water supplied by Council is delivered for use.
<i>Supply pipe</i>	means the pipe connecting the service pipe to the customer's premises.
<i>Uncontrolled catchment area</i>	means an area to which the public and domestic animals are not prohibited from entry and from which waters are drawn or likely to be drawn for public consumption.
<i>Vacuum column</i>	means an arrangement of pipes which forms an inverted U extending upwards to a point not less than 10.5 m above the highest point in the service pipe and in which there cannot be excess pressure on the property side of the column.
<i>Water supply network</i>	includes all rivers, streams, lakes, waters, and underground waters, land, watersheds, catchment areas, water collection areas, reservoirs, dams, bores, tanks, and pipes, and all buildings, machinery, and appliances of any kind, vested in Council or acquired or constructed or operated by or under the control of Council for or relating to the purpose of water supply, whether within or outside the district.
<i>Wholesome water</i>	has the meaning in section 69G of the Health Act 1956.

3. Ordinary supply

- 3.1 Every property or allotment with one or more dwellings can obtain an ordinary supply connection subject to:
- the property or allotment being within an area served by a public water supply
 - any connection restrictions imposed by Council
 - compliance with this part of the Bylaw
 - payment of the appropriate charges in respect of the water supply to that property or allotment; and
 - payment of any other charges or costs associated with the supply of water to the subdivision of the property or allotment.
- 3.2 Where no ordinary supply of water is available to a property or allotment with one or more dwellings, a water supply must be made available by the owner of that property or allotment in accordance with the Building Act 2004.
- 3.3 Council may determine, by resolution, publicly notified, whether or not any ordinary supply shall be metered.

Explanatory Note: Any restrictions imposed by Council will be consistent with Councils obligations under section 69S of the Health Act 1956.

4. Extraordinary supply

- 4.1 Council shall be under no obligation to give or continue an extraordinary water supply.
- 4.2 For extraordinary supplies, Council may choose to allocate an amount of water for a particular connection and for a particular purpose and may review or alter that allocation from time to time.
- 4.3 Council may, by giving written notice where possible, restrict an extraordinary supply if required to maintain ordinary supplies and protect public health and safety.

5. Use of ordinary supply

- 5.1 Ordinary supply can only be used for domestic purposes.

6. Use of extraordinary supply

- 6.1 Extraordinary supply may be used for purposes other than domestic purposes.
- 6.2 No consumer or other person receiving an extraordinary supply for one purpose shall use or allow such supply to be used for any other purpose.
- 6.3 All extraordinary water supply connections shall have a high hazard testable reduced pressure zone (RPZ) double check valve backflow preventer installed on the connection.

7. Reclassifying supply

- 7.1 Where the Council determines, either at the time of application or subsequently (for example, as a result of monitoring the actual use), that the amount of water used is significantly in excess of an ordinary domestic usage, the Council may, at any time, reclassify the excess supply of water to the premises as an extraordinary supply and charge the customer at the extraordinary supply rate.

8. Continuity of supply

- 8.1 Council does not guarantee the uninterrupted supply of water, and no allowance will be made or compensation given on account of water being shut off, for maintenance, health concerns, or any other purpose or reason.
- 8.2 Council will take reasonable steps to notify in advance any scheduled interruptions to the supply of water.
- 8.3 If a customer requires an uninterrupted supply of water, it is the responsibility of that customer to provide any necessary storage, back-up facilities or equipment necessary to ensure effective continuity for their particular purpose.

Explanatory Notes: *Loss of supply or restricted flow may occur due to firefighting activities. Any restriction or interruption in supply will be consistent with Council's obligations under section 69S of the Health Act 1956.*

9. Pressure

- 9.1 Council does not guarantee any particular maximum or minimum pressure in its water distribution system and no allowance will be made or compensation given on account of change of pressure in the water supply.

10. Prohibition or restriction of supply

- 10.1 An Authorised Officer may, by public notice, restrict or prohibit the use of water for any specified purpose, if the Authorised Officer considers special measures are required to conserve the water supply. Any restriction or prohibition may be subject to conditions, may apply to the whole of the district, a portion of the district or any customer or customers within the district, and will remain in place until public notice is given that the restriction is removed.

Explanatory Note: *Conditions that may exist could include but are not limited to drought, contaminated supplies and flooding.*

- 10.2 No consumer will be entitled to any payment or compensation for any restriction or prohibition put in place in accordance with clause 10.1.
- 10.3 It is an offence against this part of this Bylaw for any person to use water in the manner so restricted or prohibited in accordance with clause 10.1.
- 10.4 In the case of emergency, an Authorised Officer may prohibit or restrict the use of water for any purpose considered necessary to deal with the emergency, without public notice.

Explanatory Note: *'An emergency is where a situation arises that requires prompt action and delays may cause a situation to be made worse.'*

11. Restricting water in other circumstances

- 11.1 Subject to section 193 of the Local Government Act 2002 and section 69S of the Health Act 1956, Council may restrict a supply of water to any premises if the owner:
- fails to comply with a notice from the Authorised Officer requiring repair of a leak(s), defective pipes or fittings
 - wilfully allows water to run to waste or is misused
 - fails to pay any targeted rates for water supply or any other Council prescribed fees and charges payable with respect to the water supply within one month of the due date specified in an invoice issued by Council
 - breaches any provision of this Part of the Bylaw
 - willfully interfering with the Council supply system or equipment
 - failing to fit quick closing valves, non-return valves or other protective devices which Council may require to be fitted to protect the water supply system
 - failing to fully comply with the requirements of Council's terms and conditions relating to the supply of water or of this Bylaw.

An unrestricted supply will be restored only when any non-compliance has been remedied to the satisfaction of Council and the re connection fee, where applicable, has been paid.

Explanatory Note: *As provided for under section 193 of the Local Government Act 2002, Council may restrict the supply of water to any premises where the owner fails to pay any targeted rates that have been assessed on water supplied pursuant to section 19(1) of the Local Government (Rating Act) 2002 within one month of the due date of the rates invoice. Council may also recover all monies owing in any Court of competent jurisdiction as a debt owing to Council. The restriction shall be subject to section 69S of the Health Act 1956.*

The restricted supply must be sufficient not to create unsanitary conditions.

12. Exemption from water supply restrictions

- 12.1 Customers may apply to Council on the prescribed form for an exemption from a water restriction. An Authorised Officer may approve an exemption and set such conditions as deemed necessary.
- 12.2 Where an application has been declined, the water restriction will stand for the applicant until such time as the restriction has been removed.

13. Water supply before occupation of dwelling

- 13.1 No person shall occupy or permit the occupation of a building for residential purposes or human habitation unless such building is provided with an adequate and convenient supply of wholesome water for domestic purposes with approved pipes and fittings, installed in accordance with Council's Engineering Standards current at the time of installation and in accordance with a building consent.

14. Change of ownership

- 14.1 In the event of premises changing ownership and where premises are metered, the outgoing customer must:
- give Council seven working days' notice prior to the change of ownership to arrange a final reading;
 - where an agreement is in place under clause 15 inform the new owner that they are required to enter into a separate agreement with Council.

15. Application for supply

- 15.1 Any person may apply for:
- an ordinary or extraordinary supply of water in respect of any new connections
 - a change to the classification of current water supply
 - relocation of the point of supply.
- 15.2 Any application shall be made on the prescribed form, with the payment of the Council's prescribed fees and charges and any development contribution fee if applicable. The applicant shall provide all the details required by an Authorised Officer, in order for the Authorised Officer to assess the application.
- 15.3 The applicant must have the authority to act on behalf of the owner of the premises for which the application is sought and must produce written evidence of this if required.
- 15.4 On the receipt of an application an Authorised Officer has within ten (10) working days the discretion to:
- approve with or without conditions
 - decline the application
 - require further information and place the application on hold.
- 15.5 An approved application for a water supply connection under clause 15.4 that has not been actioned within six months of the date of approval will lapse unless an extension of the time to action has been approved.

- 15.6 In the event an approved application under clause 15.6 lapses, an applicant will need to reapply and pay the Council's prescribed fees and charges.

16. Supplies from standpipes on hydrants

- 16.1 An Authorised Officer may approve and set conditions to allow for an extraordinary water supply by means of a standpipe to be placed upon a specified hydrant. Any application for such supply and for the hire of any standpipe shall be made in writing on the prescribed form and accompanied by the payment of Council's prescribed fees and charges.
- 16.2 Unless otherwise permitted by law, no person may take water from a hydrant other than as authorised under this clause.
- 16.3 Unauthorised use of a standpipe or a hydrant is a breach of this Bylaw.

17. Determination of size of service

- 17.1 An Authorised Officer shall have the right to determine the size of mains tapping, the size of meters, and the size of service pipes required for any ordinary or extraordinary water supply.

18. Work not to be commenced without approval

- 18.1 A person must not attach or connect or permit to be attached or connected with the water supply network, any pipe, stop tap, or other apparatus, nor alter or repair any existing pipe or fitting connected with the water supply network other than the re washing of taps, without authorisation.
- 18.2 An Authorised Officer can approve any work with conditions, if it is carried out by a plumber holding a current practising licence issued under the Plumbers, Gasfitters, and Drainlayers Act 2006 and subsequent amendments or by any other person who has satisfied an Authorised Officer of their ability to carry out such work.
- 18.3 All work must be carried in accordance with the approval. It is an offence against this Part of the Bylaw to carry out such works without an approval or in contravention of any conditions of an approval.

19. Disconnections required

- 19.1 Where any customer wishes to permanently disconnect any water supply to their premises from the water supply network, the customer must make an application to Council for disconnection. Any such application to Council must be made on the prescribed form and accompanied by any prescribed Council fee or charge.
- 19.2 Disconnections from the water supply network shall only be made by an Authorised Officer or by a person approved by an Authorised Officer subject to any conditions imposed.

20. Notice when supply not required

- 20.1 If a Council water supply is no longer required the owner of the premises must give fourteen (14) days' written notice to Council.

- 20.2 The owner shall remain liable for all charges until the water supply account has been paid in full and any disconnection fee has been paid.

21. Re-connection fee

- 21.1 Whenever the water supply has been disconnected to any premises, the supply will not be turned on again except on payment of any Council prescribed fees and charges for reconnection of the water supply.

22. Inspection of installations

- 22.1 Pursuant to and subject to the requirements of any powers of entry that Council has under the Building Act 2004, Local Government 2002 or any other applicable enactment, an Authorised Officer may enter any premises for inspection of all or any fittings and other apparatus connected directly or indirectly to the water supply network between the hours of 8.00am and 6.00pm of any day.
- 22.2 Any person who obstructs an Authorised Officer from undertaking any lawful inspection pursuant to clause 22.1 commits an offence against this Part of this Bylaw. If an Authorised Officer is obstructed or refused admittance without lawful excuse, Council may restrict the supply of water to that premises.

23. Point of supply

- 23.1 The point of supply to the premises shall be determined by the Council and shall be located at a point that an Authorised Officer considers is as close as is reasonably possible to the property boundary.
- 23.2 The point of supply shall be a point 250mm outside the premises boundary, unless an Authorised Officer determines otherwise.
- 23.3 The supply pipe from the building to the point of supply shall be provided by the owner or occupier in accordance with Council's Engineering Standards current at the date of the works and at the owner or occupier's own cost and expense, to the satisfaction and approval of an Authorised Officer.
- 23.4 In the case of an extraordinary supply requiring metering, the meter may be installed on the supply pipe by prior arrangement between Council and the consumer.

24. Stop taps to be provided

- 24.1 In addition to any stop tap fitted by an Authorised Officer on the service pipe, the owner shall, except in the case of a fire sprinkler system, fit stop taps as follows to the satisfaction of an Authorised Officer:
- where a building is set back from the street boundary, a stop tap shall be fitted on the supply pipe to control all outlets on the premises
 - where a building is on the property boundary a stop tap shall be provided inside the building as close as possible to the point of pipe entry to control all the outlets on the property
 - in every building of more than one floor, at every floor level including sub floor or basement level, one or more stop taps shall be provided to control the supply to all outlets on such floor.

All stop taps shall be kept readily accessible at all times and exterior stop taps shall be protected by strong durable boxes of earthenware, concrete, cast iron, or other approved material.

25. Only one point of supply

- 25.1 No premises shall be supplied with more than one service pipe, except with the written consent of an Authorised Officer, and under any conditions prescribed.
- 25.2 Without the prior written approval of an Authorised Officer, no branch fitting shall be connected to the service pipe between the main and the meter.

26. One pipe not to serve two premises

- 26.1 A supply pipe must serve only one premise unless held under one rating assessment and written consent has been obtained from an Authorised Officer. The customer must not extend the supply pipe by hose or any other device, to any other premises.

27. Work in streets and public places

- 27.1 No person shall carry out work in any road, private road, or public place unless first having obtained written consent from an Authorised Officer and in accordance with any conditions prescribed by an Authorised Officer.
- 27.2 Any work undertaken shall be reinstated by properly refilling all trenches and by removing all waste materials from each road, private road or public place as soon as possible and to the satisfaction and approval of an Authorised Officer.

28. General

- 28.1 All materials, fittings and appliances used for the supply and distribution in any premises of water supplied by Council shall be of such design and quality as to prevent waste, undue consumption, misuse, or contamination of water, or the setting up of a water hammer in any part of the system.
- 28.2 They shall in every case be of approved design and materials for durability and ready maintenance. All such fittings shall be capable of standing a test pressure of 180m head of water (1.8MPa) and suitable for working pressure equivalent to 90m head of water (0.9 Mpa), or other such pressures as the Authorised Officer shall prescribe or in accordance with a building consent if one is required.

***Explanatory Note:** Will need to check with Council Officers if a Building Consent will be required for any plumbing work undertaken.*

29. Pipes for fire fighting purposes

- 29.1 Any supply pipe that is above ground and is or may be required for firefighting purposes shall not be made of:
- material mechanically affected by the action of heat
 - made of plastics, this includes but is not limited to PVC, polythene, rigid PVC.

30. Quick closing valves not to be used

- 30.1 No quick closing valves of any kind are to be used on any pipe directly connected to the service pipe unless approved by an Authorised Officer.
- 30.2 Any approval to use a quick closing valve will require the use of a suitable air chamber to be fitted in the supply pipe at the stop tap or next to the fitting and any other conditions stipulated by an Authorised Officer when giving any approval pursuant to clause 38.1.
- 30.3 An Authorised Officer may approve the use of a self-closing tap type of valve in some circumstances.

31. Float valve installation

- 31.1 Every ball valve or float operated valve fitted to a storage tank is to be:
 - a. securely and rigidly fixed above the top water line
 - b. supported independently of the inlet pipe (unless such inlet pipe is itself rigid and rigidly fixed to the tank)
 - c. in such a position that no part of the body of the valve would be submerged
 - d. positioned twice the diameter of the supply pipe and in no case less than 25mm above the tank's overflowing level.
- 31.2 Silencing pipes will be permitted only in break pressure tanks such as flushing cisterns and supply tanks for hot water systems.
- 31.3 No ball valve shall be fitted directly to any thermal storage electric water heater.
- 31.4 Where a nuisance, safety issue or hazard is caused by the location of an overflow or discharge pipe, an Authorised Officer may direct the owner of the premises to fix and/or remediate so the nuisance, safety issue or hazard no longer exists.

32. Flush valves

- 32.1 Flush valves may only be installed with the written approval of an Authorised Officer. Any flush valve approval shall require the flush valve to be:
 - a. of the approved waste preventing type discharging not more than 13.5 litres per flush
 - b. supplied by a separate storage tank
 - c. incapable of delivering more than 13.5 litres per flush regardless of any manipulation of the operating lever
 - d. constructed as to seal automatically upon the termination of the prescribed flush, irrespective of the position of the starting lever.

33. Protection of ball valves

- 33.1 Every stop tap, ball valve or other fitting installed in an exposed position shall be protected against damage by an approved guard and, if considered necessary by an Authorised Officer, shall be fitted in a separate compartment protected by a securely fixed cover.

34. Watering troughs

- 34.1 Every pipe supplying water to a watering trough for animals shall:
- be fitted with a ball valve or some other effective means of controlling the inflow of water to prevent overflow
 - have an air gap as required and specified in clause 37.1 of this Bylaw and fixed in a separate compartment and protected by a securely fixed cover.

35. No connection to other supplies

- 35.1 In any system of piping supplied with water by Council, no direct connection with any other sources of supply of water shall be made.
- 35.2 No direct connection shall be made or maintained to any drainage system, or sanitary fitting, or to any fittings or apparatus including steam boilers used for the reception or transportation of any liquid, gas, or drawn water.

36. Drawn water not to be returned

- 36.1 No person shall allow any water drawn from Council's water supply system to return into the water supply system of Council.

37. Minimum air gap

- 37.1 The minimum air gap separation between the outlet of a water supply pipe or fitting which is directly connected to the Council system and the highest possible water level of the fixture or receptacle into which water is drawn or used shall be twice the diameter of the nominal diameter of such supply pipe or fitting but in no case shall it be less than 25mm.

38. Priming of pumps

- 38.1 No pump shall be equipped with a direct connection for priming or other purposes.

39. Supply to shipping

- 39.1 Each water supply point available to shipping, including fire connections, shall be equipped with an approved backflow prevention device.

40. Check valves in multiple services

- 40.1 Where a supply of water to premises from more than one point of supply by Council is permitted and where in the opinion of an Authorised Officer they may be interconnected, the supply at each point shall be through a check valve installed between two isolating gate valves with a bleed valve fitted on the delivery side of the supply isolating valve so that the effectiveness of the check valve may be readily determined.

41. Protection of supply pipes

- 41.1 No supply pipe or fitting shall be laid or fixed through, in or into any drain, sink, ash pit, or manure pit, nor through, in, or near any place where the water may become contaminated.

42. Prevention of backflow

- 42.1 It is the owner's responsibility (in accordance with the Building Act 2004, and the Health (Drinking Water) Amendment Act 2007), to take all necessary measures on the owner's side of the point of supply to prevent water which has been drawn from Council's water supply from returning to that supply.
- 42.2 Owners with supplies serving premises not covered by the Building Act and the New Zealand Building Code e.g. stock or horticultural water supplies, must comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007 regarding protection of potable water.

***Explanatory Note:** Suitable backflow prevention device includes but is not limited to an air gap separator, double-check valve assembly, reduced-pressure-zone back-flow-prevention device or a vacuum column.*

43. Waste and improper use to be prevented

- 43.1 No person shall use, or permit or suffer to be used, the water supply obtained through Council's water supply network system improperly or to an unreasonable extent or in a wasteful manner, or otherwise in any manner contrary to the provisions of this Part of the Bylaw.

***Explanatory note:** Improper use includes using an extraordinary supply as an ordinary supply.*

44. Overflow pipes

- 44.1 Overflow pipes, if fitted to baths and water using fittings or apparatus other than a handwash basin, shall be arranged to discharge in the open air or in an approved conspicuous position, and they shall not be led into waste pipes or drains.

45. Fittings to be in good repair

- 45.1 The owner or occupier shall keep all pipes, taps, or other fittings on their premises which are connected with the water supply to be fit for purpose so that no water is wasted, misused, or contaminated, or a water hammer is caused.

46. Deficient pipes

- 46.1 Where an Authorised Officer considers any pipe, cock, appliance, or fitting in connection with any water service on a premise to be:
- deteriorated
 - of inferior quality
 - causing or likely to cause waste of water
 - insufficient for the proper supply of water.
- an Authorised Officer may give written notice to the owner or occupier of any premise to carry out any works specified in the notice, and within the timeframe specified.
- 46.2 Failure to comply with the requirements of such notice within the time specified, is an offence against this Part of the Bylaw.

47. Sprinklers and hoses

- 47.1 Council may by resolution publicly notified, authorise the use of outside sprinklers or hoses to be under the immediate personal care of responsible person at all times when in operation during specified periods as determined by the resolution of Council.

48. Water used for cooling

- 48.1 Air conditioning or industrial plant using an extraordinary supply of water for cooling purposes shall provide water conservation equipment so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects. The use of water once through a cooling system that is without the use of recirculating equipment is prohibited without the written approval of an Authorised Officer.

49. Installation and maintenance of meters

- 49.1 When a meter is required by Council, the meter will be supplied and installed by Council, at the customer's cost.
- 49.2 The customer shall pay any Council prescribed fees and charges relating to the supply, installation and maintenance of the meter.
- 49.3 Any meter installed by the customer, prior to the coming into operation of this Part of the Bylaw, shall be maintained by the customer. If in the opinion of an Authorised Officer, the meter is no longer fit for use, it must be replaced by a Council meter.
- 49.4 Approved high pressure isolating valves shall be fixed on either side of the meter.

50. Protection of meters

- 50.1 Where required by an Authorised Officer the customer shall:
- provide an approved site for the meter, within the premises or as close as practicable to the property boundary
 - take sufficient precaution to protect the meter from damage at all times
 - enclose the meter in a suitable box or other enclosure
 - in cases where natural support is absent, provide suitable wall brackets or other support
 - ensure that the meter is readily accessible at all times.

51. Testing of meters

- 51.1 A customer may dispute the accuracy of a meter by applying to an Authorised Officer to have the meter tested. If the meter is found to be inaccurate, due to normal wear and tear, Council will not charge for the associated testing costs including removal and replacement of the meter. However, if in the opinion of the Authorised Officer the fault is due to a deliberate act, the customer will be required to pay all testing costs including removal and replacement of the meter.
- 51.2 If the meter is not found to be inaccurate the Council may require the customer to pay all associated testing costs including any removal and replacement of the meter.

- 51.3 If an Authorised Officer finds any meter to be broken, or not working, the Officer shall provide written notice to remove the meter and arrange for it to be tested. An Authorised Officer shall obtain a certificate of its accuracy before fixing or re installing the meter.
- 51.4 The fee to be paid for testing meters shall be as provided for in Council prescribed fees and charges.

Explanatory Note: *All tests of meters shall be made at Council's workshop. The test will be made by running a measured quantity of not less than 2,000 litres through the meter and the meter shall be deemed to be correct if it registers within 4% either less or more than the measured quantity. In addition, the meter shall be capable of registering small flows from 2% of normal flow upward. The consumer shall have the right of witnessing the test.*

52. Meter accounts adjusted

- 52.1 Should any tested meter be found to be reading incorrectly an Authorised Officer may make a fee adjustment in accordance with the permissible tolerances and results of the test.
- 52.2 The customer shall be responsible to ensure their meter is in good working order. Should any meter be defective, have its seal or dial broken or appear to Council to have been tampered with, Council may declare the reading void. In such a case the consumption will be estimated in accordance with clause 53, and the customer will be liable to pay according to the estimate.
- 52.3 Any account payable by the customer as a result of any such adjustment shall be paid within the timeframe specified in any invoice issued by Council.

53. Estimating consumption

- 53.1 An Authorised Officer shall estimate the consumption for the previous period based on:
- the average of the previous four periods charged to the customer
 - occupancy of the premises and any occupancy changes
 - seasonal fluctuations
 - any other evidence for the purpose of arriving at a reasonable estimate.

54. Charges for service pipes

- 54.1 The charges payable by the consumer for tapping into the main pipe and for laying the service pipe, installing a meter, testing a meter where required, keeping such service pipe and meter in good repair and renewing when necessary, disconnection and reconnection where required, and road restoration shall be of such amount as may from time to time be determined by resolution of Council or as may be agreed with any person receiving that supply.

55. Charges for ordinary supply

- 55.1 Charges for an ordinary supply of water shall be either by water rates, or uniform annual charges, or a charge fixed in accordance with the quantity of water consumed.

56. Charges for extraordinary supply

- 56.1 Charges for extraordinary supply of water (whether according to the quantity consumed or otherwise) shall be of such amount as may from time to time be fixed by resolution of Council publicly notified, or may be agreed on with any person receiving that supply; minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

57. Reading of meters and accounts

- 57.1 Meters will be read and accounts rendered at such intervals as Council may resolve from time to time.

58. Water supplied by standpipe

- 58.1 Where a supply of water is given by means of a standpipe, the customer will be responsible for the full cost of any subsequent repairs found necessary following the use of such standpipe. Water used shall be paid for at normal rates for extraordinary supply or as determined by prior agreement. The customer shall also pay such hire charges as required by Council in the event of using a Council standpipe.

59. Meter supply to non-rateable properties

- 59.1 The charges for water supplied to a non-rateable property shall be by meter and in amounts as may from time to time be fixed by resolution of Council publicly notified, or as may be agreed on with any person receiving that supply; minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

60. Water charged at an annual charge

- 60.1 When an extraordinary supply of water is granted to a customer for any purpose at an annual charge, Council may affix a meter to such supply, and the charge shall be determined by the provisions of this Part of this Bylaw relating to the purpose for which the water is being used.

61. Supplies to local authorities

- 61.1 The charges to be made for water supplied to other local authorities shall be of such amounts as may from time to time be fixed by resolution of Council or as may be agreed on with any local body receiving that supply.

62. Water for extinguishing fires

- 62.1 Unmetered connections which may be provided for fire protection systems shall be used for no other purpose and shall be independent of any other service connection to the property.
- 62.2 Where water is likely to be drawn from a fire connection or any part of it for purposes other than firefighting, an Authorised Officer may require a water meter to be installed on the fire connection or any part of it.
- 62.3 Whenever water has been taken from a metered fire connection for firefighting purposes, an Authorised Officer shall estimate the quantity of water used for firefighting purposes

in order to estimate an appropriate charge rate. This charge rate will then be shown as a credit to the meter owner's account.

- 62.4 A fire sprinkler system shall be constructed and installed and thereafter maintained in good order to the satisfaction of an Authorised Officer and shall be so designed and fixed that water cannot be drawn for any other purpose.
- 62.5 In the case of premises outside the district, a connection for a sprinkler system may be provided from a Council main, with the prior consent of Council.
- 62.6 Fire hose reels may be installed only under conditions prescribed by an Authorised Officer.
- 62.7 The cost of making, repairing, and renewing the fire connection from the main to the customer's premises shall be paid and borne by the customer.
- 62.8 An annual licence fee of such amount fixed by resolution of Council shall be paid by the customer to Council in respect of an installation under clause 49.
- 62.9 Water used for the purpose of extinguishing fires will not be charged for.

63. Application of Bylaw

- 63.1 Where Council supplies water outside the district and in the area of another Council with the consent of that Council, then for that supply all of the provisions of this Part of this Bylaw shall apply equally to all places, persons, and things outside the district as they apply to the same within the district.

64. Protection of water supply

- 64.1 No person shall pollute or cause to be polluted any water that is part of the water supply network in any controlled catchment area or uncontrolled catchment area, or in any part of the water supply network.
- 64.2 In any controlled catchment area or any part of the water supply network, no person shall:
 - a. camp
 - b. take, depasture, or allow to stray any stock including horses, cattle, sheep, or goats
 - c. bathe or wash any linen or other thing
 - d. deposit any dirt, rubbish, foul liquid, or matter of any kind.
- 64.3 In any controlled catchment area or land held by Council as a water reserve, no person shall, without first obtaining a permit in writing from Council:
 - a. enter
 - b. hunt, trap, shoot or fish
 - c. light or maintain any fire
 - d. take any dog
 - e. damage or destroy any trees, shrubs, or other existing cover, or interfere with any property
 - f. take any firearm or weapon of any kind which may be used for the destruction of birds and animals
 - g. use any pesticide or toxic substances for any purpose whatsoever.

64.4 In granting any such permit, Council may impose such conditions as it considers appropriate, and every person to whom any such permit shall have been issued who shall fail to comply with every condition thereof commits an offence against this Part of this Bylaw.

64.5 No person shall burn, bury, or otherwise dispose of any refuse or other matter in any catchment that forms part of the water supply network, except with the prior consent of an Authorised Officer and subject to such conditions as are imposed.

65. Carcasses to be removed

65.1 Any person who kills any animal on any controlled catchment area or land held by Council as a water reserve shall remove the carcass thereof from such area or shall dispose of the carcass as directed by and to the satisfaction of an Authorised Officer.

66. Permits to be presented

66.1 No person to whom any permit shall have been issued in clause 64.1 shall enter or leave any controlled catchment area or land held by Council as a water reserve without presenting such permit for inspection by an Authorised Officer if requested or notifying the Authorised Officer of their intention of entering or leaving such area as the case may be.

66.2 Every person on any controlled catchment area or land held by Council as a water reserve shall upon demand forthwith produce any such permit approved in clause 64.1 for inspection by an Authorised Officer.

66.3 No permit issued under clause 64.1 shall be capable of being transferred.

66.4 Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as stated in the notice.

67. Against interference and obstruction

67.1 In any controlled catchment area or any land held by Council as a water reserve:

- a. no person, other than an Authorised Officer, whether they are a holder of any permit issued under the provisions of this Part of this Bylaw or not
- b. every person shall upon the request of the custodian or Authorised Officer immediately leave the controlled catchment area or land held by Council as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Part of this Bylaw, and the failure to leave shall constitute a further offence
- c. no person shall obstruct or hinder any Authorised Officer in the exercise of any powers vested in them under the provisions of this Part of this Bylaw.

67.2 In any restricted or open catchment area or any land held by Council as a water catchment:

- a. no person shall commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area

- b. every person shall upon request of Council immediately leave the restricted or open catchment area or land held by Council as a water catchment, but shall nevertheless be liable also to be prosecuted for the breach for any of the provisions of this Part of this Bylaw, and the failure to leave shall constitute a further offence
- c. no person shall obstruct or hinder any Authorised Officer in the exercise of any powers vested in him under provisions of this Part of this Bylaw.

Consolidated General Bylaw 2020

Part 11 – Land Drainage

Contents

1. Purpose	2
2. Interpretation	2
3. Private Drains	2
4. Access to Council drains	3
5. Obstruction to flow	3
6. Use as waterway	4
7. Drains through watersheds	4
8. Artesian overflow	4
9. Artificial obstruction or addition of water causing damage	4
10. Alteration to public drain	4
11. Pollution	5
12. Maintenance and repair	5
13. Obstruction of officers	5
14. Damage	5
15. Repairing damage	5
16. Defence against waters	6
17. Crossings	6
18. Watering places	6
19. Inspection	7

1. Purpose

- 1.1 This Part of the Bylaw regulates the use and maintenance of Council drains and stopbanks. The purpose of this Part is to:
- circumstances where a private drain may connect to a Council drain
 - what cannot be discharged into a Council drain
 - requirements for crossings and stopbanks
 - requirements for repairs to any damaged drains.

2. Interpretation

- 2.1 In this Part of the Bylaw, unless the context otherwise requires:

<i>Act</i>	means the Local Government Act 1974
<i>Board</i>	means a Board of Trustees for a district constituted under the Land Drainage Act 1908.
<i>Crossing</i>	means any means by which any vehicle, livestock, or person may go over, through or under any drainage channel or water course or defence against water and includes a bridge, culvert or ford.
<i>Council drain</i>	means and includes every drain vested in or under the management or control of Council, and any canal or watercourse vested in, or under the jurisdiction of Council, or incorporated into its drainage system.
<i>Defence against waters</i>	includes any dam, weir, bank, carriageway, groyne, stopbank, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including flood waters.
<i>Private drain</i>	means any drain constructed by or vested in an owner and not being a Council drain.
<i>Stopbank</i>	means an embankment bordering one or both sides of a drainage channel or watercourse to contain flows of water.
<i>Watercourse</i>	includes all rivers, streams, and channels through which water flows
<i>Watershed</i>	Means the area that drains into a single river.

3. Private Drains

- 3.1 The owner of any property must obtain consent from the Council or the Board to:
- connect a private drain to a Council drain
 - connect a private drain to a private drain which is connected to a Council drain
 - extend a connected private drain
 - enlarge a connected private drain and any branches thereof
 - add new branch drains thereto.

- 3.2 Any owner applying for any such consent shall submit to Council or Board such plans and specifications as may be required by Council showing the exact location of the private drain and branches (if any) giving details of length, size and construction and indicating the approximate area sought to be drained.
- 3.3 An Authorised Officer may impose conditions regarding the connection or continuance of the connection of private drains including the payment to Council of a reasonable fee to cover the cost of inspection and any reporting relating to any such drain.
- 3.4 Council may impose a charge or annual fee for a contribution to the cost of the construction, maintenance or extension to Council's drainage system, and the construction and maintenance of any associated bridge or crossing.
- 3.5 The owner of any property for which consent is given under this Bylaw to construct a private drain shall, if required by Council:
- construct and thereafter maintain a sufficient bridge or crossing over such private drain
 - ensure that any such bridge or crossing shall be placed to enable Council's workers, or agents and their plant and machinery to pass along the banks of such Council drain for the purpose of cleaning or maintaining the same
 - Council may enter into any agreement in respect of any such bridge or crossing as it decides is reasonable.

4. Access to Council drains

- 4.1 Without the prior consent of Council and then only subject to conditions as the Council may impose, no owner of any land on the banks of any Council drain shall:
- plant or permit to grow any tree, shrub or hedge
 - erect or maintain any fence, building, bridge or other construction
 - make any excavation

in such a position as to interfere with or obstruct the free access of any Authorised Officer, plant or machinery to or along such drain or any part thereof, for a distance of 15 metres from the bank of the drain, or such other distance as Council may specify in respect to any particular drain or part thereof.

- 4.2 A person must not construct or maintain any road, or access way for the passage of stock, machines or vehicles along the bank of any Council drain or within 15 metres thereof, except pursuant to a consent, and subject to any conditions imposed in the consent.

5. Obstruction to flow

- 5.1 A person must not stop, obstruct or interfere with or divert the flow of water in any Council drain or private drain connected with a Council drain without the prior consent of Council.
- 5.2 A person must not put into any drain, or cause, permit or suffer to be put or to fall therein any material or thing causing or likely to cause obstruction of the drain.

- 5.3 No owner of the land on either side of any drain shall allow, permit, or suffer to grow therein or on the banks thereof any trees, plants, weeds or growths that may be likely to impede the flow of water in any such drain.
- 5.4 A person must not permit or suffer any debris, plants, weeds, growths or other cleanings cut or removed from the bottom, side, or banks of any drain to float along such drain or into any other drain or watercourse.
- 5.5 Any person who breaches clause 5.4 shall on request by an Authorised Officer remove such obstruction or Council may remove the obstruction and recover the costs of such removal as a debt due to Council.

6. Use as waterway

- 6.1 A person must not without the prior consent of Council, use any Council drain for the purpose of floating any timber, flax, or any other material or thing, or for any purpose of haulage, propulsion, water carriage or navigation. Any consent granted by Council may be subject to any conditions Council considers appropriate, including requiring payment of a charge for use of the Council drain.

7. Drains through watersheds

- 7.1 Without the prior consent of Council, no owner or occupier shall construct or maintain any drain or system of drains if such drain or system of drains passes through any raised level of land or watershed.

***Explanatory note:** Cannot put in a new drain through a watershed or through raised land without Council consent.*

8. Artesian overflow

- 8.1 No owner or occupier shall allow the overflow of any artesian well on property owned or occupied by them to fall, flow or percolate into any Council drain, or any private drain connected with a Council drain, without prior consent from Council.

9. Artificial obstruction or addition of water causing damage

- 9.1 A person must not in any manner cause, allow or permit any damage to any Council drain or private drain connected with a Council drain to be caused by the release of any water into any such drains other than by natural flow or by the abstraction of water therefrom, without first obtaining the consent of Council and then only upon such conditions and in such manner as Council shall direct.

***Explanatory note:** The collection and release of water needs to be managed and directed by Council. Water stored then released on mass has the ability to cause catastrophic failure and erosion of the asset.*

10. Alteration to public drain

- 10.1 A person must not make or cause to be made any Council drain wider or deeper than it is at the time, or stop or obstruct the same or alter the course thereof or in any way interfere with any public drain or associated works or structures without the prior consent of the Council.

11. Pollution

- 11.1 A person must not discharge, cause, permit or suffer to be discharged into a Council drain or private drain connected with a Council drain, any liquid, gaseous or solid matter which is likely to be a nuisance or cause injury to health or cause damage to the drain.
- 11.2 No owner or occupier shall permit or suffer any dead stock or any part thereof to be or remain in any drain on their property, and no owner or occupier of the land on either side of any drain shall permit or suffer to be or remain therein any dead stock or any part thereof which has strayed or fallen from their property into such drain.

Explanatory note: For clarity under clause 11.1 *injurious to health means to the health of people, the environment and to ecosystems.*

12. Maintenance and repair

- 12.1 An Authorised Officer may by notice:
- require the owner of the land through which any drain passes to clean, maintain and repair the said drain or any part thereof within such reasonable time as shall be allowed by an Authorised Officer
 - if the owner fails to comply with a request pursuant to clause 11.1, Council may execute the work and recover the cost thereof from such owner.
- 12.2 Notwithstanding the provisions of clause 11.1, an Authorised Officer may by notice:
- require the owner of the land through which a drain passes to remove from the banks all obstructions of any kind within such reasonable time as shall be allowed by an Authorised Officer
 - execute the work and recover the cost thereof from the owner.

In this clause obstruction shall include earth, stone, timber and materials of all kinds and trees, plants, weeds and growths of all kinds.

13. Obstruction of officers

- 13.1 A person must not, whether on private land or not, obstruct an Authorised Officer in the performance of any duty that the Authorised Officer is empowered to undertake under this part of the Bylaw.

14. Damage

- 14.1 A person must not destroy, cause any damage to or interfere with any dam, reservoir, stopbank, headworks or building or other installation connected with Council drainage works, or allow, permit or suffer any stock to damage or destroy the same.

15. Repairing damage

- 15.1 Where any drain is damaged by stock or otherwise an Authorised Officer may:
- require the owner or occupier responsible for such damage to repair such drain to the satisfaction of an Authorised Officer
 - may execute the necessary repairs and recover the costs thereof from the said owner.

16. Defence against waters

- 16.1 A person must not erect or cause or permit to be erected any defence against waters without the prior consent of Council and in accordance with such terms and conditions as may be imposed.
- 16.2 Any owner or occupier upon whose property a stopbank is located whether for the protection of that land or not shall:
- maintain such stopbank according to the requirements of an Authorised Officer
 - not remove it or suffer or permit it to be removed, lowered or breached without the prior consent of Council
 - not at any time, plant or suffer to be planted, any trees or other growths thereon or within 15 metres thereof or construct, erect or place any installation, building, roadway, fence or other structure thereon
 - not allow, permit or suffer any stock to have access, pass, graze, or trespass thereon
 - without the prior consent of Council and then only upon such terms and conditions as an Authorised Officer may direct.

17. Crossings

- 17.1 A person must not cross or pass over a Council drain with any horse or vehicle or drive any stock or convey any implement or machinery or goods or materials over it except at crossings appointed by Council.
- 17.2 A person must not construct any crossing in, upon or over any Council drain without the prior consent of an Authorised Officer and in accordance with any conditions imposed in the consent.
- 17.3 A person must not erect, build or maintain any elevated crossing over any Council drain except to such dimensions as will ensure there is no obstruction or danger of obstruction at any time to the free flow of water in the drain and only with the prior approval of an Authorised Officer.
- 17.4 An Authorised Officer may:
- require any owner of land which has or adjoins a Council drain to construct, maintain or renew crossings at places and in such manner required by Council
 - execute the works required and recover the cost thereof from any such owner.

18. Watering places

- 18.1 No owner or occupier shall construct, maintain or use a watering place for stock in any Council drain without the prior consent of an Authorised Officer.
- 18.2 An Authorised Officer may impose such conditions for the mode of construction, for fencing and otherwise of a watering place as the Authorised Officer considers appropriate. Consent may be suspended or revoked if the conditions are breached.
- 18.3 The owner or occupier of any land adjoining any watering place shall ensure that the watering place is used and maintained so that no damage to the Council drain will result from their use. In the event of damage, an Authorised Officer may require the owner or occupier of any land adjoining the watering place to repair the Council drain and if the

owner or occupier defaults, Council may execute the work and recover the cost thereof from the owner.

19. Inspection

- 19.1 An Authorised Officer shall have the power to inspect any installation set up for the withdrawal or diversion of water from any public or private drain or other watercourse within its district whether that installation has been given prior consent or not and may direct any alteration, improvement to, replacement of, removal or demolition of such installation at any time.

Consolidated General Bylaw 2020

Part 9– Solid Waste

Contents

1. Purpose	3
2. Interpretation	3
3. General compliance with Bylaw	6
4. Household waste	7
5. Accumulation of waste	7
6. Approved containers	7
7. Council supplied approved containers	7
8. Use of approved containers	8
9. Private waste collection and placement of approved containers	8
10. Deposit of certain materials in an approved container is prohibited	8
11. Owner of multi-unit building to manage waste	8
12. Trade waste	8
13. Collection by Council	9
14. Prohibited or hazardous waste	9
15. Recycling	9
16. Collection and transportation of waste	10
17. Restrictions on waste collection operations	10
18. Application for licence	10
19. Consideration of application for licence	10
20. Conditions of licences & use of a public place for collection of waste	11
21. Controls for the collection, transportation and disposal of waste	12
22. Waste management for events at Council reserves and facilities	13
23. Nuisance	13
24. Donated goods containers	14

25. Litter and illegal dumping _____	14
26. Transfer stations _____	14
27. Establishment and control of other disposal sites _____	15
28. Removal of material from disposal site _____	15
29. Solid waste policies _____	16
30. Non-compliance with conditions of a licence _____	16
31. Non-compliance with public place waste collection conditions _____	16
32. Non-compliance with controls for Council collection points _____	17
33. Offences and penalties _____	17
34. Exceptions, revocation and saving provisions _____	17

25. Litter and illegal dumping _____	14
26. Transfer stations _____	14
27. Establishment and control of other disposal sites _____	15
28. Removal of material from disposal site _____	15
29. Solid waste policies _____	16
30. Non-compliance with conditions of a licence _____	16
31. Non-compliance with public place waste collection conditions _____	16
32. Non-compliance with controls for Council collection points _____	17
33. Offences and penalties _____	17
34. Exceptions, revocation and saving provisions _____	17

51. Testing of meters_____	16
52. Meter accounts adjusted _____	17
53. Estimating consumption _____	17
54. Charges for service pipes _____	17
55. Charges for ordinary supply _____	17
56. Charges for extraordinary supply _____	18
57. Reading of meters and accounts _____	18
58. Water supplied by standpipe _____	18
59. Meter supply to non-rateable properties _____	18
60. Water charged at an annual charge _____	18
61. Supplies to local authorities _____	18
62. Water for extinguishing fires _____	18
63. Application of Bylaw _____	19
64. Protection of water supply _____	19
65. Carcasses to be removed _____	20
66. Permits to be presented _____	20
67. Against interference and obstruction _____	20

Dangerous, Affected, and Insanitary Buildings Policy

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Virginia Smith, Policy Analyst

Purpose/Ngā whāinga

To adopt the Statement of Proposal for consultation on Council's proposed Dangerous, Affected, and Insanitary Buildings Policy and to delegate the associated consultation activities to a Panel of Elected Members, to report back to Council on a recommended final Policy.

Recommendation/Ngā tūtohunga

That Kaipara District Council

- a) Approves the legislative process, analysis and consultation approach outlined in Attachment A.
- b) Adopts the Statement of Proposal provided in Attachment B for the draft Dangerous, Affected, and Insanitary Buildings Policy for community consultation (Option 1).
- c) Delegates [Insert three elected members names here] to form the Dangerous, Affected and Insanitary Buildings Panel to hear and consider community views, consider written submissions and make recommendations to Council on a final replacement Dangerous, Affected and Insanitary Buildings Policy.
- d) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal prior to consultation.

Context/Horopaki

Council's statutory review of the Dangerous, Affected and Insanitary Buildings Policy (the Policy) has now progressed to the point where a decision of Council to consult with the community on the proposed changes is required.

Discussion/Ngā kōrerorero

Council must review the Policy every five years, and should it wish to make any amendments, or replace the Policy, it must consult with the community in accordance with section 83 of the Local Government Act 2002 (LGA).

Due to amendments to the Building Act 2004 since the last review of the Policy, Council cannot retain it in the current format and therefore must consult. Given the broad range of legislative changes required and a complete re-write of the Policy to make it more user friendly and accessible, staff are recommending replacing it with a new Policy in accordance with S132(2) of the Building Act 2004.

Staff have now developed a Statement of Proposal after presenting a draft Policy to Council at the August Council Briefing meeting for initial feedback and comments.

Council must consider a range of matters and follow a prescribed process under the LGA when considering an amendment to, or replacement of, the current Policy. These matters are summarised in **Attachment A**.

Options

In making decisions regarding proposed policies, Council is often specifically required to identify the reasonably practicable options in accordance with section 77(1) of the LGA. While this is not the case for the Policy, the reasonably practicable options are provided here for completeness and to inform decision-making on the recommendations contained in this report.

The table below outlines two reasonably practicable options for Council's consideration as contained in Attachment A. The options provided do not include keeping the Policy in its current format because this means the Policy would not be meeting the current statutory requirements, nor do they include the option of proposing amendments to the Policy.

Section 132(2) provides that Council may *amend* or *replace* a Policy. The changes required to meet the legislative requirements alone means substantial changes to the text of the existing Policy, which would be difficult to consult on as an amendment through a track changed version. Further, there are no technical differences in the process or outcome when replacing the Policy as opposed to amending it, and as such there is no value in choosing this approach.

Option	Advantages	Disadvantages
Option 1 Replace the Policy by adopting the SOP in Attachment B for consultation.	Policy meets legislative requirements and has been revised for readability and clarity.	None identified
Option 2 Request further changes to the proposed Policy prior to consultation.	None identified	Delays the finalisation of the Policy to meet statutory requirements.

Staff recommend **Option 1**.

The recommendations in this report include the establishment of a Dangerous, Affected and Insanitary Buildings Panel of up to three elected members that is delegated the authority to hear and consider community views, before making recommendations to Council on a final proposed Policy.

Subject to the decisions made at this meeting, the consultation on the proposal is scheduled to start on Monday 2 November 2020, with a final draft Policy to be presented to the March 2021 Council meeting for consideration.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The report addresses a statutory consultation matter and therefore consultation will be undertaken in accordance with legislative requirements and following the process outlined in this report and its attachments.

Next steps/E whaiake nei

Staff will undertake the necessary actions to implement the consultation and Panel activities as outlined in this report.

Attachments/Ngā tapiritanga

	Title
A	Legislative process, analysis and consultation requirements
B	Statement of Proposal – Dangerous, Affected and Insanitary Buildings Policy

Attachment A

Draft Dangerous, Affected and Insanitary Buildings Policy

Legislative process, analysis and consultation requirements

This document summarises all relevant legislative requirements for the process of replacing Council's current Dangerous and Insanitary Buildings Policy 2013 with a new Policy. It provides an overview of the associated analysis undertaken during the review and includes the consultation activities proposed in accordance with legislative requirements.

Noting these steps are based on Council resolving to accept all recommendations in the main agenda report as tabled relating to the proposed process.

1. Legislative Process

- 1.1. The Building Act 2004 (the Act), specifically ss131(1), requires every council to adopt a Dangerous, Affected, and Insanitary Buildings Policy (DIAB Policy).
- 1.2. Council's current DIAB Policy was last reviewed in 2013.
- 1.3. Section 132(4) states that policies made under s 131 of the Act must be reviewed at intervals of no more than 5 years.
- 1.4. Section 132 (5) provides that in the case where a section 131 policy made under the Act is due or being reviewed that the policy does not cease to have effect.
- 1.5. Section 132 (2) provides for Council to amend or replace a policy made under section 131(1) of the Act.
- 1.6. Section 132(1) stipulates that a policy made under section 131 of the Act must be adopted in accordance with section 83 of the Local Government Act 2002 (LGA).
- 1.7. Section 83 of the LGA requires Council to adopt a Statement of Proposal (SOP) for consultation purposes.
- 1.8. Section 87(1)(a) of the LGA outlines the content requirements for an SOP that is required to be used under the Act, and in the case of a proposed policy, the SOP need only contain a draft of the proposed policy.

2. Application of the legislative process requirements

- 2.1. Staff completed a review of the current Policy as required by section 132(4) of the Act.
- 2.2. The review indicated that the Policy must be changed to accommodate legislative changes relating to the content of the Policy and is also appropriate to provide a more user friendly document.
- 2.3. Due to the broad range of the required and recommended changes, a new Policy to replace the existing Policy in accordance with S132(2) of the Act was drafted, instead of only proposing amendments to the current DIAB Policy.
- 2.4. The draft DIAB Policy was presented to Council at the August Council Briefing for consideration and feedback. The proposed DIAB Policy is designed to meet all current legislative requirements that have come into force since the Policy was last reviewed in 2013.

Attachment A

- 2.5. As a result of the review process, Council has two reasonably practicable options to consider. Keeping the Policy in its current format is not an option as it does not meet legislative requirements.

Section 132(2) provides that Council may amend or replace a Policy. The option of amending the Policy is not considered a reasonably practicable option, the changes required to meet the legislation alone means substantial changes to the text of the existing Policy which would be difficult to consult on as an amendment through a track changes version. Further, there are no technical differences in the process or outcome when replacing the Policy as opposed to amending it, and as such there is no value in choosing this approach.

Option	Advantages	Disadvantages
Option 1 Propose to replace the Policy by adopting the SOP in Attachment B to this report for consultation.	Policy meets legislative requirements and has been revised for readability and clarity.	Nil
Option 2 Request further changes to the proposed Policy prior to consultation	Unknown	Delays the finalisation of the Policy to meet statutory requirements.

Staff recommend Option 1. The cost of consultation will be covered through existing operational costs and staff resources.

- 2.6. Due to the nature, scope and relative short length of the proposed DIAB Policy, it is not considered necessary to develop a Summary of the SOP to enable public understanding of the proposal in accordance with section 83(1)(a)(ii) of the LGA.

3. Summary of consultation activities

This section details the proposed process and activities designed to meet the consultation requirements of section 83 of the LGA for the proposed replacement Policy.

- 3.1. Council resolves to adopt the SOP as provided in **Attachment B** to this report to meet the requirements of sections 83 and 87 of the LGA. The SOP contains the proposed replacement Policy to meet these requirements, as well as additional supporting information.
- 3.2. Council establishes a Dangerous, Affected, and Insanitary Buildings Panel of three elected members with the delegated authority to undertake the necessary engagement activities and report back to Council with a final recommendation.
- 3.3. Public notices of the proposal are published in the Kaipara Lifestyler and the Mangawhai Focus.
- 3.4. Council further advises of the proposal on Council's website and through the various social media channels available to Council.

Attachment A

- 3.5. The SOP is made available for public inspection on Council's website, at the Council offices in Dargaville and Mangawhai and at Council's public libraries.
- 3.6. Feedback will be invited through written submissions, attendance at a hearing, or both.
- 3.7. The submission period for the proposal is scheduled to start at 9:00am 2 November 2020 and close at 5:00pm on 2 December 2020.
- 3.8. Email notifications will be sent to People's Panel members as well as Council's database of contacts who have asked to be advised of Council consultations.
- 3.9. A hearing is scheduled for 15 February 2021 to provide an opportunity for persons to present their views in person to the Panel.
- 3.10. The Panel will consider all feedback received and any other comment or advice sought from staff or other persons and deliberate on these matters at a public meeting. This meeting is yet to be scheduled.
- 3.11. Based on the decisions made at the deliberations meeting, staff will make any necessary further amendments to the proposed draft DIAB Policy and will prepare a final report on behalf of the Panel to present to Council.
- 3.12. Subject to the above process and all associated decisions of Council, the final Policy is scheduled to be adopted at the March 2021 Council meeting.

Statement of Proposal

Draft Dangerous,
Affected and Insanitary
Buildings Policy



Kaipara te Oranganui • Two Oceans Two Harbours

1

Proposal

We are proposing a new Policy to replace our current one.

This Statement of Proposal provides an overview of:

- the reasons for the proposal;
- how to make a submission;
- the draft proposed Dangerous, Affected and Insanitary Buildings Policy.

Kaipara District Council (Council) is required under section 131 of the Building Act 2004 (the Act) to have a Dangerous, Affected, and Insanitary Buildings Policy (the DAIB Policy).

Council is required to review policy made under section 131 of the Act every five years. Over recent years, amendments to the Act have meant that some aspects and content of the current Policy are now not required, or must change to meet legal requirements.

Council has completed the statutory review and is proposing to replace the current Policy with a new DAIB Policy. The draft DAIB Policy meets the new legislative requirements and provides a robust framework for Council to assess these types of buildings within our District.

One amendment to the Act means that Council is no longer required to have a policy for earthquake-prone buildings. For completeness, Council intends to revoke its current Earthquake-Prone Buildings Policy 2013 as part of this process.

To meet legislative requirements, Council must first seek feedback from the community before adopting a final DAIB Policy.

Under the legislation, the DIAB Policy must determine:

1. Council's approach when performing its functions under Part 2 of the Act;
2. Council's priorities in performing those functions; and
3. How the DAIB Policy will apply to heritage buildings.

The proposed DIAB Policy seeks to strike a balance between the Act's requirements, the need to address the risk to our communities arising from dangerous, affected, and/or insanitary buildings and the social and economic implications of each case.

The proposed Policy approach includes the provision of an 'Additional Information' document. This information is not part of the Policy and is not being consulted on, but has been included in this document for completeness.

Have your say on the proposed Dangerous, Affected and Insanitary Buildings Policy

Before making any final decisions, we want to know what you think about the draft DAIB Policy and whether you have any suggestions for further changes.

We want to know:

- If you agree with our Policy approach overall?
- Is the Policy approach balanced enough to deal with the dynamics of different situations yet able to still achieve its objective?
- Are there aspects of the draft DIAB Policy that we should give more consideration to?
- Any other views that you would like to share?

The closing date for submissions is **2 December 2020** and you can tell us your views in person on **15 February 2021**.

Further information on how to provide us with your feedback is included in the back of this document.

2

Overview

Legislative Framework

As per Section 3 of the Act, a primary purpose of a section 131 policy is 'to ensure that people who use buildings can do so safely and without endangering their health'.

The Act's sections applicable to dangerous, affected, and insanitary buildings are found in Part 2, subpart 6 of the Act.

Section 131 is the provision in the Act that directs Council to adopt a DAIB Policy. The DIAB Policy must determine:

- the approach Council will take in performing its statutory functions under the Act;
- what Council's priorities will be in performing those functions; and
- how the policy will apply to heritage buildings.

Section 132 (2) of the Act requires Council to consult with the community in accordance with section 83 of the Local Government Act 2002 before adopting a new or amended DIAB Policy.

While Council must meet the legislative requirements for much of the content of the DIAB Policy, there is some scope for Council to determine the approach it will take to meet these requirements.

What is Council trying to achieve with the proposed DIAB Policy?

- The proposed DAIB Policy has been developed to achieve an acceptable balance between the statutory requirements of the Act and a practicable approach to dealing with the matters it covers.
- A policy that is easy to read, navigate, and understand.
- A policy that supports the principles of accountability, transparency, and consistency
- A robust policy that can accommodate the changing individual dynamics that each case will present.



Differences between the current and proposed DAIB Policy:

- written in plain language to create a more user-friendly document
- the scope has been widened to reflect the amendments in the Act
- provisions for 'affected buildings' are now included
- statutory definitions have been removed
- provisions for delegation of powers have been provided for Emergency personnel to operate and declare zones in times of an emergency.
- meets current statutory requirements.

3

Tell us what you think

We want to hear your views

If you would like to make a comment on the proposed draft DAIB Policy, you can do so by making a written submission, presenting your thoughts in person at a hearing, or both.

Timeline for considering the proposed changes:

Submissions period : 2 November - 2 December 2020

Hearing: 15 February 2021

How to give us your feedback

There are a few ways you can tell us what you think. You can submit your feedback in writing and/or in person by presenting your submission to the DIAB Policy Hearing Panel which comprises of three Elected Members of Council at a hearing.

What will happen with your feedback

All feedback received will be summarised and reported back to the Panel to support their deliberations on the proposal. They will receive copies of all written submissions as well.

Hearing

A hearing is an option if you want to address the Panel in person and answer any questions they may have about your feedback. You don't have to provide a written submission to speak at the hearing.

To register to speak at the hearing you can complete the submission form, either online, or in hard-copy on the form at the end of this document.

The hearing will be held on 15 February 2021.

We will confirm a more exact time and location for you to attend closer to the date. The hearing is open to the public and anyone is welcome to attend and listen to those who have registered to speak including Media. You will be informed if the Media are present at the hearing on the day.

Information on a hearing process and what to expect will be sent to you when we confirm your time to attend.

Written submissions

Using one of the options below, you can provide us with a written submission.

Options are:

- do it online: www.kaipara.govt.nz/haveyoursay;
- email us at: submissions@kaipara.govt.nz and put 'DIAB' in the subject line;
- call us on 0800 727 059 and our staff can fill the form out for you over the phone;
- fill in the form at the back of this document and scan it to the email above, send it to us by post, or drop it off.

The Dangerous, Affected, and Insanitary Buildings Policy 2020



Introduction

Conversions of existing aged buildings, lack of maintenance, overcrowding, and unauthorised building alterations can cause serious risks and building problems for occupants and those who use them. The failure to obtain a building consent or using a building for a purpose that it is not suitable can result in a building no longer complying with the Building Code and posing a danger to occupants, the general public, and/or other properties.

Kaipara District Council (Council) is required by the Building Act 2004 (the Act) to adopt a policy that covers the identification, assessment, and management of any dangerous, affected, and insanitary buildings within its District, including historical buildings.

This DAIB Policy details how Council will manage these buildings to ensure that any risks that these buildings pose to Public health and safety or any other buildings within proximity are either mitigated or eliminated.

If Council is satisfied that a building or part of a building is dangerous, affected, or insanitary, Council may exercise any of its powers or perform any of its functions applicable to that building or part of the building under the Dangerous, Affected, and Insanitary Buildings Policy (the DAIB Policy) or the Act's provisions.

When exercising its power under the DAIB Policy, Council must be satisfied that the thresholds of dangerous, affected, or insanitary have been met under the provisions set out in the Act. In some instances, dependent on the complexity of a case, Council will seek professional advice as required, and must give due regard to that advice as part of their investigation.

The DAIB Policy is supported by Risk and Assessment frameworks, that are contained in the Additional Information document. This document will be used by Council staff when investigating a possible dangerous, affected, and/or insanitary building.

The Additional Information document does not form part of the Policy but is included at the end of this document for completeness and to support understanding.

This DAIB Policy replaces Council's Dangerous and Insanitary Buildings Policy 2013.

The Policy

1. Purpose

The purpose of this Policy is to:

- protect public health and safety from potentially dangerous, affected and/or insanitary buildings
- recognise that historic buildings may require a variation to the normal approach if their particular heritage values could be compromised.

2. Definitions

Where a term is used in this Policy that has a meaning defined in the Act, it will have the same meaning as provided Part 6 of the Act.

3. Objective

The objective of this Policy is to achieve compliance with the Act and protect public health and safety.

4. General approach

Wherever possible, Council will seek the co-operation of the owner and occupant to achieve compliance without resorting to the Act's formal notice provisions; however, this may not always be possible.

Council will adopt a flexible approach to achieve the overall co-operation objective as it is aware of the diversity and dynamics which result in dangerous, affected, or insanitary buildings. Factors in determining the approach to be taken are included in this policy as well as in the Additional Information (AI) supporting documents. The AI documents are used to support Policy implementation, and do not form part of this Policy.

The critical factors in determining the approach that Council will take:

- an assessment of the scale and immediacy of risk to occupants and the public
- an evaluation of the likelihood of harm to adjoining properties
- an assessment of environmental impacts including contamination of water bodies
- the availability and viability of alternative options.

5. Identifying dangerous, affected and/or insanitary buildings

Council does not have the resources to carry out a systematic survey of the standard of buildings across the District, nor does it need to. Rather, an investigation into whether a building is dangerous, affected or insanitary will be triggered by one or more of the following:

- the observations of its staff or contractors
- information or complaints received from members of the public or members of professional bodies such as Engineering New Zealand etc.
- events arising following natural or human-made disasters
- notification from the Ministry of Business Innovation and Employment
- notification from FENZ.

In determining whether a building is dangerous or affected with respect to a fire hazard, Council may seek the advice of FENZ. Similarly, in determining whether a building is insanitary concerning drinking water, waste disposal or weather tightness, Council may seek advice from appropriate experts, such as Council's Environmental Health staff, technical building specialists, testing laboratories, geo-technical, fire, or structural engineers. Council may also be guided by relevant legislation, codes, or bylaws, and may choose to seek legal advice.

The Act itself provides several statutory tools for managing identified dangerous, affected and/or insanitary buildings. These include but are not limited to:

- issuing formal notices;
- owner carrying out remedial work;
- Council undertaking the necessary remedial action/work;
- demolition.

6. Heritage buildings

Heritage buildings will be evaluated in a manner consistent with assessments for other potentially dangerous, affected and/or insanitary buildings. Council is aware of the protection mechanisms and heritage values that these buildings hold, which is why special efforts will be made to meet heritage objectives.

Discussions will be held with owners and the New Zealand Historic Places Trust to identify a mutually acceptable way forward.

If a dangerous, affected, or insanitary building notice is issued for a heritage building, a copy of the notice will be sent to the Heritage New Zealand Pouhere Taonga as required by the Act.

7. Affected buildings

Affected buildings are those that are within close proximity to either a dangerous building or a dangerous dam. It allows Council to assess and determine a management plan with the owner and/or occupant.

8. Investigation

Council will respond to and investigate all alerts received about any dangerous and/or insanitary building. The investigation will utilise the RFAC document, and will include as part of the inquiry the following points:

- review Council records before a site visit
 - understand what consents have been approved for this site; whether a Compliance Schedule exists;
 - the status of the Building Warrant of Fitness/ IQP reports; Notices to Fix, etc.)
- review GIS/aerials prior to site visit
 - understand whether there are any natural or human-made hazards or other issues to be aware of
- how Council was made aware of the situation
- location of the building
- actual site conditions
- previous and current use of the building
- occupancy numbers
- ownership/occupancy details
- whether the public has access to the building, e.g. via the building or adjacent land and waterways
- what aspects of the building are dangerous (all, or only parts of the building)
- whether any neighbouring properties are affected by the potentially dangerous, and/or insanitary building or dam
- what aspects of the building are considered insanitary, e.g. lack of potable drinking water, sanitary fixtures and waste disposal, light, and ventilation or vermin
- how and to what extent these aspects are non-compliant with the Building Code
- who is or was responsible for creating this hazard (e.g. whether authorised or unauthorised work is in progress/completed)
- whether the land or building has heritage status
- priorities (the immediacy) of the issue

9. Criteria for determining priority of issue

A building (or part of a building) will be classified as dangerous or affected if it is likely to cause injury or death to the occupants, public or other property.

A building (or part of a building) will be classified as insanitary if it is likely to be injurious to the health of occupants, public, or people on other property.

It will depend on whether the building is occupied or poses a danger to the public or other property. For example:

- land is unstable
- building is structurally unsound and considered dangerous to occupants, the public and/or other property
- building has a high fire risk
- building lacks sufficient protection to occupants, public or other property (i.e. unfenced pool or large-scale excavations)
- building which has poor sanitation and poses an immediate impact on the health of the occupants or the public
- building is inadequately protected against moisture penetration, (i.e. not weather-tight).

A building is less likely to be classified as dangerous, affected, or insanitary if it is unoccupied; however, the risk to the public and other properties must still be considered. Council will need to carefully evaluate these issues and determine whether they warrant immediate action to prevent injury or death. Each case must be assessed based on its own merits.

Examples of different approaches include:

- if the risk is significant and cannot be managed or mitigated to ensure public health and safety, immediate action may be warranted.
- if the risk is substantial but can be managed to minimise the risk to the point that provides public health and safety, then the Council may seek a different approach.

There are always risks associated with an event of a fire where death or injury can occur. However, there must be 'particular features' for this risk to be deemed 'likely to occur.'

Therefore, Council must first focus on whether the building complies with the Building Code. If the answer to that question is NO, then the next consideration must be to focus on what features do not comply with the Building Code that makes this building dangerous according to the dangerous building definition contained in the Building Act 2004. A building may be non-compliant with the Building Code; however, this does not make a building dangerous.

Following the site visit and preliminary investigations, Council will determine whether the building is dangerous, affected, and/or insanitary, and if so, whether to issue a notice and/or take other actions.

Council will consider the cost of effecting remedial work when assessing the various means of reducing the hazard to human life presented by a building that has been identified as dangerous, affected, and/or insanitary. The Council will explore the availability of alternatives to continued use and occupation of the building, both in the short and long term with the owner/occupants.

Below is an example of how Council would apply this Policy and the RFAC to investigate and assess a possible risk and produce possible management options for the owner to consider.

Example scenario:

This scenario involves multiple people living in transient accommodation (e.g. a 'backpackers' accommodation), which does not have a fire alarm system. The risk is the loss of life or severe injury occurring due to people being unable to escape in the event of a fire (i.e. not aware of fire or smoke in the building).

Risk Factor	Extreme	
Risk Type	Fire Hazard	
Building Occupied	Yes	
Death or Injury likely	Yes	
Can risk be eliminated immediately	No	
Can risk be eliminated eventually	Yes – By installing compliant alarms	
Can risk be minimised immediately with options	Yes: Interim measures: -Have evacuation plans in place -provide a security guard 24/7 who could raise the alarm in the event of an emergency	No: -Evacuate the building -Apply for building consent or complete work under urgency -obtain CCC/CoA and compliance schedule

In each assessment situation, timing may also impact on the outcome of the site visit. In the above scenario, the risk is extreme because there is sleeping accommodation in the building. If the site assessment is conducted early in the day, a mitigation management plan could be agreed upon between the proprietor and Council by the end of the day, and occupancy may be allowed to continue in the short term.

If conducted late in the day, then this option may not be available, and immediate evacuation and closure of the building may be necessary until a plan has been developed and implemented.

10. Enforcement actions

If Council is satisfied that a building is dangerous, affected, and/or insanitary, it may exercise any or all of its power contained between sections 123B to 130 of the Act.

11. Records

Where a building is identified as dangerous, Council will have a building note (requisition) placed on the property file where the building is situated. This building note will remain until the danger is remedied. In granting access to information concerning dangerous buildings, Council will conform to the requirements of the Local Government Official Information and Meeting Act 1987 and the Local Government Act 2002.

In addition, the following information will be placed on the Land Information Memorandum (LIM):

- the notice issued informing the owner that the building is dangerous and where necessary notice of the requirement to evacuate
- a copy of the letter to owner, occupier and any other person to inform them that the building is dangerous
- a copy of the notice given under section 124(1) that identifies the work to be carried out on the building and the time-frame given to reduce or remove the danger.



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Additional Information

Supporting document for implementing
the DAIB Policy



Additional Information:

This document is for information purposes only, and does not form part of the proposed draft DAIB Policy. It contains frameworks and information to support the consistent and transparent implementation of the DAIB Policy.

This document and the information it contains is not being consulted on, but has been included in this document for completeness.

This document may be updated at anytime.

Contents:

Assumptions	p. b
Risk Matrix Framework	p. c
• Likelihood	
• Consequence	
• Risk Rating	
• Priority and Risk Management	
Qualitative Measures of Consequences for Risks Table	p. d
Dangerous Buildings	
• Building Risk Factors B1	p. e
• Building Risk Factors D1-2, E1, F1-9, G1-15	p. f
• Building Risk Factors D1-2, E1, F1-8, G1-15, H1	p. h
• Building Risk Factor C, G9-10	p. i
• Building Risk Factor F-9	p. i
Insanitary Buildings	
• Building Risk Factors G1,G12,G13	p. j
• Building risk Factors E2-G1-3	p. k
Risk Matrix Assessment Template	p. l

Assumptions used to develop the RFRA Framework

It is likely that the bulk/majority of the building work done to a building is compliant (work was completed under a building consent) rather than the majority of the building work occurring without a building consent. This is reflected in the risk assessment for *unauthorised building work*. Examples can be an extension or additions to a dwelling like a room or a deck.

Unauthorised building work means:

- building work for which a building consent has not been obtained when one was required; or
- building work which is considered exempt but does not comply with the Building Code

If the consenting process has been completed and a Code of Compliance Certificate ('CCC') issued and there are elements of that building work that do not comply then that work is considered *non-compliant*.

Once the risk (that the building poses) to public health and safety has been established the risk to other property (i.e. *affected buildings*) must then be considered using the RFRA Framework and analysis.

Risk Matrix Framework

The purpose of these matrixes is to provide a framework for identifying risk in a systematic and consistent way that supports the transparency, accountability and implementation of the DAIB Policy.

Using the matrixes below allows the user to:

1. Determine the likelihood of the building posing a hazard to people
2. What the consequence to people would likely be
3. Determine the Risk rating of the building; and
4. Determine the appropriate measures to take in order to either eliminate or mitigate the risk that the building poses to the health and safety of the public. Public meaning any people directly and indirectly affected by the building.

Likelihood Matrix		
Level	Descriptor	Description
A	Almost Certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur at some time
D	Uncertain	Could occur at some time
E	Rare	May occur in exceptional circumstances

1. **Likelihood matrix** - This represents the probability of the most likely consequence occurring. It is a qualitative description of probability and frequency

Consequence Matrix		
Level	Descriptor	Description
1	Insignificant	No injuries
2	Minor	May require some medical treatment
3	Significant	Medical treatment required
4	Major	Extensive injuries
5	Extreme	Death

2. **Consequence matrix** - represents the outcome of an event expressed qualitatively or quantitatively, being an injury, loss, disadvantage or gain. There may be a range of possible outcomes associated with an event.

Risk Rating Matrix					
	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Moderate	Moderate	High	Very High	Very High
Likely	Moderate	Moderate	High	High	Very High
Possible	Low	Moderate	Moderate	High	High
Uncertain	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High

3. **Risk rating matrix** - Uses the combined findings of the likelihood and consequence matrixes to determine the building/part of a buildings overall risk rating.

Risk Management Table/Priority	
Very High	Extreme risk; Immediate action required
High	High risk; Senior management attention required
Moderate	Management responsibility must be specified
Low	Manage by routine procedures

4. **Risk management table** - Is based on the findings of the risk rating. It determines the priority/urgency of the individual case.

Qualitative Measures of Consequences for Risks

Rating	Consequences	Description	Examples
1	Insignificant	<ul style="list-style-type: none"> • Would not cause illness or injury to any person • Loss of amenity • Temporary or very minor nuisance or inconvenience 	<ul style="list-style-type: none"> • Lack of insulation • Unauthorised minor work e.g. carport, deck, small garden shed, temporary noise or odor, disconnected downpipe
2	Minor	<ul style="list-style-type: none"> • May cause very minor injury to people • Very minimal impact if any on people other than those in immediate proximity • Minor damage to local physical environment only • Significant loss of amenity, widespread impact from noise or odor 	<ul style="list-style-type: none"> • Unauthorised addition to existing building; multiple utility sheds on property; garden shed too close to boundary; mild stormwater runoff; tripping or slipping hazard in public place
3	Moderate	<ul style="list-style-type: none"> • Potential to cause significant injury or illness to people • Minor injury or illness to many people May cause some significant damage to property or the environment • Can include multiple instances of minor effects long term 	<ul style="list-style-type: none"> • Structural elements fail that could cause a person to fall >1.0m but <2.0m. • Unconsented habitable space • Significant storm water runoff Leaky home • Persistent noise issues
4	Major	<ul style="list-style-type: none"> • Serious illness, injury or death to one or more people • Significant injury or illness to many people • Major degradation to the wider environment (not contained on offending property). 	<ul style="list-style-type: none"> • Structural elements fail that could cause a person to fall >2m • Non-compliant swimming pool • Electrical supply to unauthorised building • Sleepout or similar with unconsented sanitary fixtures • Expired BWoF or failed systems
5	Extreme	<ul style="list-style-type: none"> • Serious illness, injury or death to one or more people including building occupants, third parties (neighbors) or the general public. • Threatens overall integrity of buildings other than the offending buildings • Serious and irreversible degradation to the wider environment (not contained on offending property) 	<ul style="list-style-type: none"> • Serious threat to the overall structural integrity of the building such that collapse is imminent and would cause death or serious injury to third parties • Public Use building considered unsafe due to fire or insanitary risk whether due to unsafe heating, energy systems or lack of means of escape • Building condition could cause very serious harm to due to discharge or improper containment, processing of contaminants or hazards, including industrial and solid wastes • Large excavation threatening other property

Dangerous Buildings

Building Risk Factors

Risk Factor – B1	How can this occur?	Impacts	Impact rating
a) Deck (including stairs), roof tiles or roofing insecure or foundations / piles weak, removed or unsound	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Unreasonable weight / loading • Natural hazard including subsidence • Willful damage • Hazard zone not factored • Poor design • Change of use • Fire / Flooding • No / incomplete consent 	May: <ul style="list-style-type: none"> • cause a person or persons to fall or trip • prevent access in or out of building • persons to be hit by falling materials • blow on to other property / roads • dampness and moisture issues • misalignment of doors and windows • collapse of building with various impact depending on height, geography of site 	Major
b) Internal support-bracing weak, removed or unsound	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Unreasonable weight / loading • Natural hazard including wind • Willful damage • Hazard zone not factored • Poor design • Fire • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • collapse or sag of walls • misalignment of doors and windows • further weakening to main structural elements 	Moderate
c) Internal support-main structural beams weak, removed or unsound	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Unreasonable weight / loading • Natural hazard including wind • Willful damage • Hazard zone not factored • Poor design • Fire / Flooding • Relocation of building • Nearby excavation or erosion • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • full or partial collapse of building 	Extreme

Risk Factor – B1	How can this occur?	Impacts	Impact rating
d) Flooring weak or unsound (not including surface failure)	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Unreasonable weight / loading • Natural hazard including wind • Willful damage • Hazard zone not factored • Poor design • Fire / Flooding • Relocation of building • Nearby excavation or erosion • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • injury due to falling through floor • illness due to moisture problems 	Moderate
e) Bridges and retaining walls weak, removed or unsound	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Unreasonable weight / loading • Natural hazard including wind • Willful damage • Hazard zone not factored • Poor design • Fire / Flooding • Relocation of building • Nearby excavation or erosion • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • collapse • an injury or fall • nuisance to other property, blocks roads, causes flooding • a lack of access resulting in isolation of property 	Extreme
Risk Factor – D1-2, E1, F1-9, G1-15	How can this occur?	Impacts	Impact rating
a) Unsafe pedestrian access	<ul style="list-style-type: none"> • Slippery surface/Unsafe slope/Irregular rise in stairs/Lack of handrail/Ungraspable handrail • No landing or at long intervals in stairs • Size of landing does not accommodate door opening • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • injury due to tripping, slipping or another hazard 	Minor
b) Unsafe vehicular access of building	<ul style="list-style-type: none"> • Slippery surface/unsafe slope • Inadequate queuing/circulation space/Inadequate sight distances • Design does not avoid conflict between vehicles and people using or moving to space • Safety from falling (lack of barriers or bollards) • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • Injury • damage to other property 	Moderate
c) Failure or inappropriate installation or use of a specified system (not fire related) e.g. mechanical installations	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Not fit for purpose • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • entrapment of person or limbs resulting in injury 	Major

d) Falling from places other than decks and stairs e.g. temporary site fences, mezzanine levels, etc. <1.0m	<ul style="list-style-type: none"> •Lack of suitable barrier Unreasonable weight •Lack of warning •No/incomplete consent 	May cause: <ul style="list-style-type: none"> •injury 	Minor
e) Falling from places other than decks and stairs e.g. temporary site fences, mezzanine levels, etc. >1.0m	<ul style="list-style-type: none"> •Lack of suitable barrier Unreasonable weight Lack of warning •No/incomplete consent 	May cause: <ul style="list-style-type: none"> •injury or death 	Moderate Major (if fall height exceeds 2.0m)
f) Hazardous construction or demolition including access to site by small children	<ul style="list-style-type: none"> •Unlimited access Unmarked projections Open hazards/projections •Lack of safe route through site •No / incomplete consent 	May cause: <ul style="list-style-type: none"> •injury or death •damage to other property 	Major
Risk Factor – D1-2, E1, F1-9, G1-15	How can this occur?	Impacts	Impact rating
g) Destabilisation of neighboring property due to construction site	<ul style="list-style-type: none"> •Collapse of land due to poor ground strength •No retaining walls in place Silt and erosion •Over-excavation of site •No/incomplete consent 	May cause: <ul style="list-style-type: none"> •injury or death •damage to other property 	Extreme
h) Lack of adequate access or escape route for disabled persons including visibility, width, etc.	<ul style="list-style-type: none"> •Lack of knowledge and awareness Site specific •No/incomplete consent 	May cause: <ul style="list-style-type: none"> •loss of amenity or inconvenience 	Minor
i) Harms due to offensive odor, food contamination, inadequate privacy, inability to clean effectively, lack of amenity or other annoyance (excludes facility for load/drainage risks)	<ul style="list-style-type: none"> •Inappropriate sanitary facility provision either for purpose or number •No/incomplete consent 	May cause: <ul style="list-style-type: none"> •injury or illness •damage to property 	Moderate

j) Contamination from storage manufacturing or processing of food including animal products, medical treatment of humans or animals' reception of dead bodies	<ul style="list-style-type: none"> • Inappropriate sanitary facility provision either for purpose or number • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • injury or illness • damage to property 	Moderate
k) Loss of fresh air, air temperature or activity space	<ul style="list-style-type: none"> • Lack of ventilation • Mechanical air handling system failure or not appropriate • No means of removing or collecting cooking fumes, moisture from laundry, steam etc. • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • loss of amenity or inconvenience • illness 	Minor
l) Loss of noise transmission between adjoining occupancies	<ul style="list-style-type: none"> • Lack of insulation • Insufficient sound transmission class. • Unreasonable noise levels • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • loss of amenity or inconvenience • illness or injury 	Minor
m) Lack of natural or artificial light	<ul style="list-style-type: none"> • Poor design • Obstruction by neighbors • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • loss of amenity or inconvenience • illness or injury 	Minor
Risk Factor – D1-2, E1, F1-8, G1- 15, H1	How can this occur?	Impacts	Impact rating
n) Inadequate ventilation or explosion from gas appliance or installation	<ul style="list-style-type: none"> • Improper installation • System/product failure • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • Fire • damage to property • death or injury 	Extreme
o) Hot water explosion	<ul style="list-style-type: none"> • Lack of pressure relief • Temperature too high • Unauthorised building work • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • Fire • damage to property • death or injury 	Extreme
p) Hot water unavailable	<ul style="list-style-type: none"> • Failure to provide • Energy supply failure • Unauthorised building work • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • inconvenience 	Insignificant
q) Foul odor, noise or other inconvenience	<ul style="list-style-type: none"> • Unauthorised building work • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • Inconvenience or nuisance 	Insignificant
r) Unauthorised foul water, industrial waste, solid waste disposal	<ul style="list-style-type: none"> • Illegal dumping • System not fit for purpose • Unauthorised building work • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • illness • contamination of the environment • damage to property 	Extreme

s) Inefficient use of energy when sourced from a network utility operator or a depletable energy source	<ul style="list-style-type: none"> • Failure to limit uncontrollable airflow • Degradation due to age • Poor material quality Poor workmanship • No/incomplete consent 	May: <ul style="list-style-type: none"> • generate systemic inefficiency • generate unnecessary cost 	Insignificant
Risk Factor - C, G9-10	How can this occur?	Impacts	Impact rating
t) Lack of means of escape (including accessible features and signage F8) or lack of, or expired BWOF	<ul style="list-style-type: none"> • No means of egress at all • Failure to maintain gates locks • Expired BWOF • Lack of signage/direction • Inadequate for user numbers • Unauthorised changes to specified systems or new systems added Alarms, etc. not fitted or appropriate • Lack of resource • Poor IQP performance • Poor inspection, maintenance and monitoring process • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • lack of warning of fire resulting in people becoming trapped in a building or part of a building if it catches fire • serious injury from fire or attempts to escape 	Extreme
u) Unauthorised or unsafe installation or operation of solid fuel heating system	<ul style="list-style-type: none"> • Deterioration due to age • Lack of awareness • Use of secondhand appliance • Use of incorrect material when operating appliance • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • fire when operated • injury or damage to property 	Extreme
v) Lack of appropriate fire retardation materials	<ul style="list-style-type: none"> • Unauthorised work • Poor installation • Poor quality materials • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • fire to spread more rapidly • injury or damage to property 	Major
w) Unauthorised electrical supply installation or electrical supply in unsafe building	<ul style="list-style-type: none"> • Unauthorised connection - no approval from Energy Provider • Poor installation • Poor quality materials • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • electric shock and/or fire • injury or damage to property 	Major
Risk Factor - F9	How can this occur?	Impacts	Impact rating
x) Non-compliant pool barrier, unauthorised construction or lack of pool barrier	<ul style="list-style-type: none"> • Poor audit / monitoring • Poor or no maintenance on gates, landscaping, etc. • No control of what happens on neighbouring property (boundary fences) • Lack of awareness of risk • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • drowning or injury especially to young children 	Extreme

INSANITARY BUILDINGS

Building Risk Factors

Risk Factor – G1, G12; G13	How can this occur?	Impacts	Impact rating
a) Insanitary due to lack of potable water supply or contaminated water	<ul style="list-style-type: none"> • No connection to services • Contamination of supply at source or by systems materials • Lack of filtration • Low rainfall • No on-site retention of water Failure to plan for growth Lack of resource consent • Lack of public infrastructure provision • Cost prohibitive private solutions • Lack of awareness of potable standards • No/incomplete consent 	May: <ul style="list-style-type: none"> • cause ill health due to drinking water that is not potable • result in reliance on other methods for obtaining water 	Moderate
b) Insanitary due to drainage not functioning or non-existent drainage	<ul style="list-style-type: none"> • Degradation due to age • Poor material quality • Poor workmanship • Poor design • Nearby works • Failure to provide drainage solution Lack of resource consent • Lack of public infrastructure provision • Cost prohibitive private solutions • Misunderstanding of sustainable solutions • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • illness from insanitary material • flooding • damage to property 	Moderate
c) Insanitary due to drainage unauthorised discharge	<ul style="list-style-type: none"> • Lack of resource consent • Lack of public infrastructure provision • Cost prohibitive private solutions • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • illness from insanitary material • flooding • damage to property • damage to environment 	Major
d) Insanitary due to not enough facilities for loads (e.g. toilets)	<ul style="list-style-type: none"> • Overcrowding due to poverty • Overcrowding at events • Unexpected increase in user/visitor numbers • Inappropriate use/purpose group • No/incomplete consent 	May: <ul style="list-style-type: none"> • Result in insanitary conditions being perpetuated due to alternative measures being used • Cause environmental degradation • Cause illness 	Moderate

Risk Factor – E2, G1-3	How can this occur?	Impacts	Impact rating
e) Insufficient facility for loads on other sanitary fixtures(e.g. bath, shower, hand washing)	<ul style="list-style-type: none"> • Overcrowding due to poverty • Overcrowding at events • Unexpected increase in user/visitor numbers • Inappropriate use/purpose group • No/incomplete consent 	May: <ul style="list-style-type: none"> • result in insanitary conditions being perpetuated due to lack of facilities • cause environmental degradation • cause illness • inability to wash 	Minor
f) Moisture ingress or moisture levels too high	<ul style="list-style-type: none"> • Degradation due to age and lack of maintenance • Poor material quality • Poor design/workmanship • Natural hazard including flooding • Willful damage • Hazard zone not factored Fire/Flooding • Relocation of building • Lack of impervious surface walls, floors and structural elements in contact with the ground • Spaces and cavities transmitting moisture and/or condensation • No/incomplete consent 	May cause: <ul style="list-style-type: none"> • illness • damage to entire structure 	Major
g) Insanitary due to nature of sanitation facility	<ul style="list-style-type: none"> • Location of facility • No/incomplete consent • Degradation due to age and lack of maintenance • Poor material quality • Poor design/workmanship • No/incomplete consent 	May: <ul style="list-style-type: none"> • not be able to clean facilities to an acceptable standard • cause illness 	Moderate
h) Lack of laundering facilities	<ul style="list-style-type: none"> • Inappropriate sanitary facility provision either for purpose or number • No / incomplete consent 	May cause: <ul style="list-style-type: none"> • injury or illness • damage to property 	Insignificant

RISK MATRIX ASSESSMENT TEMPLATE

Risk Factor	D, A or I	Impact rating	Likelihood	Risk Rating	Possible options for risk mitigation

Key:

Impact rating: (1) insignificant (2) minor (3) moderate (4) major (5) extreme

Likelihood: (A) almost certain (B) likely (C) possible (D) unlikely (E) rare

Risk rating: very high, high, moderate, low

SUBMISSION FORM – Proposed Dangerous, Affected, and Insanitary Buildings Policy

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 speak at the hearing to tell us your thoughts in person.

15 February 2021 ☐ Yes ☐ No

Please get your submission and/or your hearing registration to us by 5pm Wednesday 2 December 2020. The location of the hearing will be confirmed closer to the date. Audio or audio visual links may be able to be provided, we will let you know as soon as possible.

Tell us in writing

Be sure to get your written comments to us by 5pm Wednesday 2 December 2020. You can provide your comments on the next page and follow the instructions below how to get them to us, or choose one of the other ways listed below to make your submission.

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. |
| On the phone: | Phone 09 439 9299 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: | DIAB Policy - Kaipara District Council, Private Bag 1001, Dargaville 0340 |
| Online: | Complete this form online: www.kaipara.govt.nz/haveyoursay |
| Email: | Email us at submissions@kaipara.govt.nz and put 'DAIB' 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

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 the proposal, including anything you agree with and would like to see retained. Tell us about any changes you would like to see.

[illegible]

Feel free to add additional pages if required.

Pouto wharf physical works procurement plan

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Jody Kelly, Project Manager

Purpose/Ngā whāinga

The purpose of this report is to seek approval to delegate financial authority to the Chief Executive for the Physical Works Procurement Plan for Pouto Wharf which will allow the procurement process to proceed and the Pouto project to progress in line with programme expectations.

Executive summary/Whakarāpopototanga

The Kaipara Kickstart Wharves Programme Feasibility Study and Programme Business Case (PBC) was endorsed by MBIE in May 2020 for \$4.0m of PGF funding to implement wharf infrastructure on the Kaipara Harbour. The PBC prioritised renewals for Pahi and Dargaville wharves, marae beach landings and new marine infrastructure for Pouto.

Pouto has been allocated \$1,809,120 of the PGF funding to design and construct the new wharf asset.

The professional services procurement approach for Pouto infrastructure was approved by Council 10 August 2020 which enabled extensive site investigations to commence in September 2020.

The Detailed Business Case will provide MBIE and Council with confidence that the right solution is being developed (based on technical and community feedback) with a level of price certainty (including whole of life). Current physical works estimate is \$1,700,000.

A more collaborative approach with contractors is recommended for this procurement so that the scheme can be refined to get the best price (i.e. including value engineering) and achieve a higher level of interest. This approach allows procurement and design to work in parallel, this benefits the timeline when there is a large design component remaining to complete. It also allows contractors to programme work in advance, and removes pressure around tender submissions, evaluation timelines which will then attract more interest.

The proposed procurement approach is a three-staged open tender advertised on Tender link;

- 1) Expression of Interest (EOI)
- 2) Non-price (weighted) attributes (40%) -
- 3) Price (60%)

This approach allows adequate time for further investigations which will provide fundamental design and scope deliverables required for pricing. This approach enables the design to continue in parallel during the first two stages and shortlisting process of procurement.

The EOI has been advertised on Tender link and attracted a good range of Contractors.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Approves the proposed procurement approach for the Pouto Wharf Physical Works.

Context/Horopaki

The endorsed Feasibility and PBC investigated the potential to build and reinstate a number of wharf assets on the Kaipara harbour and prioritised the developments. The Pouto Wharf was prioritised and rated as 'high', recognising potential benefits such as safety improvements of current operations, supporting growth in tourism activities, especially cycle tourism, and the possibility to support development of local land for residential and agricultural use.

Kaipara District Council approved the procurement of Professional Services for further investigations and completion of a Detailed Business Case – confirming preferred location for preliminary design. This work will result in a detailed design and an engineer's estimate.

The procurement of physical works is the next important step in this project.

Discussion/Ngā kōrerorero

A three-staged tender process is proposed will support a more collaborative approach between Council, designer and contractor. The objectives of this procurement are

- To expedite delivery
- To gain greater price confidence
- To achieve an affordable scheme

The three phases of procurement are aligned with activity

Phase	Procurement Activity
Detailed Business Case	Professional Services Consultant appointed Expression of Interest for Physical Works Contractor Non-Price Tender to shortlist Contractor submissions to 2 submissions
Detailed Design	Confirm Engineers Estimate (Contractor working with Designer will not be made aware of the Engineers Estimate)
Physical Works	Preferred Contractor given opportunity to negotiate contract

The proposed procurement approach for physical works is a three-staged open tender advertised on Tender link;

- 1) Expression of Interest
- 2) Non-price (weighted) attributes (40%)
- 3) Price (60%)

This procurement approach was influenced by the learnings taken from the Dargaville Pontoon tender response and outcome. This approach includes the following key factors; expressing interest from contractors to provide services for a design and build contract, and advertising early (which offers a longer procurement timeline, and reaches out to a larger pool of contractors through the open market). Advertising the EOI early has provided adequate time for the project team to assess the level of interest and utilise interested contractors' questions and feedback to confirm this approach will attract several submissions.

Procuring through three stages aligns with this project as there are still further investigations required before a scope can be defined for pricing. This way tenderers have more time to programme the work in and there is more price certainty.

Expression of Interest Stage

The first stage of the open tender has progressed, which has advertised the EOI on Tender link. The EOI was open for 4 weeks and eight submissions have been received which is an excellent response for KDC. The submissions received are as follows;

- 1) Brian Perry Civil
- 2) Concrete Structures NZ Ltd
- 3) Coastal Marine & Civil Ltd
- 4) Land Development & Engineering
- 5) Tonkin Taylor Ltd
- 6) Total Marine Services
- 7) United Civil Construction
- 8) Worley NZ Ltd

Note - The above submissions differ from the seven contractors contacted prior to the EOI being released due to location remoteness and programme delivery timeframe. Five of the seven declined the EOI, but by releasing the EOI openly we have attracted six other tender submissions.

Should the procurement management approach be endorsed by Council, the project team will continue with stage two of the open tender process, this includes evaluating and shortlisting these proposals which will allow them to submit their non-price attribute submissions.

Options

In both options the Contractor will be shortlisted and have the opportunity to work with the designer in the development of the preliminary design

Option 1 – Preferred Contractor identified at Quality stage who will then work with the designer. They will have first go at pricing and if it is less than the engineers estimate the contract will be negotiated.

Option 2 – Designer does engineers estimate independently, followed by a price for both Contractors (Quality carried over into next round excluding those that don't pass).

Note - these options can be determined before the second stage of tendering commences e.g. after the first stage of EOI evaluations are complete.

The preferred option is option 2.

Policy and planning implications

The recommended approach aligns with the Procurement Policy.

Closed Tender and Direct Appointment have not been presented as recommended options as the value of the works would put this approach at odds with the Procurement Policy.

Financial implications

The funding received was based on a high-level estimate from desktop investigations and market value from February 2020. To confirm this estimate, an extensive list of site investigations will be required, these findings will provide enough detail to prepare a Detailed Business Case and refine pricing of the preferred location.

Risks and mitigations

- There are minimal marine infrastructure experts in Northland. Far North District Council are also delivering several wharves over the 20/21 financial year, which will put pressure on the market; this may result in minimal tender responses. To mitigate this, an EOI has been advertised on Tender link to gauge interest, this has provided eight submissions for evaluation which is an excellent result.
- Pouto's remote location will likely impact supply and delivery costs, and could incur delays with programme due to environmental conditions / impacts.

Significance and engagement/Hirahira me ngā whakapāpā

This recommendation is considered **significant** under the Significance and Engagement Policy however significant engagement has been undertaken.

This work has been built upon a robust engagement process used to date and utilises a stakeholder register and known advocates, community groups and leaders. The project team also ensure elected members are informed of the expected changes and planned community engagements.

A letter to Pouto landowners in April detailed the consultation on the feasibility study and invited submissions and registration for the online survey. Another update was sent at the end of May via a stakeholder newsletter, social media posts and local paper notices, as well as direct emails to community leaders and groups. This was to communicate the approval and finalisation of the PBC and feasibility study, and next steps. Regular newspaper updates will be used as we move through final consultations, design and implementation for the project.

A Community Open Day has been arranged for 14 November 2020 which will provide a further update on progress for the community and provide the opportunity for community feedback.

In addition, there are also regular updates for internal staff and formal engagement and feedback with Kaipara Elected Members.

Next steps/E whaiake nei

- Evaluate submissions from EOI, shortlist candidates and continue through to the second stage of the open tender process.

Attachments/Ngā tapiritanga

	Title
A	KDC Procurement Plan – Pouto Physical Works V01

Procurement Plan (> \$500,000)

Pouto Wharf Physical Works

This document seeks approval from Louise Miller, as delegated financial authority holder to:

- Undertake procurement processes for goods or services to an estimated value of \$1,700,000.
- In approving this Procurement Planning and Approval document, the delegated financial authority holder is requested to note that this is a high-level estimate based on the feasibility business case. A Procurement Recommendation will follow in due course.

Once fully approved the project manager or business owner may procure goods and services according to the plan. Any material deviations from the plan must be reapproved by those who have endorsed and approved the plan.

Signed:	Signed:
Name: Jody Kelly	Name: Mark Bell
Role: Project Manager	Role: Infrastructure Delivery Manager
Statement: This procurement plan has incorporated objectives of the business owner and is designed to deliver best "whole of life" cost solution for TP and its customers.	Statement: This procurement plan has an approved business case and budget to cover this procurement.
Date:	Date:
Signed:	Signed:
Name: Jim Sephton	Name: Louise Miller
Role: General Manager	Role: (DFA Holder)
Statement: I approve/recommend the CEO approve this procurement plan.	Statement: I approve this procurement plan.
Date:	Date:

1 No Conflict of Interest Declaration

If you feel that you may have a conflict of interest then please email a Procurement representative immediately to formalise your declaration.

By signing below I hereby declare that to the best of my knowledge I do not have:

- any financial (shareholding or pecuniary) or other related interest in the supply of goods and services for the project named below;
- any relatives or friends with a financial interest in the goods and services to be supplied for the project named below; or,
- any personal obligation which would in any way affect my decisions in relation to the process I have been asked to undertake for Kaipara District Council.

Name	Role	Signature
Jody Kelly	Project Manager	
Mark Bell	Infrastructure Delivery Manager	
Jim Sephton	General Manager	
Louise Miller	Chief Executive	

2 Project Related Information

2.1 Project Name	Pouto Wharf Physical Works
2.2 Total Project Budget	1,809,000
2.3 Total Estimated Procurement Cost (BC1)	1,700,000
2.4 Briefly describe the project this procurement relates to? Head Contractor engagement to provide Design & Build services for a new wharf at Pouto Point, this includes developed and detailed design, final consent submission, supply and installation.	

3 Procurement Streams

A procurement stream is an individual procurement. For example, a project may involve the procurement of an asset and the installation of that asset. This would typically involve two streams; one for the procurement of the asset and one for the procurement of the installation services. (Insert new rows for additional streams if necessary)

Name	Estimated Procurement Cost
3.1 Head Contractor for Design & Build	1,700,000

As part of the approved Kaipara KickStart Provincial Growth Fund Business Case, Pouto Point will receive new transport marine facilities, this will include the supply and installation of a new wharf to allow for passenger ferry operations. There are three possible locations to erect the wharf at Pouto Point, these are currently being investigated to provide the necessary information to present the preferred location & current cost estimate in a detailed business case to MB. Preliminary design will also proceed alongside the business case, this will provide more certainty around scope which minimises anomalies and tags during the pricing process.

4 Procurement Stream ONE – Head Contractor for Design & Build

If your project has multiple procurement streams replicate this section for each stream

4.1 What is being procured?

Head Contractor for Design and Build at Pouto Wharf

4.2 Is this procurement subject to previously approved procurement strategy?

Yes

4.3 Is there an established panel of suppliers that can be used for this procurement?

No

4.4 What suppliers are capable of providing the goods or services required for this procurement stream?

Total Marine Infrastructure
 Steve Bowling Group - GHK Piling
 Bellingham's Marine Limited
 United Civil
 Downer
 Broadspectrum
 Wilson's Earthmoving Group

4.5 What type of tender is being recommended? (if applicable)

Competitive (Open)	Open Tender
Competitive but closed (Closed/Selective)	
Non Competitive (Direct/Selective)	

4.6 What is the nominated procurement approach and why this is the best procurement approach?

The nominated procurement approach is a Three Staged Open Tender which will be managed through Tenderlink, this includes;

1. Registration of Interest – Pass / Fail
2. Non-Price Attributes – 40%
3. Price – 60%

A three-staged tender has been selected to allow time to prepare the required design and scope deliverables that will be required for pricing. Procuring through three stages aligns with this project as there is still further investigations required before a scope can be defined for pricing, this way tenderers have more time to programme the work in and there is more price certainty. This approach should attract more submissions, and investigations and design can continue in parallel during the first two stages and shortlisting process of procurement.

4.7 What are the procurement/logistics risks related to this procurement stream, proposed mitigation measures and/or risk allowances?

The risks for this procurement are that there is a small window of marine infrastructure experts in the region, and there is currently a lot of work in the Far North programmed. Covid-19 also presents a risk of supply and installation from any contractors south of Northland. The mitigation is to procure through an open three staged tender, so contractors have plenty of time to prepare, programme and price. With a high demand in infrastructure and programme delivery currently it is in our best interest to work more collaboratively with contractors so all of the listed capable suppliers have been contacted by phone to advise them that this ROI coming up, all these suppliers seemed interested in responding. The programme for delivery is tight, which is another reason to work in parallel now, aiming to have scope defined and the price request out before Christmas 2020, so tender award can follow in January 2021 and works can be completed within the financial year 20/21.

4.8 What is the Procurement Policy exemption being proposed (if an Open Tender (Competitive) is not being utilised) and what is the justification for this exemption?

N/A

4.9 Are there any specific contract terms applying to this procurement?

Head contractor to show in their proposed methodology how they can work with the local community and provide employment opportunities to align with social procurement values.

Defects Liability Period and Maintenance Agreement is recommended but needs to be tested with shortlisted tenderers, as not to deter contractors from tendering.

APPENDIX A – Tendering, Contracting and Cost Details for Each Procurement Stream

5 Procurement Stream ONE – Head Contractor for Design & Build

If your project has multiple procurement streams replicate this section for each stream

5.1 Procurement Timelines

Include high-level activities for the procurement stream. This should consider the tender activities. Refer to the Procurement Guidelines for examples.

	Milestone Name	Start Date	End Date
1	Registration of Interest on Tenderlink	10/09/2020	24/09/2020
2	ROI Evaluation Shortlist (based on Pass/Fail)	28/09/2020	16/10/2020
4	Non-price attributes on Tenderlink to Shortlist	19/10/2020	06/11/2020
5	Evaluation Shortlist (based on weightings below)	09/11/2020	20/11/2020
6	Price request on Tenderlink to Shortlist	23/11/2020	18/12/2020
7	Price Evaluation (based on weighting below)	21/12/2020	22/01/2021
8	Contract Award	25/01/2021	31/01/2021
9	Detailed Design Start	01/02/2021	31/03/2021
10	Physical Works Start	01/04/2021	30/06/2021
11	Defects Liability Period (1 year), Maintenance Period (2 years) – To be Confirmed	01/07/2021	30/06/2022

5.2 Evaluation Team (for both tenders and non-competitive procurement)

Role	Name	Group
Project Manager	Jody Kelly	Infrastructure Delivery
Evaluation Team Member	Mark Bell	Infrastructure Delivery
Evaluation Team Member	Dallas Dreadon	Infrastructure Delivery

5.3 Evaluation Criteria and Scoring (See Guidelines for an example)

NON-PRICE CRITERIA	WEIGHTING
Proposed Methodology	20%
Capability	10%
Capacity	10%
NON-PRICE TOTAL	40%
Price	60%
TOTAL	100%

5.4 Identify the form of contract to be utilised for this procurement

NZS3916 Design and Build

5.5 Where is the contract located in P: drive

5.6 Estimated Costs (modify to suit relevant costs)

Description	Cost
Total procurement cost	1,700,000

6 Relevant Reference Documentation

Provide the document name and hyperlink to the document. Documents may also be attached as an appendix to this plan.

Source Name	Brief Description	Hyperlink/Location

Long Term Plan: Regional Economic Development – Joint Delivery Model Update

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: GM Engagement and Transformation

Purpose/Ngā whāinga

To re-confirm commitment to consult with the public in the 2021-31 Long Term Plan (LTP) to transition Northland Inc (NInc) to a jointly owned regional economic development Council Controlled Organisation (CCO) and to appoint two elected members to the Regional Economic Development Service Delivery Working Party.

Executive summary/Whakarāpopototanga

In July, Council agreed to support the proposed Regional Economic Development model by including it in the LTP and consulting with the community as part of that process. The proposal was also agreed by the Northland Regional Council (NRC) and the Far North District Council (FNDC), however, the Whangarei District Council (WDC) did not agree to support the proposal.

The proposal has now been adjusted by reducing the NInc funding by the amount that WDC would have contributed in the original proposal. However, WDC continues to fund NInc in line with its LTP commitment. The proposed shareholding has also been adjusted to be shared equally by the participating councils. KDC's ownership increases to a third as a result.

WDC may agree to re-join the proposal at any time in the future with funding and shareholding returning to what was outlined in the original proposal.

As a result of the WDC decision and adjustments, this is being reported to council to re-confirm support for the updated proposal.

KDC is also asked to appoint two elected members to the newly established Regional Economic Development Service Delivery Working Party.

Recommendation/Ngā tūhunga

That Kaipara District Council:

- a) Notes that Whangarei District Council has decided to opt out of the process of forming a joint delivery model for regional economic development.
- b) Notes that Whangarei District Council will continue to fund Northland Inc. according to its Long-Term Plan.
- c) Agrees to continue the process of forming a joint delivery model for regional economic development with the Northland Regional Council and Far North District Council.
- d) Agrees to consult with the public on transitioning Northland Inc. to a Joint Regional Economic Development Council Controlled Organisation in the 2021/31 Long Term Plan.
- e) Agrees that if Whangarei District Council decides to participate in the joint delivery model at a later date, that Northland Inc shareholdings be distributed equally amongst the four Northland councils.
- f) Appoints [Insert two elected members here] to be the Kaipara District Council representatives to the Regional Economic Development Service Delivery Working Party of Northland Regional Council.

Context/Horopaki

At its meeting on 16 June 2020, Northland Regional Council (NRC) agreed to recommendations put forward by the Mayoral Forum for the joint delivery of regional economic development services in Northland. This agreement was given subject to district council approval of the same proposal. FNDC agreed on 25 June 2020 and KDC on 29 July 2020. The KDC report is available at **Attachment A**.

WDC, at its meeting on 27 August 2020, decided not to join the proposal. WDC will continue to provide funding to Northland Inc for the future according to its Long-Term Plan. In the 2021/22 Annual Plan year, WDC will remain the second largest council funder of Northland Inc, after the NRC. WDC's decision not to participate has little material effect on the original proposal and they are also able to agree to participate at any time in the future.

The proposal has been reviewed and adjusted to remove WDC from the process.

Discussion/Ngā kōrerorero

Funding model

The model has been adjusted as a result of the WDC decision and agreed by the NRC at its 15 September meeting. The only change to the proposal reported to council in July, is to simply reduce funding for NInc by the planned WDC contribution that was over and above their current agreed contribution. The KDC funding amount remains the same as reported in July.

For clarity, this was:

Financial year	KDC contribution*
2021/22	\$29k
2022/23	\$61k
2023/24	\$89k
2024/25	\$121k
2025/26	\$149k
2026/27	\$180k

*2% inflationary adjustment included

If WDC was to agree to participate in the future, the original proposal funding would be reinstated.

Shareholder ownership

The original proposal had 100 shares split evenly amongst the four Councils (25 each). The NRC has now updated the proposal so that 120 shares will be split evenly between the three participating Councils (40 shares each). If at some point in the future WDC decides to become a shareholder, the shareholding would be amended so that each Council would have equal ownership, for example, 30 shares each.

Regional Economic Development Service Delivery Working Party.

The NRC established the Regional Economic Development Service Delivery Working Party at its September meeting. This working party was signalled in the July report to Council and its terms of reference are available at **Attachment B**. This working party allows the participating councils to provide input into the development of the NInc. Statement of Intent (SOI) for 2021–2024 and the appointment of directors. The NRC has decided that the working group will be Chaired by Councillor Bain with the other NRC appointee being Councillor Kitchen.

Options

Option 1: Continue to support the proposal for Northland Inc. to become a Joint Regional Economic Development CCO and consult with the public as part of the 2021/31 Long Term Plan process. Appoint two members to the Regional Economic Development Service Delivery Working Party.

Council agreed to the original proposal at its July meeting. KDCs proposed funding amounts have not changed, however, the proportion of ownership will effectively increase from a quarter to a third, while WDC is not participating.

The proposal funding has been included in the draft LTP which has been reported separately to Council.

This is the recommended option

Option 2: Not approve the proposal for consultation or appoint members to the Regional Economic Development Service Delivery Working Party.

If either FNDC or Kaipara District Council choose to withdraw, the joint delivery proposal will cease and the current status quo will be retained. That is, Northland Inc. will remain a CCO of the NRC only.

If this option is no longer supported, the proposed funding will be removed from the draft LTP and consultation with the community will no longer occur.

Policy and planning implications

A regional operational team consisting of staff members from all four councils (WDC staff continue to participate) is continuing to ensure that appropriate planning is undertaken to enact the decisions, assuming continued approval.

To date, the NRC has agreed with the updated proposal. Far North District Council will address the report at its 29 October meeting.

Significance and engagement/Hirahira me ngā whakapāpā

Under the Local Government Act (2002), the decision to become a shareholder in a CCO must be consulted with the community. This report recommends that the community is consulted about the updated proposal as part of the formal LTP consultation early in 2021. The statutory requirement would be met as a result.

Next steps/E whaiake nei

- If the recommendations are supported at this meeting, the regional operational team will continue to progress the work required to ensure a consistent approach to consultation by all participating councils.
- Staff will notify the NRC of the KDC appointments to the working party.
- If the recommendations are not supported, staff will inform the NRC and FNDC.

Attachments/Ngā tapiritanga

	Title
A	Report and attachments presented to the Kaipara District Council at the July Council meeting
B	Terms of Reference for the Regional Economic Development Service Delivery Working Party.

Regional Economic Development – Joint Delivery Model

Meeting: Council Briefing
Date of meeting: 1 July 2020
Reporting officer: Jason Marris, General Manager Transformation and Engagement

Purpose/Ngā whāinga

To discuss a joint delivery model for economic development in Northland to be in place from the 2021/22 financial year.

Context/Horopaki

In 2017, MartinJenkins completed a review of economic development activities carried out jointly by the four Northland local authorities.

A key recommendation of this review was that Northland Inc (NInc), currently a council-controlled organisation (CCO) that is 100% owned by the Northland Regional Council (NRC), transition to become a CCO jointly owned and governed by all four Northland local authorities. The full report and summary of the MartinJenkins review is available online at <https://www.nrc.govt.nz/your-council/economic-development/northland-inc/>.

The Northland Mayoral Forum and Chief Executives have subsequently been developing the most appropriate form and structure of a possible joint ownership model, considering factors such as the current and potential levels of funding able to be provided. This process has also included feedback sought from respective councils' governance through the Northland Forward Together forum.

At its meeting on 24 February 2020, the Mayoral Forum endorsed the proposed regional economic development service delivery model set out in detail in **Attachment One**, which was prepared as a standard agenda paper to be used by each council for endorsement. A high-level summary of the proposal is also provided in **Attachment Two**.

Discussion/Ngā kōrerorero

The proposal recommends that NInc becomes a Joint Regional CCO and the economic development delivery arm of all of the Northland councils. The attachments cover the rationale for joint ownership, the key costs and risks. They also set out a two-stage process: an initial enhanced model in 2020/21 that then moves to joint ownership from 2021/22 onwards after a process of public consultation as part of the 2021/2031 Long Term Plan (LTP).

Stage 1 – 20/21 Annual Plan

The Mayoral Forum recommended that increased funding for NInc from all of Northland's councils should be provided for in the 20/21 financial year, in return for an opportunity to have input into the development of NInc's Statement of Intent for 2021-2024 and the appointment of Directors.

Kaipara District Council's (KDC) suggested funding level of \$25k for NInc has been included in the 20/21 Annual Plan, adopted at the June council meeting.

KDC will need to appoint a representative to a formal appointment board for the next financial year to provide the desired input.

Stage 2 – Regional Joint CCO

What is a CCO?

A CCO is a separate organisation that council(s) can set up to undertake particular activities on their behalf. For the organisation to be a CCO, council(s) must control 50 per cent or more of the voting rights or appoint 50 per cent or more of the directors.

Under the CCO model, each CCO;

- operates at arm's length from the council(s)
- must implement the strategic direction set by the council(s) as its shareholder
- has an independent board that is accountable to the council(s) for the CCO's performance
- is a separate legal entity, with directors being responsible for overseeing the management of the business.

The role of the Council(s) in this model are typically:

- developing plans and strategies that CCOs must give effect to
- appointing and removing directors (including chairs)
- determining board member remuneration
- commenting on the content of draft statements of intent
- approving final statements of intent
- monitoring the performance of CCOs (including board performance)
- taking decisions as shareholder (e.g. approving a major transaction under the Companies Act or the council's Significance and Engagement Policy)

The ability to set up a CCO is provided for by the Local Government Act (2002). A Special Consultative Procedure is required to create a CCO to ensure that the community has input into the process. The LTP provides an opportunity to enable this consultation and decision-making.

The proposal

Attachment One provides the detail and rationale to the proposal to create a Regional Joint CCO.

In summary:

- a six-year transitional funding period is being proposed for affordability
- The transitional period aims to achieve a funding split of 60% from NRC and 40% from District Councils by year six
- District Councils will be responsible for 40% of the funding needed over that transitional six-year period
- Funding contribution is proportional based on district population reviewed every LTP cycle. During the transitional period, KDC's contribution would move from 1% in 2021/22 to 5% in 2026/27. It is estimated that contributions would be as follows:

Financial year	KDC contribution*
2021/22	\$29k
2022/23	\$61k
2023/24	\$89k
2024/25	\$121k
2025/26	\$149k
2026/27	\$180k

*2% inflationary adjustment included

- Each council would have equal shareholding
- A formal joint committee of the councils would be created to oversee the CCO. Decision-making would be by consensus and if consensus could not be reached, voting would be weighted proportional to funding provided. When approving the proposal, the NRC suggested that each council provides two appointed representatives instead of the proposed one
- A Shareholders agreement between the four councils is proposed to govern the relationship and develop a joint Statement of Intent as well as any service agreements.

Next steps/E whaiake nei

At its 16 June council meeting, the NRC endorsed the recommendations from the Mayoral forum. Far North District Council (FNDC) will address the paper at their 25 June Council meeting and Whangarei District Council (WDC) at its 15 July meeting. It is also planned to be an item at the 28 July Northland Forward Together Strategic Workshop.

For KDC, following discussion today it is anticipated that a decision item will be brought to the 29 July Council meeting. This report will also include the appointment of a representative to the Appointment Board for the next financial year.

If approved at that meeting, staff will then incorporate consultation with the community on the Joint CCO in the consultation document and financials, as part of the LTP.

A region-wide staff project team has also been formed and if all Council's approve the proposal, will work together to ensure consistency of message, timing and delivery of the work required.

Attachments/Ngā tapiritanga

	Title
A	Standard agenda item: Regional Economic Development
B	Regional Economic Development: Plan on a page

TITLE: Standard Agenda Paper - Proposal for Future Regional Economic Development Service Delivery for Northland

ID: {Objective ID}

To: Council Meeting of Individual Councils

From:

Date: 20th May 2020

Executive Summary

This purpose of this report is to propose a Regional Economic Development service delivery model, governance arrangements and indicative funding model to the Northland Regional Council, Whangarei District Council, Kaipara District Council and Far North District Council following endorsement by the Mayoral Forum at their meeting on the 24th February 2020.

The Mayoral Forum tasked the Chief Executives of Northland's four Council's to develop an appropriate business model for consideration by Northlands' Councils following the formal S17A Service Delivery Review completed by Marin Jenkins Consultants in XXX.

Over the course of 2019 to February 2020, the Chief Executives proposed a two staged approach for the future delivery of regional economic development services:

1. An enhanced Northland Inc. with the District Councils having input into Northland Inc's Statement of Expectations and input in the appointment of directors in return for a modest investment that is aligned to the 2020 – 2021 Annual Plan year.
2. A joint regional CCO, with equal shareholding, governance via a joint committee, with 60% of funding from Northland Regional Council and 40% from the three District Councils, that is aligned to the 2021-2031 Long Term Plan Cycle.

The proposal considers the level funding by the Northland and District Councils, the timing of public consultation and the consideration of the development of a regional economic development strategy be completed under Northland|Forward Together.

The proposed regional economic development service delivery model considers:

- a. The structure of each service delivery model.
- b. The governance features of each model.
- c. The proposed funding from Northland Regional Council targeting 60% contribution over six years, whilst targeting a 40% funding contribution from the District Councils over six years.
- d. The advantages, disadvantages and overall benefits.

- e. An indicative timeline for implementing both stages and the alignment to the 2020-2021 Annual Plan Cycle and the 2021-2031 Long Term Plan Cycle which will incorporate the special consultation process required to establish a joint CCO.

The Mayoral Forum endorsed their support of the proposal at the Mayoral Forum on the 24th February 2020.

The proposed recommendation for the future delivery of regional economic development services is for Northland Regional Council and Whangarei, Kaipara and Far North District Councils' consideration and approval for inclusion and community consultation in the 2021-2031 Long Term Plan.

Recommendation

That Council approve the recommendations listed below for the future delivery of regional economic development services:

1. That Council approve the proposal that recommends Northland Regional Council share the appointment of directors and input to the Statement of Intent process with Whangarei, Far North and Kaipara District Councils, in return for agreed funding for the 2020-2021 Annual Plan Year. The agreed funding for the 2020-2021 Annual Plan is:
 - a. Northland Regional Council – Continue to fund Northland Inc. and the IGR per their current Long-Term Plan
 - b. Whangarei District Council – One hundred and five thousand dollars (\$105K) plus the contribution of up to one FTE to Northland Inc.
 - c. Kaipara District Council – Twenty-five thousand dollars (\$25K)
 - d. Far North District Council – Eighty-two thousand dollars (\$82K)
2. And support the proposal that recommends Northland Inc. be modified to become a joint regional CCO;
 - a. with a formal joint committee to provide oversight,
 - b. a funding arrangement that Northland Regional Council contribute 60% and Whangarei, Far North and Kaipara District Councils contribute 40% and
 - c. this is achieved over a six-year time frame aligned to the 2021-2031 Long Term Plan Cycle and
 - d. public consultation to establish Northland Inc. as a joint regional CCO is included and aligned to the 2021-2031 Long Term Plan consultation process of each Northland Council.
3. And support, in principle, the development of a Regional Economic Development Strategy for inclusion in the 2021-2031 Long Term Plan Cycle, subject to scope, resources and funding.

Background

Martin Jenkins Consultants undertook the review of Northland Council economic development functions and activities in 2017. The subsequent report highlighted:

- There are no major gaps in the types of economic development activities provided by Northland Councils and Northland Inc.
- There is little overlap of economic development activities
- There are five key opportunities for the Councils to work more efficiently and effectively together to increase the collective impact.
 - A regional economic development strategy, goals and priorities that would provide clear guidance on the activities that should be delivered in the region.
 - Regional destination marketing
 - Regional events promotion guided by a regional visitor and events strategy
 - Maori/Iwi economic development
 - Greater reach of services into the Far North and Kaipara through a hub and spoke delivery model

The Martin Jenkins report recommended that Northland Inc. currently a Council Controlled Organisation (CCO) of Northland Regional Council, become a jointly owned CCO, with a joint shareholding across the four Councils and a Joint Committee to provide direction and oversee Northland Inc.'s performance and resourcing.

The Martin Jenkins report highlighted the key benefits of the recommendation are:

- Greater alignment of economic development priorities and outcomes across Councils and Northland Inc.
- Better opportunity to leverage the resources of all to achieve common goals and objectives
- Minimal disruption to Northland Inc, or Council operations and delivery as a result of the changes.
- Opportunity to implement a hub and spoke business model with presence in the Far North and Kaipara.
- Increased flexibility / agility to being able to make decisions about changes to activities across Councils and Northland Inc. through a joint committee structure.
- Ability for individual Councils to have input into the Expectation of Purpose and Statement of Intent process.
- Ability for individual Councils to have input into the programme of work and projects being delivered by Northland Inc, via the Statement of Intent process.
- Increased opportunity to identify efficiencies in the delivering activities across all Councils and Northland Inc. as a result of increased engagement.

There are key costs and risks associated with the implementation of a jointly owned CCO.

- Time and costs associated with public consultation on the changes to the existing CCO arrangements.
- The legal re-arrangement
- An increase in staff and elected members time required to develop and agree on: priorities with Northland Inc., the Shareholders Agreement, the Joint Committee role and structure, out-put and out-come framework and the performance and reporting framework.

- An increase in Northland Inc. staff to work with individual Councils to achieve the outcomes and outputs determined by the formal Joint Committee.
- Costs with extending Northland Inc's services into the districts (set-up and co-ordination costs), although some costs could be minimised by sharing with others.

To date Northland Regional Council and Northland Inc. have implemented recommendations from the Martin Jenkins review regarding the operations of the Investment and Growth Fund, the process for developing the statement of intent, improved reporting and connection with the District Councils. Minimal progress has been made on the five opportunities for Councils to work together.

The Mayoral Forum tasked the Chief Executives to develop an appropriate business model for consideration by all Councils. For clarification, this proposal has not been presented to the Northland Regional Council or Northland Inc. for consideration.

The Chief Executives and senior management held a workshop on the 23rd January 2019 and took a fresh approach to developing a regional delivery model, building on the success of Northland Inc. and incorporating the recommendations of the Martin Jenkins Review. The Chief Executives agreed:

- The principles for the development of a model and subsequent report
- The key drivers and priorities for economic development in Northland
- The report will recommend a preferred service delivery option to the Mayoral Forum prior to the October Local Body election.
- The new Councils and Mayoral Forum will make any decisions to implement or otherwise, post the October Local Body elections.

A cross- council team has been brought together to propose a service delivery model for consideration by all Councils and build on the strengths of Northland Inc. and the recommendations of the Martin Jenkins Review.

The cross-council team undertook a short study of three regional economic entities and arrived at the same conclusions as the Martin Jenkins study, that a joint regional CCO is the most suitable vehicle to deliver a regional service.

The first draft of the Regional Economic Development Service Delivery Options Report was presented to the CEs Forum May 2019 and the Mayoral Forum May 2019. However, the recommendations of the report were left on the table and further work was required.

Several workshops and discussions with the CEs Forum and the Mayoral Forum post October 2019 elections discussed support for regional economic development and the development of a regional economic development strategy.

Key points are:

- The final entity must be stable for performance not to be compromised
- The CEs to propose a long-term vision regarding funding and representation
- Commitment from all four Councils to be actively participating and contributing for regional economic development to be successful

- Commitment to one economic development services agency in Northland

Discussion

At present, the main economic development services being delivered by Northland Inc. and Northland Councils are:

Delivered by Northland Inc. for the Region	Delivered by Councils for respective districts
Business development, business start-up advisory	Event and tourism promotion - WDC
Promotion of innovation, including the digital enablement plan and broadband extension	Business attraction – industry, developers, regulatory advice
Investment attraction and facilitation including investment in Northland focused events, Provincial Growth Fund infrastructure and district and regional projects	Community Development – Community and district focused support, funding and facilitation
Skills support, provision of support for IGR applications and funding	I-Sites (WDC and FNDC)
Destination marketing and management re international trade and tourism	Provincial Growth Fund initiatives and applications
Industry development and support to major projects and TTNEAP projects	

At this point in time, further work would be required to determine what functions and services would be undertaken by the joint CCO and the District Councils.

I.e. whether (any) district focused development, event and tourism promotions, PGF and funding applications would be better being a function of the joint CCO.

Northland Inc. have recently commissioned two studies to be completed regarding:

- Feasibility of increasing the level of delivery of Northland Inc. to the Far North and West Coast
- Maori Economic Development

A new Board is in place chaired by Sarah Peterson and Murray Reade joined Northland Inc. as Chief Executive in 2019, with a wealth of leadership experience, tourism sector experience and a strong history of working with community and stakeholders.

Given the combination of the newly appointed Northland Inc. Board of Directors and a recently appointed Chief Executive for Northland Inc. coupled with new Councils and elected members, it's time to consider what the future delivery of regional economic development services has the potential to be over the next three to four months in order to meet the 2021/2031 Long Term Plan timeframes.

Post the 2019 local government elections, progress has focused on:

- The equitability and affordability of financial contributions from the District Councils.
- Shareholding and Voting Rights
- Timeframes and 2021-2031 Long Term Plan consultation
- Risks, obstacles and issues from preventing progress

The proposal builds on the Martin Jenkins recommendation that a joint regional CCO is the most suitable business model to deliver economic development services to Northland. Not only does this follow best practice, but would also likely gain support from Central Government, where government would be communicating at a regional level and Northland effectively harnessing available central government funding and support.

Funding of Northland Inc.

Currently Northland Regional Council fund Northland Inc. and the Investment Growth Reserve Fund (IGR) through their commercial activities and Whangarei District Council fund a cash contribution of circa \$105,000 per annum plus up to one FTE that is seconded to Northland Inc. Far North and Kaipara District Council currently do not make any contribution but have done in the past.

The proposal recommends Northland Regional Council continue to fund Northland Inc. and the IGR in line with the level of funding committed in the 2018-2028 Long Term Plan. From the commencement of the 2021-2031 Long Term Plan Cycle the District Councils will progressively build up their contribution until it represents 40% of the total funding allocation made to these two functions.

The IGR was established in 2011-2012 to help fund economic projects that will increase jobs and economic performance in Northland. The reserve is financed by income from Northland Regional Council's various investments and potential projects are scoped and assessed by Northland Inc.

The objective of the IGR is to provide a fund that enables Northland Regional Council make strategic investments that lift the long-term growth of Northland. Allocations from the fund must be one of the following:

- Operational expenditure for Northland Inc.
- Project development
- Enabling investment

The option of the District Councils building their contribution to 40% over a three-year time period was deemed unaffordable in such a short timeframe, despite their being less risk if the transition is completed in one Long Term Plan cycle. To ease the impact of economic development expenditure on the District Councils a six-year transition is recommended.

Joint Regional CCO – Aligned to the 2021-2031 LTP and a transition period of six years

- Target Funding: NRC funding 60% of Northland Inc. and the IGR from commercial activity and the balance of 40% would be funded by the District Councils

- The methodology for the proportion of funds that will be funded from each Council was also given further thought. The proposed funding ratio for the District Councils is based on population numbers in each district.

Council	Current Population	Percentage of Contribution
Whangarei District Council	91,400	51%
Far North District Council	64,400	36%
Kaipara District Council	23,200	13%

These proportions will be reviewed at each Long-Term Plan Cycle. Based on the above table the proposed contribution required from each Council over a six-year period would be:

51% 36% 13%

Year	NRC	WDC	FNDC	KDC	Total
Population		91400	64400	23200	179000
2021/22	89%	6%	4%	1%	100%
2022/23	80%	10%	7%	3%	100%
2023/24	74%	13%	9%	3%	100%
2024/25	68%	16%	12%	4%	100%
2025/26	64%	18%	13%	5%	100%
2026/27	60%	20%	14%	5%	100%

Whilst Northland Regional Council maintain funding Northland Inc. per their current Long-Term Plan commitments, it's proposed the three District Councils contribute a further 40% over the six-year transition period. The indicative share of financial contribution would be:

Year	NRC	WDC	FNDC	KDC	Total
2021/22	\$1.811M	\$117K	\$82K	\$29K	\$2,082M
2022/23	\$1.852M	\$241K	\$169K	\$61K	\$2,357M
2023/24	\$1.937M	\$349K	\$246K	\$89K	\$2,632M
2024/25	\$1.984M	\$475K	\$335K	\$121K	\$2,910M
2025/26	\$2.033M	\$587K	\$413K	\$149K	\$3,191M
2026/27	\$2.084M	\$709K	\$500K	\$180K	\$3,473M

The six-year transition period represents two LTP cycles and two election cycles. Maintaining political support through this transition period, whilst progressively increasing financial

contributions, may be challenging and does represent a risk to the longevity of the model. However, a three-year transition period was deemed unaffordable by the District Councils.

The allocation of the total level of funding provided from the District Councils and Northland Regional Council between Northland Inc. operations and the IGR will be determined by requirements of the Northland Inc's Statement of Intent and supporting budgets, with the differences being transferred to the IGR and available to support the priorities and projects agreed by the four Councils.

Shareholding and Governance Arrangements

The Martin Jenkins report recommends establishing a formal joint committee across the four Councils to provide direction to Northland Inc. and jointly recommend Northland Inc's Board appointments. The report also recommends establishing a Shareholders Agreement between the four Councils to govern the relationship and developing a joint Statement of Intent and service agreements with individual Councils. Further consideration has been given to options for shareholding and voting rights based on:

- **Weighted Rights Model Based on the level of financial contribution from each Council**

This is where a formal joint committee is established, and the representation and votes are based on the level of financial contribution.

	Formal Joint Committee Membership	NRC	FNDC	WDC	KDC
Years 1 - 3	7 members	4	1	1	1
Years 4 - 6	11 members	6	2	2	1

With this model Northland Regional Council retains the deciding vote as the District Councils contribute 40% of the financial contribution and Northland Regional Council 60%.

Or in the alternative

- **Consensus Model: Based on equal shareholding across the four Councils**

This is based on the shareholding being equal i.e. each Council having an equal shareholding in Northland Inc. and the formal joint committee membership is made up of one representative from each Council (one vote).

Decision making is to be consensus building. In the event that consensus cannot be reached then a vote would be taken with votes weighted proportional to the funds provided in that particular year.

The proposed governance model features are:

Equal shareholding by Northland Regional Council selling twenty-five shares at one dollar each to Whangarei, Far North and Kaipara District Councils. This will provide the four Councils with an equal shareholding of 25 shares each.

Governance would be via a formal Joint Committee
The Formal Joint Committee would appoint the commercial focused Northland Inc. Board of Directors on merit.
All Councils to contribute and have input through setting the Statement of Expectations regarding, the objectives, priorities, deliverables, performance and reporting framework and outcomes for the region
Allocation of Investment Growth Reserve delegated to the formal Joint Committee. This would enable the District Councils input into the decision making around the allocation of the IGR from the outset.

Consultation

Establishing Northland Inc. as a joint regional CCO will require public consultation, therefore this is proposed to be aligned with the 2021-2031 Long Term Plan process across the region provided the four Northland Councils give agreement to do so.

Obstacles and Sensitivities Preventing Progress

An assessment has been completed regarding the obstacles and sensitivities preventing progress at an individual Council level.

The main issues are:

- The new entity must have stability to last a decade or more and the need for a secure financial baseline
- Political buy-in, Councils must agree to the “new” Northland Inc. being the provider of economic development services in Northland
- The lack of a regional economic development strategy
- Building trust and stability, monitoring effort and distribution of benefit
- Equitability by medium term equitable distribution in proportion to contribution

The proposal addresses each of these issues, either through the business model being proposed, the long-term funding contributions from NRC and the District Councils, the commitment from Northland Councils that the ‘new’ Northland Inc will be the one organisation that delivers economic development services for the region.

The Councils also have input to the Statement of Intent process via the formal Joint Committee, and the Consensus Voting model promotes building trust. The out-put out-come framework together with the performance and reporting framework enable the monitoring of effort and measurement of the distribution of benefit.

Regional Economic Development Strategy

The Martin Jenkins report highlighted the lack of an overarching regional economic development plan that brings together TTNEAP, NorthlandForward Together, He Tangata, Northland Councils Plans and Northland Inc. priorities. The aim should be for the strategy

and plan to be more aspirational about the future of the region and to provide greater direction about how economic development activities will support the future vision.

The development of a regional strategy is estimated to be a two-year process, that will require external consultants together with funding and resources from Northland Councils. The development of the strategy should be led by Northland Councils, rather than Northland Inc. and be completed under Northland Forward Together. A scope of work, together with funding and resourcing requirements will need to be completed to inform the 2021-2031 Long Term Plan process.

The Future

The proposed regional joint CCO together with the proposed governance and funding model provides a greater level of stability, where the individual Councils are actively engaged via a joint committee and coupled with the development of a regional economic development strategy that would underpin the objectives, priorities, funding requirements and outcomes to be delivered by Northland Inc.

By converting Northland Inc. into a regional joint CCO it should enable:

- Greater reach of services into the Far North and Kaipara via a hub and spoke model in accordance with contribution, where economic investment is most needed to lift the economy and standard of living for the community.
- Greater engagement and participation of Maori/Iwi. This is a priority for all four Northland Councils.
- Central Government will be communicating with one agency for Northland, and this would likely gain support from Central Government, where government would be communicating at a regional level and Northland Inc. effectively harnessing available central government funding and support.
- The District Councils would have greater control and insight into the monitoring of performance and the distribution of benefit throughout the region. This could be done by: regular meetings between Northland Inc. and the formal Joint Committee, Annual strategy sessions with individual Councils, regular meetings between CEs of Councils and CE of Northland Inc., and overall reporting of progress to Northland Councils.
- There should be greater alignment of economic development priorities and outcomes across Councils and Northland Inc. even more so with the development of the regional economic development strategy.
- Specialisation/centre of excellence approach regional economic development that could potentially be more attractive.
- Support the Covid-19 state of emergency economic recovery

Some examples of specific tangible benefits associated with increased economic development funding are:

- Greater ability to help councils develop funding applications for projects
- Development of a regional destination marketing and event strategy

- Resourcing to champion and improve digital (broadband and mobile phone) connectivity
- Increased funds in the IGR to be able to allocate as Project Investment co-funding for new initiatives

The proposal means that there will be a call on resources and funding:

- The conversion of the existing Northland Inc. to a regional joint CCO, would require public consultation, but it should have little disruption to Northland Inc. and Council operations. The implementation will require increased resources regarding the governance arrangements i.e.
 - Shareholders Agreement
 - Joint Committee role
 - Performance and reporting framework
 - Output and Outcome framework
- The time and costs associated with public consultation via the 2021-2031 Long Term Plan
- The costs associated with extending Northland Inc's services into the Far North and Kaipara

The Martin Jenkins report discusses that the costs and risks are manageable and will not outweigh the benefits of the proposal.

Recommendation

1. Stage One – Aligned to the 2020/2021 Annual Plan

The proposal recommends Northland Inc. should increase its governance participation with the District Councils, in return for a commitment to funding and resourcing.

The proposal recommends:

- Shared appointment of directors by a formal Appointment Board made up of four representatives from NRC and one representative each from WDC, FNDC and KDC.
- Each representative to the Appointment Board will have one vote, thus the majority vote is with NRC.
- Each Council would appoint their representative to the Appointment Board for a term of one year, commencing 1 July 2020.
- WDC, FNDC and KDC would have input into the Statement of Intent process.
- Contribution of funding:
 - Whangarei District Council \$105K p.a.
 - Far North District Council \$82K p.a.
 - Kaipara District Council \$25K p.a.
 - WDC will continue to contribute up to one FTE to Northland Inc.
 - NRC will continue to fund Northland Inc. and the IGR Fund per their current Long-Term Plan

2. Stage Two – Regional Joint CCO – Aligned to the 2021/2022 LTP Cycle

The proposal recommends that Northland Inc. be converted to a jointly owned CCO, overseen by a Formal Joint Committee of council representatives.

The proposal recommends:

- Equal shareholding by NRC selling 25 shares at one dollar each to WDC, FNDC and KDC, providing the four Northland Council with an equal shareholding of 25 shares each.
- Governance via a formal Joint Committee with representation from each of the four Councils, by each Council having one representative.
- Formal Joint Committee to appoint Directors to Northland Inc. based on merit.
- Retainment of the current policy of rotation for appointment of directors.
- Northland Councils all have input into the Statement of Intent process via the Joint Committee.
- Allocation of the Investment Growth Reserve delegated to the Joint Committee
- Decision making on the Joint Committee to be made by consensus and failing that by vote proportionally weighted to the funds provided in that particular year.

The proposal recommends funding the regional joint CCO over a transition period of six years, whereby Northland Regional Council maintain funding levels per their 2018-2028 Long Term Plan, and the District Councils increase their funding contributions to a total combined value of 40% over the same period.

The development of a regional economic strategy would better inform the priorities, deliverables and outcomes to be achieved by Northland Inc. The proposal recommends the strategy is developed under Northland Forward Together and to develop a brief including resources, funding and timeframes for consideration.

The proposal recommends that total funding of Northland Inc. and IGR progresses to \$3.473M by 2026/2027.

Year	NRC	WDC	FNDC	KDC	Total
2021/22	\$1.811M	\$117K	\$82K	\$29K	\$2,082M
2022/23	\$1.852M	\$241K	\$169K	\$61K	\$2,357M
2023/24	\$1.937M	\$349K	\$246K	\$89K	\$2,632M
2024/25	\$1.984M	\$475K	\$335K	\$121K	\$2,910M
2025/26	\$2.033M	\$587K	\$413K	\$149K	\$3,191M
2026/27	\$2.084M	\$709K	\$500K	\$180K	\$3,473M

Note: 2% inflationary adjustment has been applied.

Timeframes

An indicative timeline is included in Attachment One, page 2. There are key timeframes that would need to be met regarding:

- Individual Council approval for Stage One funding to be included in the 2020/21 Annual Plans
- Individual Council approval to support Stage Two, the development of a regional economic development strategy and the required funding go to each Council for their approval to be included in the 2021-2031 Long Term Plan consultation process.
- The 2021-2031 Long Term Plan consultation process
- Planning for the transition and have all preparation in plans to implement prior to July 2021 (Subject to consultation and individual Council adoption)

Next Steps

Should the recommendations be supported by the Mayoral Forum at their meeting on the 24th February 2020, then discussion with Northland Inc. and Northland Regional Council in the first instance, followed by a standard agenda paper will be prepared for each Council. This is to consider the merits of the proposed service delivery model and the development of a regional economic development strategy, funding and resourcing for inclusion in the 2021-2031 Long Term Plan process.

Authorised by: (Each Northland Council)

Attachment One	Summary on a page of proposed Northland Regional Economic Development Delivery
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Stages	Proposed Regional Economic Development Service Delivery Models	Governance Features	Proposed Funding Requirements	Advantages/Dis-advantages																																																						
<div>Stage One</div> <div>1 July 2020 to 30 June 2021</div>	<div>Enhancing the governance participation with the existing Northland Inc.</div> <div></div>	<div>*Shared Appointment of Directors, by a formal Appointment Board made up of four NRC representatives and one representative each from WDC, KDC and FNDC.</div> <div>*Each representative will have one vote</div> <div>*Each Council would appoint their representative to the Appointment Board for a term of one year commencing 1.07.20</div> <div>*WDC, KDC and FNDC would have input into the Statement of Intent process</div>	<div>Financial commitment required from all Councils. NRC would continue to fund Northland Inc. per the 2018/19 to 2021 Statement of Intent.</div> <div>The proposed funding is highly discretionary, and individual Councils may need to make a greater financial commitment subject to the specific projects that the being delivered by Northland Inc.</div> <div><table><tr><td>WDC</td><td>\$105,000</td></tr><tr><td>FNDC</td><td>\$82,000</td></tr><tr><td>KDC</td><td>\$25,000</td></tr><tr><td>NRC</td><td>\$1,935,000</td></tr></table></div> <div>WDC also contribute up to 1 FTE seconded to Northland Inc.</div>	WDC	\$105,000	FNDC	\$82,000	KDC	\$25,000	NRC	\$1,935,000	<div>Advantages</div> <div>*First step to continuum of change, easy to implement at minimal cost and minimal change to Northland Inc. structure.</div> <div>*No disruption to existing services</div> <div>*District Councils have input and voting rights re appointment of directors. *NRC have the controlling vote</div> <div>*District Councils have input into Statement of Intent process</div> <div>*NRC agree and approve the Statement of Intent</div> <div>*District Councils can put forward specific projects relative to their specific priorities</div> <div>*Opportunity to extend reach in return for a relatively small investment</div> <div>Dis-advantages</div> <div>*Lack of sustained commitment from District Councils – Opt-in Opt-out a short-term option</div> <div>*Benefits of projects may not be visible</div> <div>*May be a higher cost for Northland Inc.</div>																																														
WDC	\$105,000																																																									
FNDC	\$82,000																																																									
KDC	\$25,000																																																									
NRC	\$1,935,000																																																									
<div>Stage Two</div> <div>Six-year transition</div> <div>1 July 2021 to 30 June 2024</div> <div>And</div> <div>1 July 2014 to 30 June 2027</div>	<div>Extending Northland Inc. to a Joint Regional CCO</div> <div></div>	<div>*Equal shareholding by NRC selling 25 shares, at one dollar each to WDC, FNDC and KDC thus providing the district Councils with a 25% shareholding each in Northland Inc.</div> <div>*Governance via a formal joint committee with representation from the four Northland Councils, each Council having one representative.</div> <div>*Formal Joint Committee to appoint Board of Directors on merit.</div> <div>*Retention of current policy of rotation to appoint directors.</div> <div>* Individual Councils input into the statement of intent process via the Formal Joint Committee</div> <div>*Allocation of the Investment Growth Reserve delegated to the Formal Joint Committee</div>	<div>*NRC propose to maintain its current 2018-2028 LTP contribution, which over a six-year period will be 60% of the total Northland Inc/IGR funding.</div> <div>*WDC, FNDC and KDC would contribute the remaining 40% that is apportioned by population statistics.</div> <div>*A six-year transition period for WDC, FNDC and KDC to fully fund the 40% share.</div> <div>Below sets out the targeted financial contributions over a six-year transition period for the proposed funding requirements of Northland Inc and the IGR.</div> <div>Indicative Share of Contribution</div> <table><tr><td></td><td></td><td>51%</td><td>36%</td><td>13%</td><td></td></tr><tr><td>Year</td><td>NRC</td><td>WDC</td><td>FNDC</td><td>KDC</td><td>Total</td></tr><tr><td>Population</td><td></td><td>91400</td><td>64400</td><td>23200</td><td>179000</td></tr><tr><td>2021/22</td><td>89%</td><td>6%</td><td>4%</td><td>1%</td><td>100%</td></tr><tr><td>2022/23</td><td>80%</td><td>10%</td><td>7%</td><td>3%</td><td>100%</td></tr><tr><td>2023/24</td><td>74%</td><td>13%</td><td>9%</td><td>3%</td><td>100%</td></tr><tr><td>2024/25</td><td>68%</td><td>16%</td><td>12%</td><td>4%</td><td>100%</td></tr><tr><td>2025/26</td><td>64%</td><td>18%</td><td>13%</td><td>5%</td><td>100%</td></tr><tr><td>2026/27</td><td>60%</td><td>20%</td><td>14%</td><td>5%</td><td>100%</td></tr></table>			51%	36%	13%		Year	NRC	WDC	FNDC	KDC	Total	Population		91400	64400	23200	179000	2021/22	89%	6%	4%	1%	100%	2022/23	80%	10%	7%	3%	100%	2023/24	74%	13%	9%	3%	100%	2024/25	68%	16%	12%	4%	100%	2025/26	64%	18%	13%	5%	100%	2026/27	60%	20%	14%	5%	100%	<div>Advantages</div> <div>*True arms-length with individual Council influence via Formal Joint Committee, the appointment of directors and input into the development of the statement of intent.</div> <div>*Governance by Formal Joint Committee</div> <div>*Regional decision making re Investment Growth Reserve via the Formal Joint Committee.</div> <div>*Best model practice – Martin Jenkins Reviews and other regional initiatives in NZ</div> <div>Dis-advantages</div> <div>*Commitment required from all Northland Councils</div> <div>*Substantially less opportunity to opt in and out - affordability</div> <div>*Subject to public consultation aligned with the 2021-31 LTP cycle</div> <div>*Lack of political appetite</div> <div>*Ease and cost of</div>
		51%	36%	13%																																																						
Year	NRC	WDC	FNDC	KDC	Total																																																					
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	Benefits of Northland Inc. moving to a Joint Regional CCO <ul style="list-style-type: none">Provides a greater level of stability, formal governance, individual councils actively engaged via a formal joint committeeFormal Joint Committee appoints the directors, allocates the IGR Fund, negotiates the Statement of Intent, monitors performance and is the key communication link between individual Councils and Northland Inc.Enables a reach of services into the Far North and KaiparaUndertakes all economic development services on behalf of the Northland CouncilsAttractive model to central government – dealing with a regionRegional engagement with Maori/IwiGreater alignment of prioritiesThe District Council would have greater insight into performance, outcomes and spread of benefitSpecialisation/centre of excellence being more attractive to potential employeesDelivery of a regional economic development strategy		Indicative Target Share of Financial Contribution						implementation, * Staff re-location *Affordability for District Councils regarding funding
			Year	NRC	WDC	FNDC	KDC	Total	
			2021/22	\$1.811M	\$117K	\$82K	\$29K	\$2,082M	
			2022/23	\$1.852M	\$241K	\$169K	\$61K	\$2,357M	
			2023/24	\$1.937M	\$349K	\$246K	\$89K	\$2,632M	
			2024/25	\$1.984M	\$475K	\$335K	\$121K	\$2,910M	
			2025/26	\$2.033M	\$587K	\$413K	\$149K	\$3,191M	
			2026/27	\$2.084M	\$709K	\$500K	\$180K	\$3,473M	

Timeline for the Implementation of Stages One and Two – Taking Northland Inc. from their current governance and funding model structure to a full joint regional CCO and proportional funding over a transitional six-year period

Date	Action	Forum			Date	Action	Forum
3 February 2020	Agreement of recommendations, funding, shareholding and timeline	CEs Forum			June 2020	Adoption of each Council Annual Plans re: Stage Two – Joint Regional CCO for public consultation in 2021-2031 LTP and the development of a regional economic development strategy and associated funding	
25 February 2020	Agreement from Mayors and Chair for Stage One inclusion in draft Annual Plans and support for Stage Two to be included in the 2021-2031 LTP Process	Mayoral Forum			July 2020 – August 2020	Agreed message/wording and information for regional consultation Funding requirements for each Council to be included in the draft 2021-2031 LTP	
March/April 2020	Discussion with NRC and Northland Inc.	Northland Inc Board and NRC Council Meeting			September 2020 to March 2021	Consultation period	
March/April 2020	Draft TOR, project brief for the development of a Regional Economic Development Strategy	CEs Forum Mayoral Forum			By November 2020 By March 2021	Transition Plan for moving Northland Inc to Joint Regional CCO All transition preparation completed ready to put in place for 1 July 2021.	CEs Forum
April 2020	Discussion and approval by individual Councils for Stage 1, Stage 2, and ED Strategy and inclusion in the 2021-2031 LTP	Each Council			April 2021 - May 2021	Feedback from consultation	CEs Forum
April May 2020	Transition Plan Developed Stage One including Northland Inc. involvement *Appointment Board *Expectations of Purpose input	Northland Forward Together Team			June 2021	Adoption of 2021-2031 LTP by Councils Joint Regional CCO and Development of a Regional Economic Development Strategy	Individual Councils
June 2020	Annual Plan adoption for WDC, KDC and FNDC re funding	KDC and FNDC Council meetings			July 2021	Joint CCO be established, Transition and Engagement of Consultants re regional strategy	
July	Transition	Northland Inc. NRC					

Terms of Reference

Regional Economic Development Service Delivery Working Party

Membership

The Regional Economic Development Service Delivery Working Party shall be comprised of two (2) councillors from Northland Regional Council (the council) and two (2) elected members from each of Kaipara District Council and Far North District Council (district councils) as follows:

Chair:	Cr X. XXXXX
Member:	Cr X. XXXXX
District council representation:	Two (2) members from each of the two (2) District Councils as follows: Cr X. XXXXX, Far North District Council Cr X. XXXXX, Far North District Council Cr X. XXXXX, Kaipara District Council Cr X. XXXXX, Kaipara District Council

Standing orders do not apply.

Quorum

The quorum for meetings of the working party shall be four (4). District council members count towards a quorum. Each local authority must be represented by at least one (1) member to constitute a quorum.

Purpose and term

Northland Inc. Limited is currently 100% owned by Northland Regional Council. The establishment of this working party does not remove or reduce council's responsibilities as the single shareholder of Northland Inc. Limited.

The working party has been established to assist with the potential transition of Northland Inc. Limited to a jointly owned council-controlled organisation (CCO). This development is being consulted on by the district councils in their Long Term Plan 2021-2031.

The term of the working party will conclude on 30 June 2021.

Vision, mission and areas of focus (Long Term Plan 2018-2028)

Our Northland – together we thrive. Working together to create a healthy environment, strong economy and resilient communities.

The working party will contribute directly to the following areas of focus:

- A strong regional economy
- Efficient and effective service delivery

Objectives

The objectives of the working party are to:

- Make recommendations to council on the appointment of Northland Inc. Limited directors;
- Make recommendations to council on Northland Inc. Limited's Statement of Intent 2021-2024; and
- Make recommendations to council on any other matters relating to the regional economic development service delivery as requested by council.

Responsibilities

The working party is directly responsible and accountable to the council for the exercise of its responsibilities. Written updates will be provided to council as appropriate.

In carrying out its responsibilities, the working party must at all times recognise that primary responsibility for management of the council rests with the Chief Executive.

For reasons of efficiency and/or expediency, should the working party not be able to perform their functions, the council will assume their role and responsibilities.

ROLE AND FUNCTIONS

Council authorises the working party, within the scope of its Terms of Reference, role and responsibilities, to:

1. General

- a) Subject to operating within approved budget allocation - obtain information it needs from the CEO and/or external party (subject to their legal obligation to protect information);
- b) Request the attendance of any employee, subject to the Chief Executive's approval, at meetings of the working party or its working groups;
- c) To regularly report progress on its functions to the council; and
- d) Undertake such other functions as may be delegated by council from time to time.

2. Regional Economic Development Service Delivery

For regional economic development service delivery activities:

- a) Provide recommendations to council on the appointment of Northland Inc. Limited directors after following a process that is in conformity with council's policy on the appointment of directors to council organisations;
- b) Provide recommendations to council on Northland Inc. Limited's Statement of Intent 2021-2024 in a timely manner that allows council to fulfil its obligations under the Local Government Act 2002; and

- c) Attend the quarterly workshop sessions between council and the Board of Northland Inc. Limited.

3. No Delegated Authority – Power to Act

The working party has no delegated authority or power to act.

Temporary Road Closure Approval – Dargaville Lions Club Christmas Parade 2020

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Wendy Campbell, Corridor Access Coordinator

Purpose/Ngā whāinga

To seek approval from Council for the application of a temporary road closure for the purpose of the Dargaville Christmas Parade 2020 – community event

Executive summary/Whakarāpopototanga

Approve the application for a temporary road closure to allow the Dargaville Christmas Parade 2020 to take place in a safe manner. The proposed closure is to be held on Saturday 05 December 2020 from 07:00am to 01:00pm and includes parts of Victoria Street, Edward Street, Poto Street, Totara Street, Parore Street, Hokianga Road and Kapia Street.

Recommendation/Ngā tūtohunga

That Kaipara District Council

- a) Approves the application for a temporary road closure to allow the Dargaville Christmas Parade 2020 to take place in a safe manner. The proposed closure is to be held on Saturday 05 December 2020 from 07:00am to 01:00pm and includes parts of Victoria Street, Edward Street, Poto Street, Totara Street, Parore Street, Hokianga Road and Kapia Street.
- b) Notes that this approval is conditional on the event organiser informing all businesses/residents located within the road closure area with a letter drop.

Context/Horopaki

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, Council is required to advertise any road closures at least 42 days in advance of an event. The decision to close the road is to be approved by Council under the Local Government Act 1974, s319.

The Dargaville Christmas Parade 2020 will be held on Saturday 05 December 2020 and will be approximately the eighteenth year that the Club is running the same route successfully. To carry out the parade in a safe manner the procession will assemble in the Totara Street carpark and proceed onto Victoria Street continuing along Victoria Street until the Central Hotel Carpark, the procession will then proceed through the carpark onto Edward Street and back onto Victoria Street where they will continue back to Totara Street and end in the Totara Street carpark and disperse from there. This event is widely supported every year with a financial and social gain for the local community and businesses.

Discussion/Ngā kōrerorero

The proposed traffic management diagram (Attachment A) necessitates the temporary closure of parts of Victoria Street, Edward Street, Poto Street, Totara Street, Parore Street, Hokianga Road and Kapia Street in Dargaville as shown on the proposed Traffic Management Diagram (attachment A of this report). The proposed Traffic Management Plan requires the road to be closed for five hours on a Saturday between the hours of 07:00am to 01:00pm.

This is likely to cause minimal nuisance to the local businesses located within the closure as pedestrians will still have access during the closure period. No objections have been received during the notification period and a search of the CSR system shows no history of issues relating to the previous parades held.

Options

Option A: Approve the application for the temporary road closure

By choosing option A, the council can allow for a safer event for the community, event participants and road users.

Option B: Decline the application for the temporary road closure.

Declining this application would be a step in the opposite direction for creating opportunity to promote tourism in the Kaipara and be seen as a loss in financial, cultural and social opportunity for the local businesses and community. As the local authority, Council has an obligation to provide a safe environment for the event for all involved.

The recommended option is Option A.

Policy and planning implications

There are no policy and planning implications. The works have been undertaken in accordance with Local Government Act 1974, s319 – General powers of Council in respect of roads; ‘to stop or close any road or part thereof in the manner and upon the conditions set out in s342 and Schedule 10’.

Financial implications

The applicant will bear all costs of temporarily closing the road.

Risks and mitigations

There are no major risks associated with the decisions or matters outlined in this report.

Significance and engagement/Hirahira me ngā whakapāpā

The public have been informed of the application.

Next steps/E whaiake nei

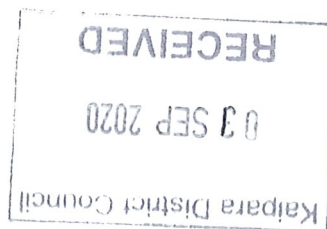
Advise the applicant of the council’s decision. If approved, give public notice and advise stakeholders of the decision to close part of the road under Clause 11a of Schedule 10 of the Local Government Act 1974. Applicant to undertake letter drop to all residence/businesses located within the closure.

Attachments/Ngā tapiritanga

	Title
A	Traffic Management Plan

Wendy Campbell, 25 September 2020

Chief Executive
Kaipara District Council
Private Bag 1001
Dargaville 0340



Important Notes

- 1 For local closures Council is required to advertise these at least **42 days** in advance of the event. Therefore applications will only be actioned if they are received a **minimum of 3 months prior to the event**, to allow time for the required Council approval procedures and advertising.
- 2 This application for temporary road closure will be dealt with in terms of the Transport (Vehicular Traffic Road Closure) Regulations 1965, a copy of which is attached.
- 3 The applicant's attention is specifically drawn to Clause 7 of the Regulations relating to the provisions of adequate insurance.

I/WE Dargaville Lions being the
organiser of the Dargaville Christmas Parade event
hereby apply for Council's permission to close part of the road/roads, as shown on the attached plan
and subject to the conditions listed below, which are unreservedly agreed to.

Reason for closure: Dargaville Christmas Parade

Date: 5th December

Time: 7am – 1pm

Road(s)/Street(s) Victoria Street Dargaville

Contact phone number: 0276014558

Contact address: 68 VICTORIA ST DARGAVILLE

(MOANA'S BOOKSHOP)

Notes for the Applicant

The following conditions shall apply in respect of the road/street closing approval for your organisation.

- 1 All signs and barricades are to be placed out as per the Temporary Traffic Management Plan submitted.
- 2 Council no longer has signs or drums available so it is the responsibility of the applicant to obtain the correct signs and the drums to use as barricades. These can be hired from Broadspectrum SH14 Dargaville.
- 3 Barricades are to be constructed so as to prevent traffic from entering into the closed road area.
- 4 A Marshall is to be stationed at each barricade to direct traffic, and to let through emergency vehicles.
- 5 All barricades are to be removed prior to the advertised opening time.
- 6 All signs are to be removed within one hour of the completion of the advertised opening time.
- 7 In the case of temporary road/street closures associated with car rallies, hill climbs etc. the roads/streets involved will be inspected prior to, and immediately after, the event and any damage which has occurred will be charged to the applicant together with full costs associated with the inspections.
- 8 ***The application fee is enclosed with this application.***

Schedule of Fees	
Hill Climbs, Car Rallies, etc	\$ 600 Application Fee \$5,825 Bond
Processions etc in urban areas and special events	\$ 290 Application Fee

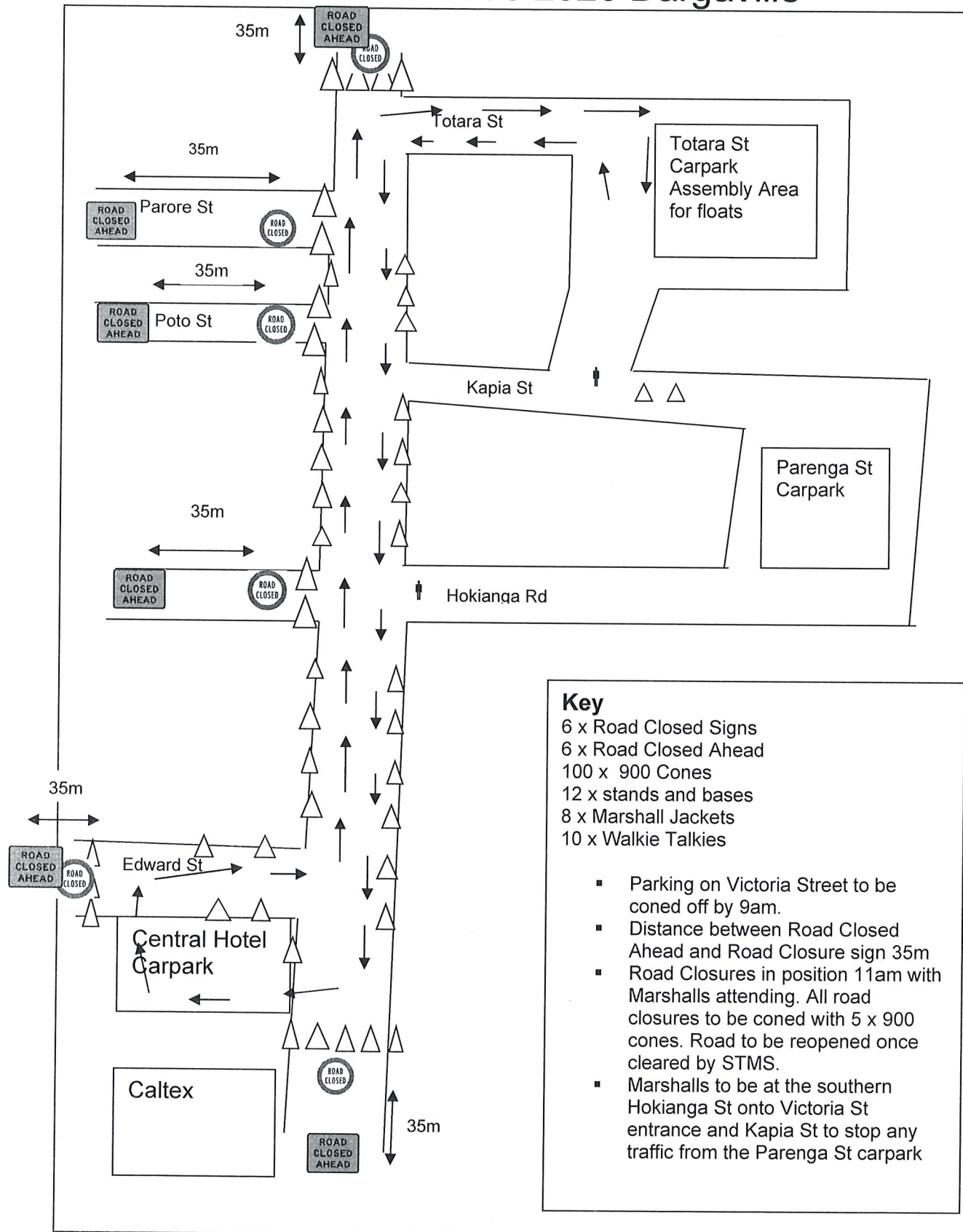
Signature of Applicant

Date

Chief Executive

Date

Christmas Parade 2020 Dargaville



Duties

- Cones to restrict parking to be placed by 9am
- All Road Closures to be in place and manned by 11am. Communication via Walkie Talkies.
- Road to remain closed until STMS has cleared parade.
- All roading signs and cones to be picked up after parade finishes
- All Marshalls to wear High Visibility Jackets at all times and ensure the safety of all participants.
- All Marshalls responsible to STMS (Roxanne Kelly) contact 0274 771 752

RCA consent (eg CAR/WAP) and/or
RCA contract reference

TRAFFIC MANAGEMENT PLAN (TMP) – SHORT FORM

Complete **short form** if simple activity and RCA permits. Refer to the NZ Transport Agency's Traffic control devices manual, part 8 Code of practice for temporary traffic management (CoPTTM), section E, appendix A for a guide on how to complete each field.

Organisation/ TMP reference	TMP reference:	Contractor (Working space): Dargaville Lions Club	Principal (Client): Noel Moran				
		Contractor (TTM): Roxanne Kelly	RCA:				
Location details and road characteristics	Road names and suburb		House no. / RPs (From and to)	Road level	Permanent speed	AADT/Peak flows	
	<ul style="list-style-type: none"> Victoria Street from Totara and including Totara Street to West side of the Central Hotel Carpark. All of Parenga St, Totara St, Kapia St. All of Hokianga Rd South of Victoria St. Edward St from Victoria St to North side of the Central Hotel Carpark 			Level one	N/A		
Description of work activity	Road Closure for Dargaville Christmas Parade 7 th December						
Planned work programme							
Start date	5 December 2020	Time	7am – 1pm	End date	5 December	Time	7am – 1pm
Consider significant stages, for example:	Total Road Closure						
<ul style="list-style-type: none"> road closures detours no activity periods. 							
Alternative dates if activity delayed	N/A						
Road aspects affected (delete either Yes or No to show which aspects are affected)							
Pedestrians affected?	No	Property access affected?	Yes	Traffic lanes affected?	Yes		
Cyclists affected?	No	Restricted parking affected?	No	Delays or queuing likely?	No		
TSL/ Diagram (see TSL decision matrix for guidance)	TSL details as required Approval of Temporary Speed Limits (TSL) are in terms of Section 6 of Land Transport Rule: Setting of Speed Limits 2017, Rule 54001/2017 (List speed, length and location)		Times (From and to)	Dates (Start and finish)	Diagram ref. no.s (Layout drawings or TMDs)		

RCA consent (eg CAR/WAP) and/or RCA contract reference						
Attended day/ night	A temporary maximum speed limit of km/h is hereby fixed for motor vehicles travelling over the length of m situated between (House no./RP) and (House no./RP) on (street or road name)					
Unattended day/ night	A temporary maximum speed limit of km/h is hereby fixed for motor vehicles travelling over the length of m situated between (House no./RP) and (House no./RP) on (street or road name)					
TSL duration	Will the TSL be required for longer than 12 months? <i>If yes, attach the completed checklist from section I-18: Guidance on TMP Monitoring Processes for TSLs to this TMP.</i>				Yes No	
Contingency plan						
If long queues form or delays exceed 5mins (or any other period required by RCA), site to be disestablished or additional lanes made available.		Adjust TMD to suit unforeseen circumstances (eg weather or site overlaps with another work site).		Emergency services will be accommodated, and access provided through the site as required.		
Add additional contingencies:						
Contact details						
	Name	24/7 contact number	CoPTTM ID	Qualification	Expiry date	
Principal	Noel Moran	0276014558				
TMC						
Engineers' representative						
Contractor						
STMS	Roxanne Kelly	0225679880	12930	L1 STMS	29/5/2023	
TC						
Others as required						
TMP preparation (or approval if STMS delegated authority to approve TMPs)						
<i>Delete the option that does not apply (either prepared or approved)</i>						
Prepared / Approved						
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
This TMP meets CoPTTM requirements			Number of diagrams attached			
TMP returned for correction						
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
Engineer/TMC to complete following section when approval or acceptance required						
Approved by TMC or engineer (delete one)						
	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
Acceptance by TMC (only required if TMP)						

RCA consent (eg CAR/WAP) and/or RCA contract reference						
<i>approved by engineer)</i>	<i>Name</i>	<i>Date</i>	<i>Signature</i>	<i>ID no.</i>	<i>Qualification</i>	<i>Expiry date</i>
Qualifier for engineer or TMC approval						
<p>Approval of this TMP authorises the use of any regulatory signs included in the TMP or attached traffic management diagrams.</p> <p>This TMP is approved on the following basis:</p> <ol style="list-style-type: none"> 1. To the best of the approving engineer's/TMC's judgment this TMP conforms to the requirements of CoPTTM. 2. This plan is approved on the basis that the activity, the location and the road environment have been correctly represented by the applicant. Any inaccuracy in the portrayal of this information is the responsibility of the applicant. 3. The TMP provides so far as is reasonably practicable, a safe and fit for purpose TTM system. 4. The STMS for the activity is reminded that it is the STMS's duty to postpone, cancel or modify operations due to the adverse traffic, weather or other conditions that affect the safety of this site. 						

TMP or generic plan reference	
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ON-SITE RECORD			Today's date
On-site record must be retained with TMP for 12 months.			2/9/2020
Location details	Road names(s): <ul style="list-style-type: none"> Victoria Street from Totara and including Totara Street to West side of the Central Hotel Carpark. All of Parenga St, Totara St, Kapia St. All of Hokianga Rd South of Victoria St. Edward St from Victoria St to North side of the Central Hotel Carpark 	House number/RPs:	Suburb: Dargaville

Working space	
Person responsible for working space	<div> <div>Noel Moran</div> <div>Name</div> </div> <div> <div></div> <div>Signature</div> </div>
Where the STMS/TC is responsible for both the working space and TTM they sign above and in the appropriate TTM box below	

TTM					
STMS in charge of TTM	Roxanne Kelly	12930	29/5/2023		7am – 1pm
	Name	TTM ID Number	Warrant expiry date	Signature	Time
Worksite handover accepted by replacement STMS					
	Name	ID Number	Warrant expiry date	Signature	Time
	Tick to confirm handover briefing completed				

Delegation					
Worksite control accepted by TC/STMS-NP					
	Name	ID Number	Warrant expiry date	Signature	Time
	Tick to confirm briefing completed				

Temporary speed limit						
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):	
From: To:	TSL installed					
	TSL remains in place					
	TSL removed					
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):	
From: To:	TSL installed					
	TSL remains in place					
	TSL removed					
Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):	
From: To:	TSL installed					
	TSL remains in place					
	TSL removed					

TMP or generic plan reference	
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Street/road name (RPs or street numbers):	TSL action	Date:	Time:	TSL speed:	Length of TSL (m):
From: To:	TSL installed				
	TSL remains in place				
	TSL removed				

Worksite monitoring

TTM to be monitored and 2 hourly inspections documented below.

Items to be inspected	TTM set-up	2 hourly check	2 hourly check	2 hourly check	2 hourly check	2 hourly check	TTM removal
High-visibility garment worn by all?							
Signs positioned as per TMP?							
Conflicting signs covered?							
Correct delineation as per TMP?							
Lane widths appropriate?							
Appropriate positive TTM used?							
Footpath standards met?							
Cycle lane standards met?							
Traffic flows OK?							
Adequate property access?							
Add others as required							
Time inspection completed:							
Signature:							
Comments:							
Time	Adjustment made and reason for change						

Certificate of Currency

CHUBB

To Whom It May Concern

This certificate hereby certifies that cover has been granted subject to the exceptions, terms and conditions and definitions of the Policy (as amended from time to time, including after the date of this Certificate of Currency).

Details of Insurance

Issuing Office:	New Zealand
Insured:	Lions Multiple District 202 NZ
Class:	Public & Products Liability
Policy Period:	From: 30 June 2020 at 4.00pm To: 30 June 2021 at 4.00pm
Policy Territory:	Worldwide as defined by wording
Policy Number:	NZCASA00837
Limit of Liability:	\$10,000,000 any one Occurrence and in the aggregate in respect of the Products Hazard

Please refer to your agent, broker or the relevant Chubb office for further information or a copy of the Policy.

Chubb Insurance New Zealand Limited has an "AA-" insurer financial strength rating given by Standard & Poor's (Australia) Pty Limited.

Signed at Auckland on behalf of Chubb Insurance New Zealand Limited:



Authorised Representative
Chubb Insurance New Zealand Limited

24.06.2020
Date of Issue

Committee Structure Changes - 2019 to 2021 triennium

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: General Manager Engagement and Transformation

Purpose/Ngā whāinga

To note the establishment of the Externally-Funded Projects Committee, approve the Terms of Reference (ToR) for the new committee and note the disestablishment of the Horizons Committee.

Executive summary/Whakarāpopototanga

Kaipara District Council has received significant government funding in the previous 18 months. There is recognition that elected member governance is important over the projects for which external funding has been received. The Mayor has therefore constituted a new committee called the Externally-Funded Projects Committee to do this. The Mayor has also disestablished the Horizons Committee.

The responsibilities of committees are included in the Kaipara District Council ToR document, which are required to be approved by Council. Draft ToR for the new Externally-Funded Projects Committee is included in this report for Council to approve.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Notes that the Mayor has established the Externally-Funded Projects Committee using the mayoral powers provided in the Local Government Act (2002).
- b) Approves the Terms of Reference for the Externally-Funded Projects Committee (Attachment B).
- c) Delegates the Mayor and Chief Executive the authority to make minor editorial changes to finalise the Terms of Reference, if needed.
- d) Notes that the Horizons Committee has been disestablished.

Discussion/Ngā kōrerorero

The Mayor has provided a memo which confirms some changes to the Kaipara District Council Committee Structure for this term, provided at **Attachment A**. This memo has established the Externally-Funded Projects Committee and disestablished the Horizons Committee.

The Local Government Act (2002) provides the ability for the Mayor to establish/disestablish committees, appoint chairpersons and assign membership. These changes are in line with those powers.

The memo provides detail on the establishment of the Externally-Funded Projects Committee. Characteristics include:

- It is a committee of the whole (CoW) – this means that the Mayor and all councillors are members
- It will meet monthly (or as necessary)
- The Mayor will be the chairperson

The Council must adopt the new committee's ToR. Staff have prepared a draft ToR document for the Council to adopt, available at **Attachment B**.

We are also making internal fixed term staffing changes to align with the new governance and project workload. We are ensuring our Project Management Office (PMO) processes are applied, and in line with this, an operational steering group is being formed which will sit underneath the committee. We will also ensure we have a staffing structure in place which can support the programme. For example, Programme Manager, Project Managers/Coordinators, Communications and Engagement. Any outstanding Kaipara Kickstart work will also be incorporated into this new structure and governance model. The positions have been allowed for and will be funded by the external funding received by government.

Options

Option 1 – Approve the draft ToR. The preparation of the Externally-Funded Projects Committee ToR is in line with the format and style of the current committee ToR. They are high level and provide the appropriate direction. This is the recommended option.

Option 2: Agree changes to ToR. Council can request changes at the meeting, if desired.

Option 3: Do not agree to the ToR and request staff review further.

Significance and engagement/Hirahira me ngā whakapāpā

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

Next steps/E whaiake nei

Staff will:

- Finalise the ToR if needed after feedback
- Work with the Chair to schedule the meetings of the committee
- Make the changes to the KDC ToR document
- Work with the Kaipara Kick Start team to transition governance to the committee will commence
- Set up the reporting framework and staffing model

Attachments/Ngā tapiritanga

	Title
A	Committee structure changes memo from Mayor Dr. Smith
B	Draft Terms of Reference for the Externally-Funded Projects Committee

Memorandum

To: Louise Miller, Chief Executive
From: Mayor Jason Smith
Date: 2 October 2020
Subject: Committee structure changes

Dear Louise,

This memo advises that I am making some changes to the Kaipara District Council committee structure, applicable for the remainder of this term of council. I am confirming these changes using the mayoral powers provided by section 41(A) of the Local Government Act (2002).

New Committee

As you know, Kaipara District Council, on behalf of the community, has received significant government funding for various projects in the previous 18 months. Due to the recent new funding announcements, such as the Kaihu Valley Rail Trail, shared path in Mangawhai and the Kaiwaka footbridges to name a few, I believe it is important to have appropriate elected governance oversight for this new work.

I am also mindful of the Kaipara Kickstart Programme and its excellent work to date. I acknowledge the hard work of the current Programme Steering Group here who have provided oversight and managed the programme to date. It is hoped that members of this group may still provide input into the programmes moving forward. I also believe that it is important for elected governance oversight for the remainder of this programme.

To provide this governance, I am constituting a new committee called the **Externally-Funded Projects Committee**. It is to be a committee of the whole, meaning that all of council's elected members will form its membership. I will be the Chairperson of the committee. Given the upcoming workload, it is intended that this committee will meet monthly or as necessary, with the same quorum as required for council.

I appreciate that staff are currently working with our partners to confirm the additional announced funding and the details, so I am requesting that you prepare an appropriate Terms of Reference for this committee, based on the intention above.

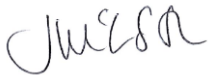
Whilst I am constituting the committee immediately, I appreciate that the Council will need to adopt the Terms of Reference. It is hoped that this could be presented to the October Kaipara District Council meeting for assessing and adoption.

Horizons Committee

Since last October the world has changed significantly. Included in the list of changes: COVID-19 has hit us, external funding has been announced, the Kaipara Moana remediation has emerged and the 3 Waters work has also been fast tracked by Central Government. Some of those things that were on the horizon are now well and truly upon us.

When coupled with the work required to develop the 2021-31 Long Term Plan and also upcoming heavy workload to review the District Plan, I recognise the impacts of an additional committee on the small staff team and our elected members. To counter the creation of the new committee and the fact that much of the work of the Horizons Committee is being reported through to Council via our normal briefings and meeting cycle, I am removing the Horizons Committee from the committee structure. This change is effective immediately.

Nga mihi,



Dr. Jason Smith
Mayor



Exceptions Report

For the month of September 2020

Financial Report

Activities Report

Capital Projects Update

September 2020 Financial Report

Statement of Operating and Capital Performance

	This Month 30 September 2020				Year to 30 September 2020				Whole Year	
	Actual \$'000	Annual Plan \$'000	Variance \$'000	Indicator	Actual \$'000	Annual Plan \$'000	Variance \$'000	Indicator	Annual Plan \$'000	Forecast \$'000
All										
Rates	3,456	3,148	308	●	10,378	9,897	481	●	38,780	38,780
Activity Revenue and Other Income	636	384	252	●	1,968	1,365	604	●	6,454	6,454
Subsidies and Grants - Operational	2,728	398	2,330	●	3,888	1,212	2,676	●	4,809	6,192
Total Operating Income	6,820	3,930	2,890	●	16,234	12,473	3,761	●	50,042	51,426
Employee Benefits	1,011	1,119	108	●	3,424	3,433	9	●	13,142	13,142
Contractors	133	141	8	●	378	477	100	●	1,888	1,888
Professional Services	928	367	(561)	●	1,676	1,229	(447)	●	4,724	4,863
Repairs and Maintenance	1,487	776	(711)	●	3,636	2,270	(1,366)	●	10,240	12,560
Finance costs	206	238	32	●	598	715	117	●	2,860	2,860
Other Operating Costs	690	456	(234)	●	2,022	2,363	341	●	7,040	7,070
Total Operating Costs	4,455	3,097	(1,358)	●	11,733	10,486	(1,246)	●	39,894	42,383
Operating Surplus/(Deficit) (before Depreciation)	2,365	833	1,532	●	4,501	1,987	2,514	●	10,148	9,042
Capital Subsidies	348	2,110	(1,762)	●	814	3,274	(2,460)	●	15,081	16,851
Contributions	257	254	3	●	949	763	186	●	3,046	3,046
Other Capital Revenue	0	0	0	●	11	0	11	●	0	0
Total Capital Revenue	605	2,364	(1,759)	●	1,774	4,037	(2,262)	●	18,127	19,898
Capital Expenditure	1,155	2,131	976	●	2,729	6,324	3,595	●	27,822	33,255
Total Capital Payments	1,155	2,131	976	●	2,729	6,324	3,595	●	27,822	33,255
Subtotal Capital	(549)	234	(783)	●	(955)	(2,288)	1,333	●	(9,695)	(13,358)
Surplus/(Deficit) - before Loan Payments and Depreciation	1,816	1,067	749	●	3,547	(301)	3,848	●	453	(4,316)

Key: ● Within 5% of budget

● Over or under budget by 5 - 10%

● Over or under budget by more than 10%

Statement of Operating and Capital Performance

Comments on major variances

Operating Income:

Account	Rationale	YTD Variance \$000
Rates Revenue	<p>Penalties are ahead of budget for the year to date due to arrears penalties applied (July 2020) and instalment penalties.</p> <p>Water by meter rates overall ahead of budget:</p> <p>This month: Water by meter rates are ahead of budget due to high water readings in Dargaville area – timing difference</p> <p>Targeted rates are overall ahead of budget, due to growth in Mangawhai area.</p>	<p>162</p> <p>178</p> <p>155</p>
Activity Revenue and Other Income	<p>Activity revenue:</p> <ul style="list-style-type: none"> • Increase in Building Control revenue year to date. • Increase in Resource consenting income year to date. • Increase in external recovery costs for the month and year to date. • Campground fee - Kai Iwi Lakes pre booking for the summers season 	<p>204</p> <p>108</p> <p>76</p> <p>75</p>
Operating Subsidies and Grants	<p>Community activities</p> <p>This month: Te Tai Tokerau Redeployment Package the “Shovel Ready” project subsidies were invoiced in September, some of which is ahead of the work being completed.</p> <p>Operational subsidies from NZTA are ahead of budget year to date due to maintenance work completed earlier than scheduled.</p> <p>Revenue raised for PGF funding for Kaipara Kickstart Programme milestone claims.</p>	<p>1,185</p> <p>1,350</p> <p>152</p>

Operating Costs:

Account	Rationale	\$000
Employee Benefits	<p>Employee benefits costs are on budget for the year to date</p> <p>This month: The costs are lower than budget due to vacancies – timing difference</p>	
Contractors	Overall reduction of contractor's costs.	100
Professional Services	<p>The professional services costs are ahead of budget:</p> <p>This month: Increase of costs for the Kaipara Kickstart, Kaipara Kai and Kaipara Moana Investigation projects and Mangawhai Shared path project –work completed ahead of claim been raised - timing difference</p>	510

Repairs and Maintenance	<p>Community activities – Te Tai Tokerau Redeployment Package the “Shovel Ready” project started August 2020 - removal of trees at Mangawhai Community Park and design, build and construct 5 mountain bike tracks at Harding Park.</p> <p><i>This month:</i> The Te Tai Tokerau Redeployment Package project costs for the month of September are \$600,904. The total cost of this project is offset by the funding noted above under subsidies and grants.</p> <p>Roading works maintenance programme is ahead of budget – due earlier completion of scheduled unsealed roads maintenance work.</p> <p>Stormwater, Wastewater and Water Supply maintenance works completed ahead of schedule – the variance to budget due to timing difference.</p>	<p>847</p> <p>173</p> <p>250</p>
Finance Costs	Below budget due to lower inter-period loan balances.	117
Other Operating Costs	<p>Costs overall are lower than budget.</p> <ul style="list-style-type: none"> • Civic Grants not yet distributed to the community groups – timing difference <p><i>This month:</i></p> <ul style="list-style-type: none"> • Annual Software licenses cost was paid. • Library Grants was distributed to the community libraries 	323

Capital Revenue

Account	Rationale	\$000
Capital Subsidies	<p>Capital subsidies from NZTA are lower than budget year to date, due to projects work not started yet:</p> <ul style="list-style-type: none"> • Roothing – capital works is behind projected schedule – timing difference • District Leadership – PGF projects funding (project milestone to be completed before funding can be claimed) 	<p>(1,050)</p> <p>(1,410)</p>
Contributions	<p>The contributions are overall ahead of budget year to date.</p> <ul style="list-style-type: none"> • Development contributions are lower than budget for this month and year to date • Financial contributions are ahead of budget for the month and year to date 	186

Public Debt: The public debt position at 30 September 2020 is \$44 million and the net debt position (debt less cash) is \$34.8million.

Public Debt and Requirements			
	June 2020 \$000's	30 September 2020 \$000's	June 2021 \$000's
Debt			
Public Debt	44,000	44,000	51,320
Cash in bank (overnight deposits)	(4,398)	(9,186)	(1,926)
Net Debt	39,602	34,814	49,393
Reserves (future obligations)			
Development Contribution Reserve	(24,702)	(24,702)	(25,415)
Other Reserves	17,848	17,849	13,021
Total reserves (future obligations)	(6,854)	(6,854)	(12,395)
Debt Requirements			
Public Debt	44,000	44,000	51,320
Future obligations	17,848	17,849	13,021
Gross Debt Requirement	61,848	61,849	64,340
Less cash in bank	(4,398)	(9,186)	(1,926)
Overall Debt Requirements	57,451	52,663	62,414

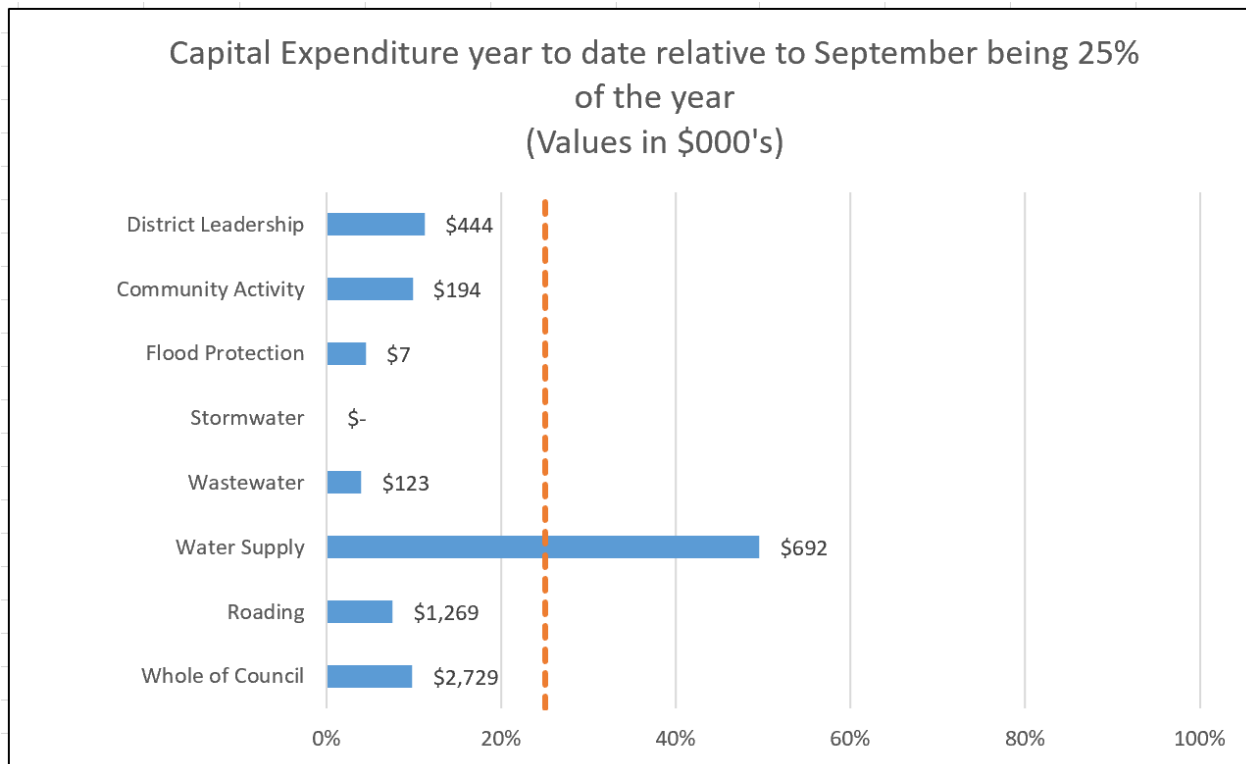
*Note: Reserves balances are only recalculated at end of year.

Activities Net Cost for the period to 30 September 2020

	Actual as at 30 September 2020			Whole Year Annual Plan
Activity	Operating Income \$000's	Operating Costs \$000's	Net Operating Surplus/(Deficit) \$000's	Net Operating Surplus/(Deficit) \$'000
Community Activities	2,608	2,109	499	199
District Leadership	2,335	2,672	(337)	(739)
Regulatory Management	1,970	1,662	308	49
Roads and Footpaths	5,203	3,069	2,134	4,427
Wastewater	2,046	911	1,135	3,083
Water Supply	1,094	742	352	1,614
Stormwater	497	225	272	917
Flood Control	196	73	123	293
Solid Waste	285	270	15	305
	16,234	11,733	4,501	10,148

Capital Expenditure for the period ended 30 September 2020

	Actual as at 30 September 2020				Whole Year
Activity - Capital Expenditure	Actual YTD \$000's	Annual Plan \$000's	Variance \$000's	Indicator	Annual Plan \$000's
Community Activities	194	558	364	●	1,972
District Leadership	444	1,671	1,227	●	3,960
Roads and Footpaths	1,269	2,940	1,671	●	16,748
Wastewater	123	353	230	●	3,096
Water Supply	692	521	(171)	●	1,396
Stormwater	0	126	126	●	496
Flood Control	7	155	148	●	155
Solid Waste	0	0	0	●	0
	2,729	6,324	3,595		27,823



Capital Expenditure 2020-2021 - Detailed projects list

	Year to date whole year		
	Actual (Year to date)	Annual Plan Budget (whole year)	Annual Plan Budgets + carryovers
Total Capital Expenditure	2,729,013	27,822,491	33,255,403
Community Activities	193,855	1,721,830	3,098,714
10179 Playgrounds New	0	25,000	25,000
10180 Playgrounds renewals	0	21,000	21,000
10513 Library redevelopment - digital growth	425	0	121,930
10704 Mangawhai Heads to Alamar Cres Walkway	675	23,830	58,255
11003 Cycleway/walkway - Implement strategy	65,144	60,000	60,000
11004 Parks and Reserves - hard surface renewal programme	0	50,000	50,000
11005 Elderly housing - Mangawhai	0	2,000	2,000
11006 Stage 1 Walkway Sellars reserve to Wintle Street (Pearl Street)	5,235	280,000	280,000
11017 Public Toilets - Renewal	0	49,000	49,000
11019 Implement Reserve Management Plan	14,570	100,000	100,000
11023 Pou Tu Te Rangi Harding Park	0	100,000	100,000
11024 Public Toilets - Mangawhai Heads Road	2,944	0	144,535
11032 Renew/Rectific/Seismic work Town Hall; Municipal Office Dargaville	0	150,000	150,000
11035 Playgrounds renewals	0	25,000	25,000
11053 Park Improvements (furniture/bollards/lighting/paths)	6,051	50,000	50,000
11055 Kai Iwi Campground Facilities	0	350,000	350,000
11056 Bayliss Beach boardwalk	4,513	0	313,451
11065 Mangawhai Community Park - implement Master Plan	10,526	100,000	130,761
11069 Library book replacement	10,925	66,000	66,000
11079 Thelma Rd to Thelma Rd link	17,000	0	0
11085 Mangawhai Coastal Tracks - links to existing network	15,342	125,000	188,626
11105 Playground - new	0	25,000	75,000
11153 Maungaturoto Toilet	3,383	0	188,122
12002 Public Toilets - Lincoln Street	0	0	146,500
12004 Community Infrastructure - District	6,908	30,000	30,000
12113 Rangiora Rd Reserve development	24,261	0	69,268
12116 Mangawhai Reserve Toilet	2,913	0	164,830
13023 Community Infrastructure - Dargaville	0	30,000	30,000
B11095 Community Infrastructure - Mangawhai - esplanade development	3,040	60,000	109,436
District Leadership, Finance and Internal Services	443,509	3,810,000	3,936,000
11013 IAAS and SAAS	0	30,000	30,000
11014 New equipment	481	30,000	30,000
11015 Replaced equipment	3,954	50,000	50,000
11031 Digital transformation	0	405,000	405,000
11032 Renew/Rectific/Seismic wrk Town Hall; Municipal Office Dargaville	54,727	0	0
11061 Replacement vehicles	32,205	120,000	120,000
11096 Digital Workplace	0	25,000	25,000

1122 New vehicles	72,692	0	0
12053 Flexible work space	0	0	0
12054 New IT Equipment	5,937	0	0
12055 Replacement IT Equipment	8,539	0	126,000
12090 Website Redesign	1,238	0	0
12092 MagiQ	7,415	0	0
12093 HRIS	16,742	0	0
12094 Digital Workspace	50,450	0	0
13021 Leasehold improvements - NRC building	0	150,000	150,000
PGF107 Kaipara Wharves Physical works	0	3,000,000	3,000,000
PGF110 Dargaville Pontoon	189,131	0	0
Flood Protection and Control Works	7,170	155,000	155,000
11052 LD General Beach Rd	7,170	0	0
13001 Land Drainage Improvements	0	30,000	30,000
13017 Bellamy F/G 48	0	65,000	65,000
13018 Double Gate F/G 44	0	35,000	35,000
13019 Whitcombe Road F/G 13	0	25,000	25,000
Sewerage and the Treatment and Disposal of Sewage	123,093	3,095,500	3,363,454
10543 MCWWS Resource Consent Variation 2016/17	0	0	81,000
10769 Upgrade PS-VA	-10	0	0
11000 Pipe Renewals from Condition assessment	627	100,000	100,000
11010 Renewals Including Pump Stations	19,903	45,000	45,000
11020 Pipe Renewal from Condition assessment	19,167	250,000	275,000
11027 Pump Stations and rising mains	0	20,000	20,000
11036 Environmental Compliance	0	2,500	2,500
11040 Upgrade WWTP	40,998	650,000	660,000
11041 Upgrade Existing Reticulation	21,229	1,000,000	1,000,000
11059 Pump Station 1 & 2 upgrade	46,959	208,000	311,954
11062 Environmental Compliance	0	2,500	2,500
11068 PS1/PS2 Rising main from Pump Station 2 to Pump Station 1	257	0	0
11072 Extend Irrigation System	12,213	0	0
11080 Environmental Compliance	0	5,000	5,000
11090 Environmental Compliance	0	2,500	2,500
11097 Treatment	428	0	48,000
12003 WTP	228	0	0
12019 Treatment Plant Modifications	0	10,000	10,000
12023 Safety Grills Pump Stations	0	0	0
12025 Treatment	0	50,000	50,000
12027 Pump Stations SCADA Upgrade	0	10,000	10,000
12029 Treatment*	-38,903	0	0
13016 Reticulation	0	20,000	20,000

Kaipara District Council - Current External Funded Projects - Status report

Up to 30 September 2020

Funding Stream	External Fund	Total Funding granted:	Project breakdown:	Contract progress	Total Individual Project Budget	Actual Total Subsidy Claimed to date	Total Actual Expenditure to date	Net Funding Balance to meet milestones	Progress/Next Milestone
Programme performance:									
Kaipara Kickstart - Growing the Kai	PGF	-\$ 980,000	Growing the Kai Investigation	Approved	-\$ 980,000	-\$ 964,156	\$ 765,556	-\$ 198,600	Remanding funding balance is fully committed to funding The Kai Hub support until June 2021
Kaipara Kickstart - Roding (Agr 1)	PGF	-\$ 11,310,000	Roding projects include: Waipoua River Road sealing Investigate Waipoua River Road sealing Implementation Pouto Road Phase 2 (Investigation) Capex/Opex Pouto Road Phase 1 (Physical works)- Capex Pouto Road Phase 2 Implementation - Capex 50 MAX HPMV Network Extension- Bridges 50 MAX HPMV -Tomarata Bridge - Opex Programme Support	Approved Approved Approved Approved Approved Approved Approved Approved	-\$ 25,088 -\$ 1,574,912 -\$ 330,000 -\$ 5,050,000 -\$ 2,800,000 -\$ 87,400 -\$ 142,600 -\$ 1,300,000	-\$ 26,550 -\$ 119,158 -\$ 61,431 -\$ 301,838 \$ - \$ - -\$ 142,600 -\$ 727,427	\$ 29,217 \$ 229,563 \$ 137,608 \$ 433,653 \$ 1,575 \$ - \$ 142,600 \$ 851,752	\$ 2,667 \$ 110,405 \$ 76,177 \$ 131,815 \$ 1,575 \$ - \$ - \$ 124,325	Balance to be transferred in Oct to Implementation budget portion below Finalising tenders Evaluating tenders Completed
Kaipara Kickstart -Wharves (Kaipara Moana Activation Plan) (Investigation & Physical works)	PGF	-\$ 4,950,000	Kaipara Wharves Investigation Kaipara Wharves Implemention Dargaville Pontoon - Physical works Pouto Wharf Pahi Beach Wharf Tipuna Marae Beach Landing	Approved Approved Approved Approved Approved	-\$ 950,000 -\$ 272,000 -\$ 654,000 -\$ 1,809,000 -\$ 865,000 -\$ 400,000	-\$ 420,001 \$ - \$ - \$ - \$ - \$ -	\$ 597,972 \$ - \$ 189,131 \$ - \$ - \$ -	\$ 177,971 \$ - \$ 189,131 \$ - \$ - \$ -	Next claim for subsidy will be made in October 2020 estimated at \$517K, underspend \$13K will be transferred to implementation budget Lump sum claimed on completion - construction starting Sept Lump sum claimed on completion - final site investigations in progress Lump sum claimed on completion - final site investigations in progress Lump sum claimed on completion - detailed investigations in progress
Kaipara Kickstart -Kaipara Water - Phase 1B	PGF	-\$ 740,000	Kaipara Water storage and horticulture sites	Approved	-\$ 740,000	-\$ 50,000	\$ 105,718	\$ 55,718	Council approved 30 Sept. Procurement and land owner negotiations in progress
Te Tai Tokerau Worker Redeployment Package (within Whangarei District Council contract)	PGF	-\$ 2,872,100	Urgent economic relief for regions workforce projects: Roding Grant 45% split -tree removal & upgrades Parks Grant 55% split -Vege Clearance and cleanups	 Approved Approved	 -\$ 1,272,100 -\$ 1,600,000	 -\$ 969,334 -\$ 1,184,742	 \$ 34,591 \$ 847,020	-\$ 934,743 -\$ 337,722	To receive 7 claim payments from WDC by end of December 2020, this Income will be received in advance of works done includes Income claimed in advance \$935,000 includes Income claimed in advance \$338,000
Maungaturoto toilets	TIF R2	-\$ 149,100	Total project cost \$292,450 TIF funded \$149,100	Approved	-\$ 149,100	-\$ 50,000	\$ 93,161	\$ 43,161	Milestone claims
Baylys Boardwalk and Toilet upgrade	TIF R2	-\$ 234,000	Total project cost \$325,000, TIF funded \$234,000	Approved	-\$ 234,000	-\$ 78,000	\$ 31,062	-\$ 46,938	Milestone claims
Alamar Crescent Toilet - Mangawhai	TIF R4	-\$ 119,704	Joint funded with Council	Approved	-\$ 119,704	\$ -	\$ 8,409	\$ 8,409	Milestone claims
Lincoln Street Reserve Toilet - Mangawhai	TIF R4	-\$ 131,704	Joint funded with Council	Approved	-\$ 131,704	\$ -	\$ 3,500	\$ 3,500	Milestone claims
Mangawhai Reserve Toilet	TIF R4	-\$ 179,220	Joint funded with Council	Approved	-\$ 179,220	\$ -	\$ 4,303	\$ 4,303	Milestone claims
"In Principle" Projects waiting to commence/ contract to be signed:									
Kaihu Valley Rail Trail	PGF/SR	-\$ 4,000,000	Shovel ready	"in principle"	-\$ 4,000,000	\$ -	\$ -	\$ -	"in principle" - contract to be signed
Kaipara Stopbank Enhancement	PGF/SR	-\$ 6,000,000	Shovel ready projects include: Raupo Water Storage Stop Banks - Te Kopuru to Dargaville	"in principle" "in principle"	-\$ 2,500,000 -\$ 3,500,000	\$ - \$ -	\$ - \$ -	\$ - \$ -	"in principle" -awaiting confirmation from MBIE on approval of projects "in principle" -awaiting confirmation from MBIE on approval of projects
8km shared pathway - MHeads to Village	PGF	-\$ 2,400,000	Shovel ready	"in principle"	-\$ 2,400,000	\$ -	\$ -	\$ -	"in principle" - contract to be signed
Kaiwaka footbridges	PGF	-\$ 750,000	Shovel ready	"in principle"	-\$ 750,000	\$ -	\$ -	\$ -	"in principle" - contract to be signed
Three Waters Review	DIA/CIP	-\$ 4,691,048	Addressing backlog of rehabilitation and emergency works for water and waste projects:	"in principle"	-\$ 4,691,048	\$ -	\$ -	\$ -	"in principle" - contract to be signed. (March 22 end date) Presented to Council Sept 2020 for approval of Funding agreement & Delivery Plan
Kaipara Kickstart (Roding) (Agr 2)	PGF/SR	-\$ 3,150,000	Unsealed Network improvements	Approved	-\$ 3,150,000	\$ -	\$ -	\$ -	Approval given and Investigation & design underway. Physical works due to start next month
Kaipara Kickstart (Roding) (Agr 3)	Covid Recovery fund	-\$ 4,910,000	Unsealed Network improvements	"in principle"	-\$ 4,910,000	\$ -	\$ -	\$ -	Funding agreement approved by MBIE and Contract to be signed and approval to go to Council Oct meeting
Total Externally Funded Projects		-\$ 47,566,876			-\$ 47,566,876	-\$ 5,095,237	\$ 4,506,391	-\$ 588,846	

Notation:

PGF = Provincial Growth Fund
TIF = Tourism Infrastructure Fund R= Round of funding
CIP= Crown Infrastructure Partnerships

SR = Shovel Ready
DIA = Department of Internal Affairs

Activities Report

Key

	Budget	Scope	Programme
	Within budget	Scope clear and approved	On track or complete
	May exceed budget	Some scope changes required	Could be delayed
	EM approval of budget change likely required	EM approval of scope changes requires	Highly likely to be delayed
	N/A	N/A	N/A

General observations and comments

For the July – Sep quarter, spending is behind budget. There are two points to note;

- Budget phasing has not been correctly reflected in quarter one – for some activities the whole year budget has been included in July. As a result, it appears that the spend is lower than budget. This will be corrected for the next report.
- Typically, there is a build up to the construction season with greater levels of spend from October through to March.

The Tai Tokerau Redeployment contract was not included in the 2020/21 Budget and includes an upfront payment followed by monthly payments. The payments are generally ahead of work executed and the following observations are noted.

- Income (Parks and Roding) Subsidies and Grants – Ahead of budget and spend
- Expenditure (Parks and Roding) Opex – Repairs and Maintenance – Ahead of budget and will be corrected in Forecast 1.

Generally, this month there has been an increased in capital spend – for example we spent \$103k compared to a \$50k budget in wastewater – however we are still catching up in terms of year to date. The procurement measures that we have put in place (e.g the professional services panel and direct award of Separable Portions to contractors performing well) provide confidence that we will be able to accelerate spend.

A number of capital projects are now underway following engagement and contract negotiation.

- Baylys Beach Boardwalk

We have also seen completion of key projects;

- Dargaville Pontoon

Externally Funded Projects

Projects have been identified which are subject to MBIE funding and therefore carry different expectations than other externally funded projects – i.e. Tourism Innovation Fund (TIF) and National Land Transport Fund (NLTF).

	Budget	Scope	Programme	Comment
Kaipara Kickstart - Wharves				
Beach landing				
Dargaville Wharf				
Pahi Wharf				
Pouto Wharf				
Kaipara Kickstart - Roding				
Waipoua River Road				
Pouto Phase 1				The tendered prices exceeded the approved budget. Value engineering is being undertaken to reduce quantities and it is expected that Phase 1 works will commence as programmed.
Pouto Phase 2				As above, tendered prices exceed the approved MBIE budget. The team are developing a proposal with MBIE on scope clarification.
50MAX Bridges				
Unsealed Network				
Kaipara Kickstart – Kai				
Kaipara Kai				
Kaipara Water				
Redeployment package				
Kaipara Parks				Programme intended to be complete by November. Some work will carry on into January/February due to Covid and flooding impacts. Confirmation with MBIE is being progressed.
Kaipara Roads				
Shovel Ready				
Raupo Water storage				Negotiating Contract with MBIE
Stop banks - Te Kopuru to Dargaville				Negotiating Contract with MBIE
MCP Shared Path				Budget flagged red as we are confirming construction funding with NZTA and MBIE.

				Scope flagged amber as the team are completing value engineering to ensure that the project remains within budget.
Kaiwaka Bridges				Negotiating Contract with MBIE
Kaihu Valley Trail				Negotiating Contract with MBIE

Kaipara KickStart Programme (PGF Funded)

The Kaipara Kickstart programme is now largely focused on delivering infrastructure projects – Kaipara Wharves and Roothing.

The Kaipara Wharves Investigations Final Report has been completed and submitted to MBIE, along with the regular monthly, quarterly and annual reports (Roothing only). These reports will be made available to elected members via the portal. A small underspend on the Wharves Investigation budget (\$950,000) of approximately \$15,000 will be confirmed once final adjustments have been processed and any underspend has been authorised by MBIE to be transferred to the physical works budget.

The Kaipara Water project is focused on completing landowner agreements and finalising site development procurement, as a result of Council resolution being passed 30 September.

Kaipara Roothing Package – IRG funding for the unsealed rooothing network of \$4.91m has been confirmed in writing, with a funding agreement currently being drafted. This funding agreement will be presented for a Council resolution at the October Council meeting for execution. This funding agreement is required to be executed by 30 October. Other rooothing projects are progressing as planned with a focus on implementation budgets being confirmed.

Kaipara Wharves – Dargaville Pontoon work is nearing completion. Discussions with Pahi Regatta Club are progressing, focused on finalising the design and the associated Memorandum of Understanding. Beach Landing opportunities are being further investigated with hapu, with a view to finalising the scope of works in the next two months. A procurement management plan for the Pouto Wharf physical works is expected to be presented to Council at the October Council meeting.

A Kaipara KickStart programme update will be provided at the Council Briefing session on 4 November.

Redeployment Package (former Forestry Redeployment Application)

Roading

- Removal of roadside and hazardous trees have continued on the Waihue and Paparoa Oakleigh Road Sites.
- Waihue Road has been identified as a primary site of focus for the removal of self-seeded trees. Local subcontractor Team Vegetation has been engaged to undertake a site assessment to identify the full scope of self-seeded pest plants in the area and formulate a targeted removal strategy.
- A crew of 4 has commenced the roadside litter collection programme with Baylys Coast, Awakino, Parore West, Opanake, and Waihue Roads being completed. 178 bags of rubbish has been collected and disposed of on Tangowahine Valley Road to date.
- Broadspectrum have been engaged to undertake construction of the Matakahe footpath.
- Improvements to Jude road were undertaken to enable the turning of truck and trailer units, providing easier access for future maintenance.

Three additional jobs have been created in the Tree felling crews and four short term positions have been filled for litter pick up, two of which are freshly employed. The women employed from AWF for the litter crew have proved their abilities, attitudes and willingness to work. As a result, Ventia have indicated that at the conclusion of this project they are intending to employ them as Traffic Controllers for their summer rehab and renewals programme.



Parks

Works have commenced and are progressing well;

- Mangawhai Community Park - Removal of Gum Trees and Wilding Pines completed. Mulching and preparation for revegetation underway.
- Mangawhai Park – Golf Course Area, Removal of Wilding Pines, Acacia and other pest Plant Species completed.
- Pou Tu o Te Rangi - Pest Plant Removal, clearance and implementation of pest plant plan significantly completed, with preparation for revegetation underway.
- Northern Wairoa Memorial Park - pest plant eradication through bush reserve area completed. Remediation of bush walking track underway.
- Kai-iwi Lakes – Taharoa Domain, area wide removal of pest plants and implementation of pest plant plan. – Focus on target species of Wilding Pines, Acacia, Pampas and Cotoneaster continuing.

Currently 43 people working including 23 previously unemployed.

KDC Park clean ups



Vegetation clearance/noxious plant removal and ground preparation in Mangawhai Park

Shovel Ready Projects

Contracts have been drafted and are with MBIE for consideration and approval.

Mangawhai Shared Path

- Design has been developed between Wood Street and the Village and the engineers estimate updated. The updated estimate will be submitted to NZTA to allow them to confirm construction funding.
- Council paper to be developed to set out adjusted costs including MBIE contribution.

Kaiwaka Footbridges

- Survey for southern bridge and car park undertaken.
- Key milestones to be communicated to the public once an MBIE agreement is in place.

Kaipara Stopbanks

- Awaiting MBIE confirmation.

Kaihu Valley Trail

- Engagement with landowners has commenced following mail out to all affected owners.
- Discussions with MBIE (Te Ara Mahi) and MSD regarding training opportunities.

Roading

	Budget (\$k)	Scope	Programme	Comment
Income				
Subsidies and Grants - Operational				Increased income due to Tai Tokerau Redeployment Package.
Expenditure - Opex				
Management Services				Over budget – This is primarily due to cost being allocated to the wrong code. Overall, we are within budget.
Repairs and maintenance				Spending is ahead of budget but behind for the quarter. Expect to spend total budget by year end.
Capex				
Bridges and Structures				
Roadworks unsealed				Later start to programme as it was drier than expected in July.
Low Cost Low Risk				Some projects carried over / forecast entirely in July. These should be executed this year. Additional funds from MBIE likely to result in roll over to next year for Mangawhai Shared Path.
Drainage				
Sealed resurfacing				
Sealed				
<i>Roading Infrastructure – New & Improved</i>				<i>Covered in Special Projects</i>

Parks and Recreation

	Budget	Scope	Programme	Comment
Income				Higher income partly due to redeployment package as well as prebooking for Kai Iwi.
Expenditure Operating				Repairs and Maintenance – indicates significant overspend (\$1,044 c.f \$224 budget) however this is due to redeployment not being forecast.
Expenditure Capex				
Kai Iwi Lakes				\$350k allocated in Annual Plan for security improvements. Independent Security report complete, and scope recommendation will be made to Governance Group.
Taharoa Domain				The priority this quarter has been utilizing the Redeployment package. As a result, some of the in the projects in the Annual Plan will be delayed until after summer season.
Pou Tu o Te Rangi Harding Park				Work programme changed due to Redeployment Programme. New programme approved by Governance and will be completed this year.
District Parks and Reserves				Baylys Beach Boardwalk now underway following negotiation of contract to come under budget and assessment of geotechnical risks.
Mangawhai Parks and Reserves				The team have undertaken extensive consultation on the Coastal Walkway to develop a good solution which is supported by the community. This has resulted in some delays.
Dargaville Parks and Reserves				
Mangawhai Public Toilets				Building consent now issued for Alamar Crescent so work can progress.
District Public Toilet				Delay to Maungaturoto programme due to planning requirements. Team are providing additional information.

Waters and Waste

Water Supply	Budget	Scope	Programme	Comment
Income				Dargaville income ahead of time.
Expenditure Opex				
Repairs and Maintenance				183k spent year to date relates to Rotu. Emergency Works which is not included in the budget.
Management Services				Not a significant budget issue. Costs associated with LTP/AP initially coded to water but will be distributed across all activities in October.
Expenditure Capex				
Dargaville - 939 Northern Raw Water Crossings				
Dargaville - 965 Northern Raw Water Renewals				
Ruawai - 937 Ruawai WTP				
Wastewater	Budget	Scope	Programme	Comment
Income				
Expenditure Opex				
Dargaville Wastewater Pond Desludging – 2019 - 2021				\$831k budget carried over to make \$1.8m total. Note carry over does not show in budget and op ex phasing for. No action required.
Management Services				Maungaturoto – overspend on CCTV due to an event occurring which required immediate investigation.
Expenditure Capex				
Maungaturoto Wastewater Treatment Plant Upgrade				
Mangawhai				
- 966 MCWWTP Upgrade Balance Tank				

- 935 Outfall Pump station				
- 967 Tirarau Street				
Mangawhai and Kaiwaka WW Renewals				Projects have not been identified as modelling has not been completed. Likely to push funding out to next financial year. Action – address in Forecast 1
Stormwater	Budget	Scope	Programme	Comment
Income				
Expenditure Opex				
Repairs and maintenance				Ahead of programme but comfortable that will deliver within budget.
Management Services				Underspend due to insufficient CCTV being carried out. The team are working with suppliers to address this.
Expenditure Capex				
Eveline Street Stormwater Construction				Delayed start of works to allow landowner to complete private works.
Chases Gorge				Carrying a \$41k accrual. Waiting on landowner approval before construction can commence.
Land Drainage	Budget	Scope	Programme	Comment
Income				
Expenditure – Opex				Slow start for the season however confident this will be on track by the end of the year.
Expenditure – Capex				Greater urgency to address has been identified by the working group to replace Gent Floodgate 33 this year. Reprioritising flood gates delay Bellamy and Double Gate. No change to budget and can be done this year.

Solid Waste	Budget	Scope	Programme	Comment
Expenditure – Opex Hakaru Management Costs				Only budgeted \$25k (General Rates) this year for operations as it was expected that the project would have been completed. Expect a total cost of \$103k. Looking at other areas to offset – possibly provision.

Tender Programme

The 2020/21 tender programme as issued to Civil Contractors NZ (CCNZ)

Awarded		Procurement process underway	
Month	Estimate	Procurement Method	Comment
Complete			
Dargaville Water Renewals – Package 1	\$450k	Open Market PQM	Awarded - Forte
Baylys Beach Boardwalk	\$200k	Selected LPC	Awarded - Robinsons
Dargaville Pontoon	\$350k	Selected LPC	Awarded – Bellingham Marine
Dargaville Water Renewals – Package 2	\$1.1m	Open Market PQM	Awarded – United Civil
Waihue Road Bridge	\$500k	Open Market	Awarded – United Civil
Rotu Water intake Slip Repair	\$590k	Selected ECI	Emergency works awarded UCCL
Kaipara Toilet Facilities Various Install only	\$150k	Selected PQM	Awarded - Wilsons Earthmoving.
Current			
Pouto Road Sealing - Quarry - Stage 1 (including Provisional Stage 2)	\$5m	- Closed - Open Market	Preferred Tenderer Broadspectrum
Waipoua River Road	\$1m	Direct Appointment	Preferred - Fulton Hogan and Te Roroa
MCP – Coastal Walkway Stage 2	tbc	Selected	Preferred Tenderer Broadspectrum
Pahi Wharf Upgrade	\$480k	Direct Appointment	Preferred Tenderer Bellingham
Hakaru Closed Fill Landfill Leachate	\$460k	Open Market PQM	ROI Issued
Kaihu Valley Trail - Head Contractor - Bridges	\$5m	Direct Appointment	Preferred - Wilson Earthworks
Mangawhai Community Plan - Insley Street Intersections - Shared Path 2021 phase 1 <i>Potential for future sections</i>	\$10m	Open Market PQM	ROI issued

Next quarter			
Chases Gorge Stormwater Improvements	\$200k	Open Market PQM	Tendered in one section
Pouto Wharf Design Build	\$1.3m	ROI October	Design build proposed
Mangawhai Waste Treatment Plant – Balancing Tank	\$1.5m	ROI October	
Eveline Street Stormwater	\$150k	Open Market PQM	
3 to 12 months			
Bridge Replacement and Renewals	\$1.2m		
MCP Future Packages	\$15.5m		
Ruawai watermain renewals	\$800k	Open Market PQM	
Maungaturoto raw watermain renewal	\$900k	Open Market PQM	
Hurndall Street watermain renewal	\$500k	Open Market PQM	3WR packaged
Maungaturoto reservoir replacement	\$500k	Open Market PQM	3WR packaged
Maungaturoto truck filler	\$450k	Open Market PQM	3WR packaged
Dargaville WW renewals	\$400k	Open Market PQM	3WR packaged
Kaiwaka WW renewals	\$400k	Open Market PQM	3WR packaged
Mangawhai WW renewals	\$200k	Open Market PQM	3WR packaged

Building and Resource Consents

Building Consents Received Over the Past 3 Years

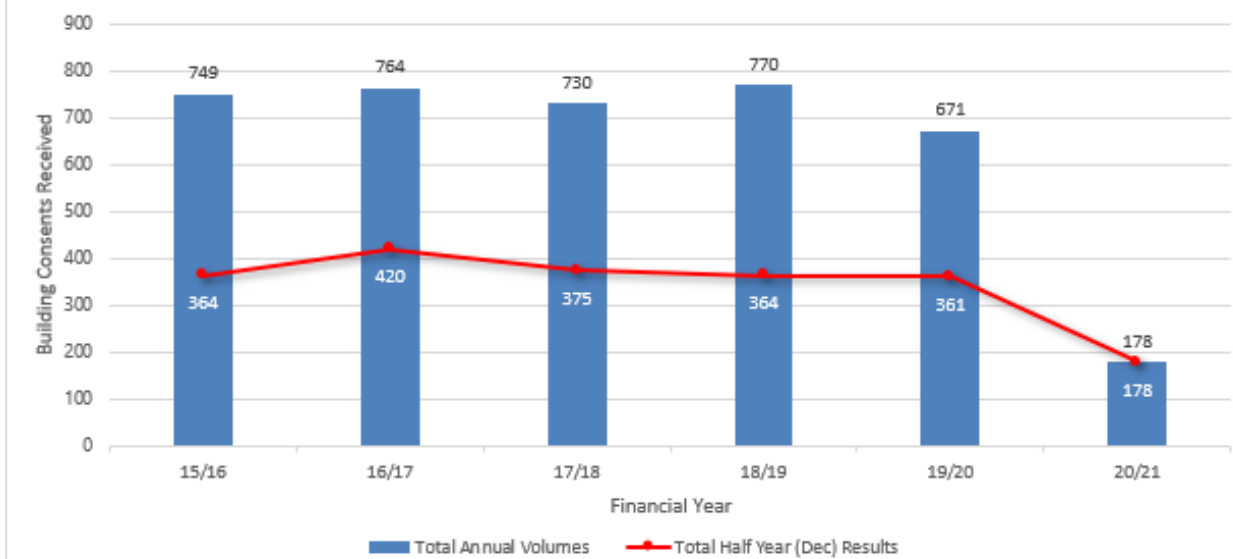


	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
18/19	52	74	53	73	67	45	59	59	87	66	76	59
19/20	59	66	59	60	56	61	40	51	52	49	56	62
20/21	55	64	59									

Variance 18/19 vs 19/20

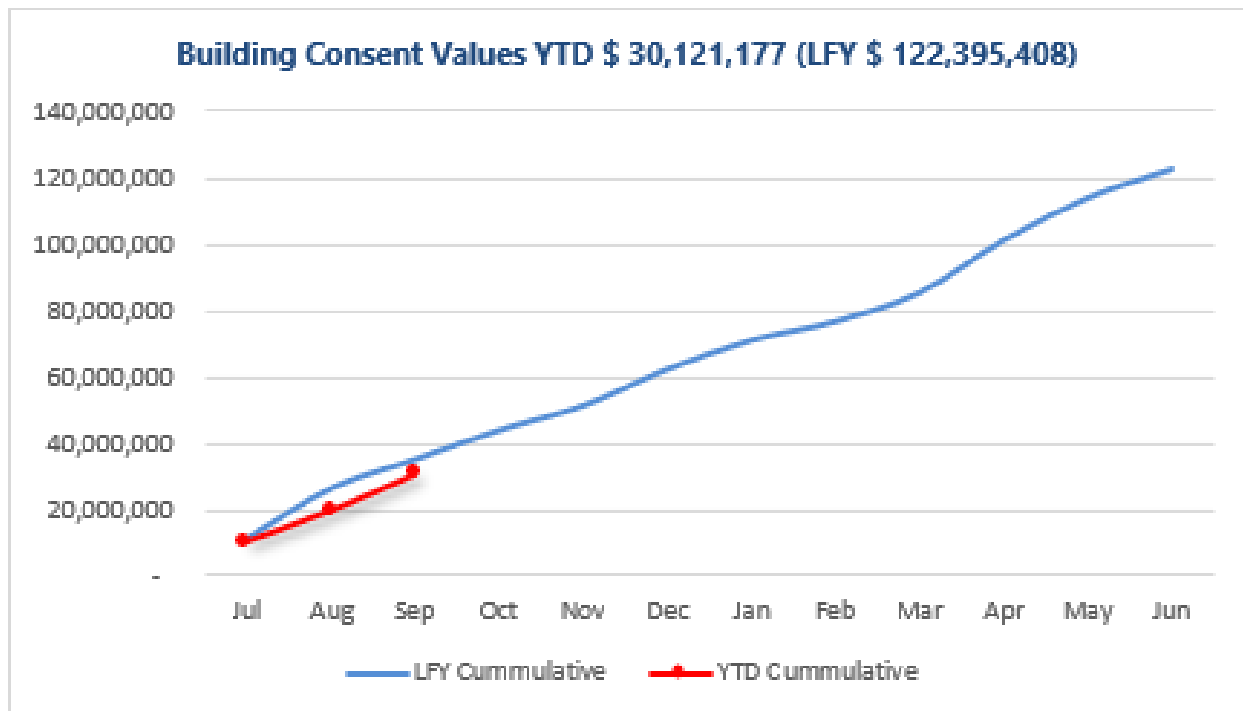


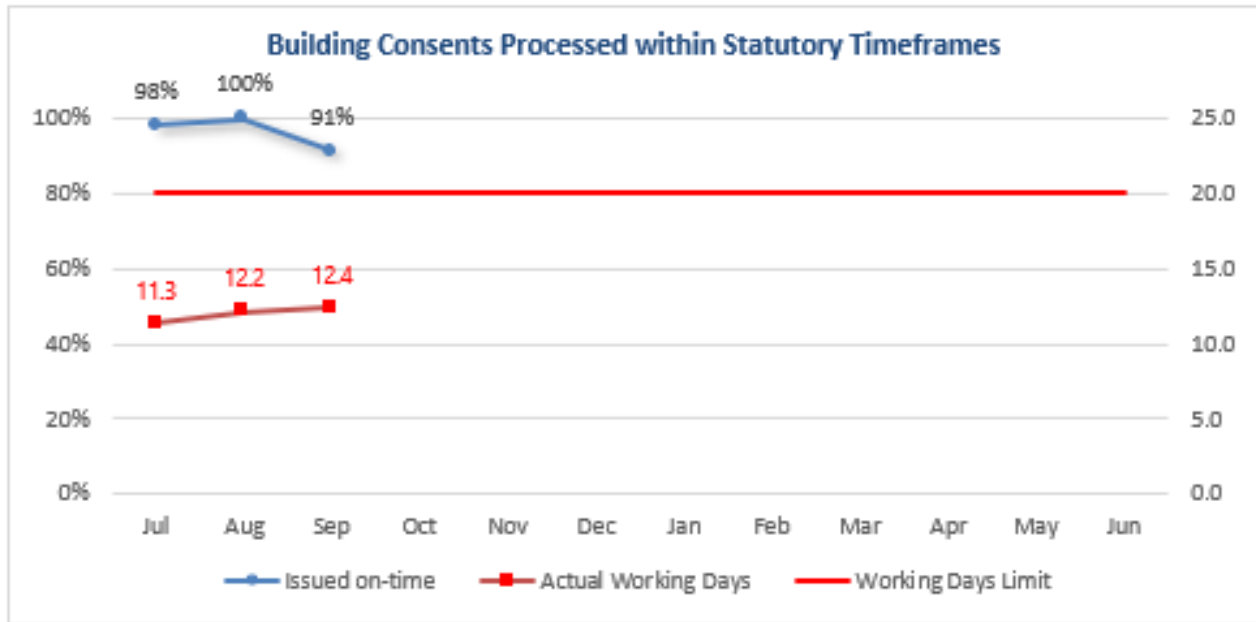
Building Consents Received



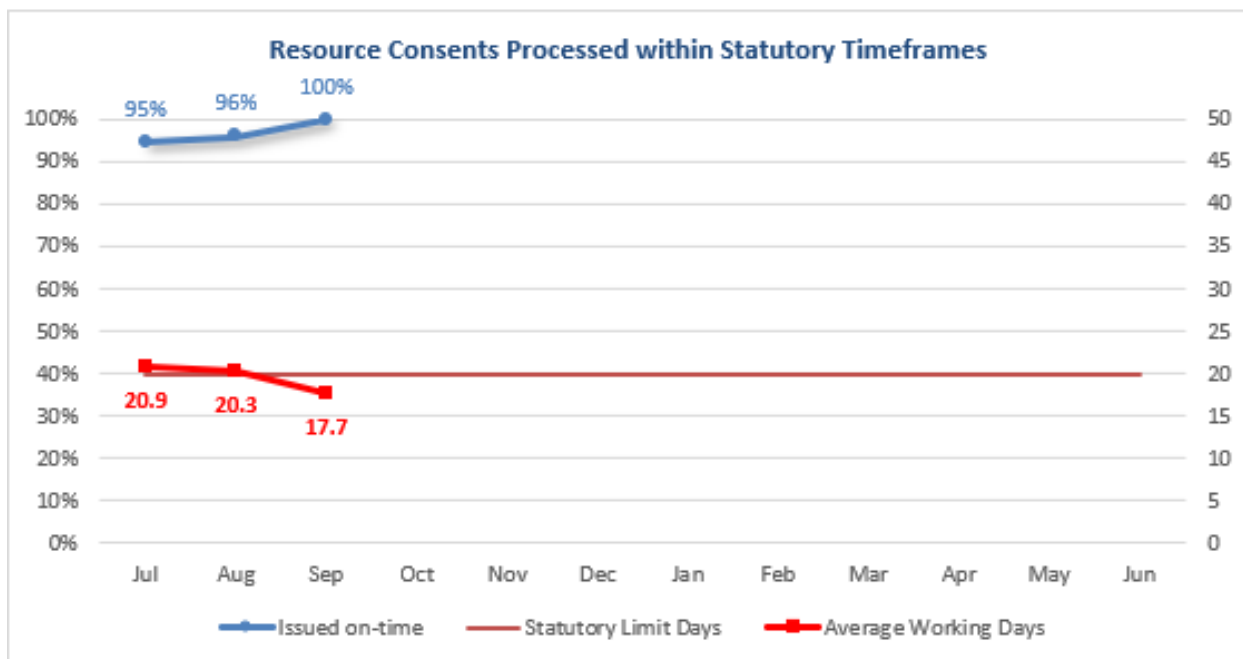
Building Consent Values YTD \$ 30,121,177 (LFY \$ 122,395,408)

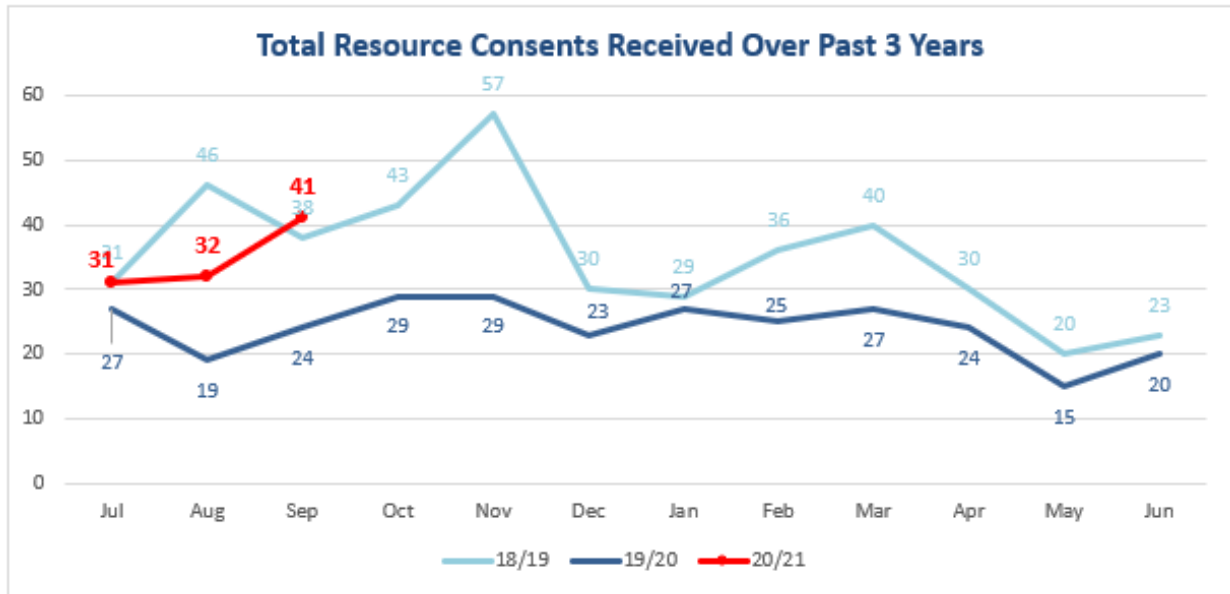
Month	Commercial	Other	New & Relocates	Mangawhai Value of New & Relocates	Total	YTD Cumulative
Jul	64,000	2,202,833	7,899,113	5,534,113	10,165,946	10,165,946
Aug	50,000	2,725,551	6,760,500	5,740,500	9,536,051	19,701,997
Sep	960,000	1,062,757	9,087,423	5,909,243	11,110,180	30,812,177
Oct						
Nov						
Dec						
Jan						
Feb						
Mar						
Apr						
May						
Jun						
YTD BC Values	1,074,000	5,991,141	23,747,036	17,183,856	30,812,177	





Building consent target of 100% was not met for September 2020 with 3 Building Consents issued on day 21, 22 and 23 respectively due to late processing as a result of resourcing constraints.

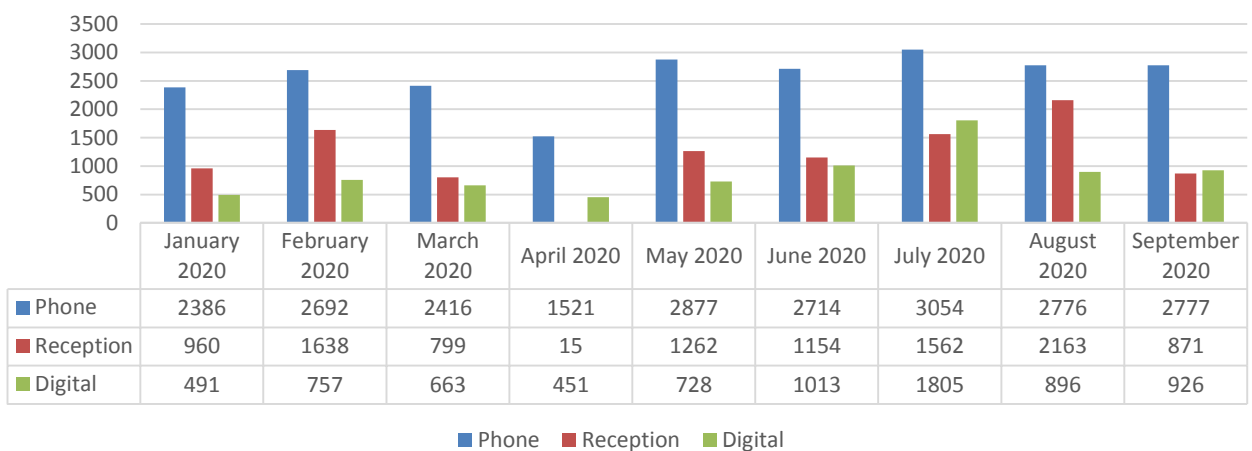




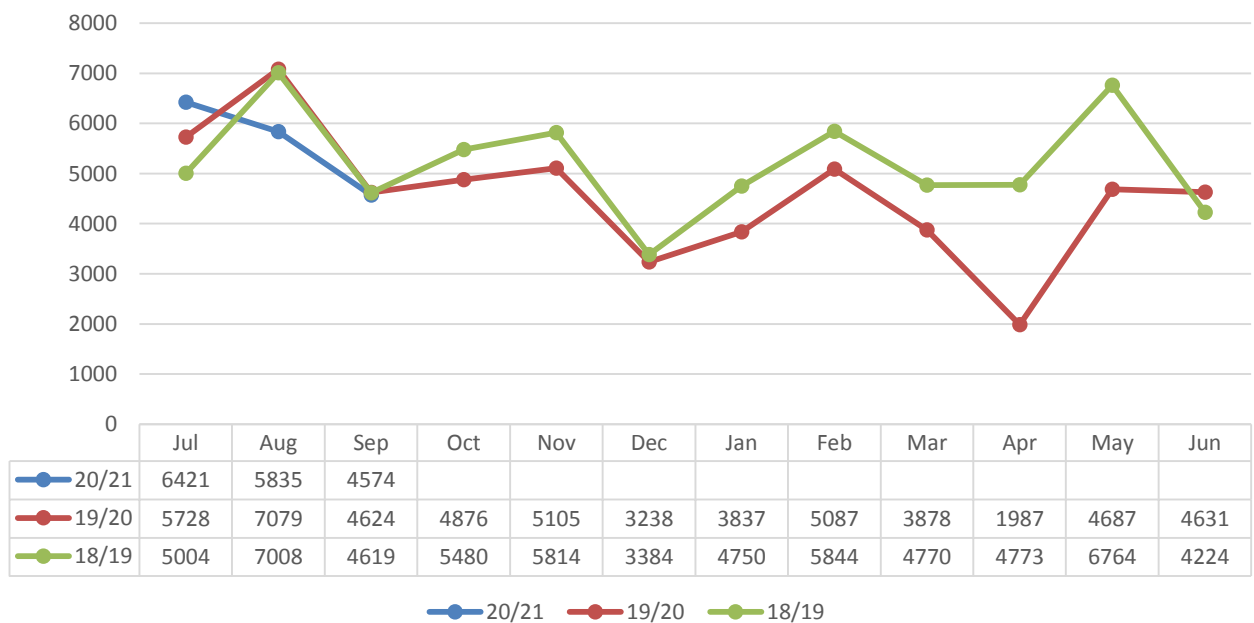
Customer Services – September 2020

Total Customer interactions	Digital	Reception	Total Calls	Average Speed Answer (min:sec)	Average call abandonment (%)	Calls FTE
4574	926	871	2777	2.16	14	2.34

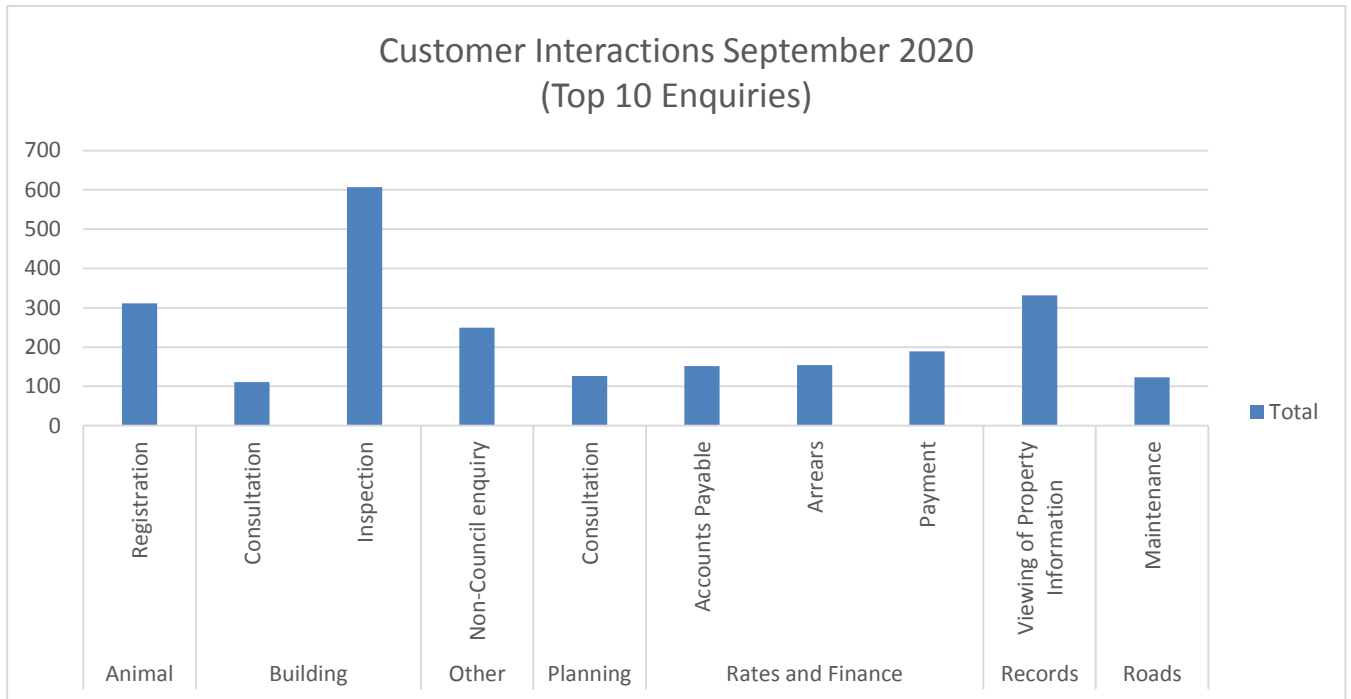
Customer Interactions 2020
Communication Channels



Customer Interactions Received Over Past 3 Years



* Digital – Email, Website, Social media



* Other – FENZ, NZTA, NRC, Utility Companies

Resolutions Register update October 2020

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
1	26/09/2017	6.6	Stopbank reinstatement - land known as Section 73 75 part 44 Block XV of the Tokatoka Survey District	3 Delegates responsibility to the interim Chief Executive to complete any associated works for the stopbank reinstatement of Raupo Drainage District flood protection based on feedback from community consultation and expert advice 4 Notes that the works are to be funded by Raupo Drainage Targeted Rate	GM IS	In Progress	Council made further decision on this issue in November 2018. September update - Meeting was held on 22 September 2020 to conclude matters. Alternative design is being priced and if landowner is willing to cover the cost then this will be constructed. If not, the planned replacement will be constructed.
2	11/12/2017	6.5	Mangawhai Museum Partial Surrender of Lease	3 Approves the Partial Surrender of the Lease by the Mangawhai Museum 4 Approves the grant to the Mangawhai Museum of a non-exclusive licence to use the surrendered area for the use permitted in its lease 5 Delegates to the Acting Chief Executive responsibility for the finalisation of the Deed of Partial Surrender of Lease	GM IS	In Progress	The Deed of Partial Surrender can be finalised now with updated plans. However, the Museum has since advised they now want a new lease rather than a partial surrender. The Museum agreed to sign the new lease if Council seals carpark area they are surrendering. This was reported to the Mangawhai Community Park Governance Committee on 15 July 2019. The Committee deferred making a decision until more information on stormwater implications was known. August 2020 update - The Museum is currently reconsidering its position and appears more open to proceeding with the surrender.
3	23/05/2018	5.1.3	Issues and Options: Reserve Contributions	2 Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018 3 Continues to fund the existing \$100,000 p.a. budgets (\$150,000 for Mangawhai Park for 2018/2019 year only) for each of the three priority parks from reserve contributions as a priority over other reserve projects (and without being required to participate in the contestable funding round), until an alternative funding source is arranged, subject to each governance committee providing a business plan that conforms to the funding criteria of the policy 4 Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy 5 Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes	GM T&E GM SGI GM IS	Completed	Resolutions 2-4 have been completed. Understanding that Govt is reinstating the use of financial contributions so these will continue after April 2022. Council has to have discussion as part of LTP on allocation and if any general rates funding. Briefing held 14 October and guidance provided that will use loans and general rates in some cases where FCs not available. Use of MCP differential to cease subject to consultation with public.

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
4		5.1.7	Issues and Options: Mangawhai Community Wastewater Scheme	5 Notes that investigations of future disposal options to provide additional disposal capacity will be undertaken concurrently and a preferred option recommended to Council for approval	GM IS	In Progress	<p>Staff are looking to amend existing consent to increase capacity for future disposal as an initial option (estimate existing farm has 8-10 years' capacity).</p> <p>The preferred long term disposal option in the Draft Infrastructure Strategy is to continue disposal to land through increased efficiencies and disposal to land options.</p> <p>September 2020 update – Council has approved the development of the retention/CASS tank. This will be taken as part of the Do Minimum assumption for disposal options.</p> <p>Disposal options to adjacent land, including the golf course, will now be developed and costed for inclusion in the LTP.</p> <p>The MCWS AMP will be presented to Council in early 2021 with confirmation of the preferred option and recommendation to Council for approval.</p>
5	26/07/2018	4.11	Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence	<p>3 Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy</p> <p>4 Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977</p>	GM IS	In Progress	<p>Public notification was done in August 2018, with no objections received.</p> <p>Staff are in negotiation with the Golf Club on terms and conditions of the surrender and Licence to Occupy (LTO). Council's lawyers drafted an LTO for the Golf Club's consideration. Revised LTO was sent in May 2019. Meeting was held with the Golf Club in June 2019 to discuss the last remaining substantive issue, which is related to the rent review clause. The Club to provide a proposed revision in near future.</p> <p>August 2020 update - Further meeting was held in July 2020 and some progress was made towards resolution.</p>
6	20/11/2018	4.7	Murphy Bower Stopbank Options Report	3 Resolves that the Murphy Bower stopbank located on SECT 73 75 PT 44 BLK XV TOKATOKA SD is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under New Stop Bank and the upgrade of the existing section of the stopbank as highlighted by the area marked under Option 2 as per Fig 1 in Appendix A of the	GM IS	In Progress	<p>See Ref 1</p> <p>Notification of Council's intention to complete the work in accordance with Land Drainage Act has been made. Meeting with landowner 23/09/20.</p> <p>Discussions with the landowners are continuing and expected to conclude in the coming month</p>

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
				<p>aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST</p> <p>4 Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank:</p> <p>a) \$128,000 to come from financial year capital works projects;</p> <p>b) \$50,000 from Management services (identified to start hydraulic modelling);</p> <p>c) \$42,000 from the stopbank maintenance budget</p> <p>5 Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded</p>			or so. If agreement can't be reached it will be necessary to commence notification of Councils intention to complete the work in accordance with Land Drainage Act.
7	27/06/2019	4.4	Policy on Dogs and Dog Management Bylaw 2019 – Adoption	<p>a) Adopts the Policy on Dogs and Dog Management Bylaw 2019 as presented in Attachment C to the circulated "Policy on Dogs and Dog Management Bylaw 2019 – Adoption" report</p> <p>b) Directs the Chief Executive to undertake a review of the effectiveness of the Policy on Dogs and Dog Management Bylaw 2019, 12 months after its adoption and to report back to Council on the review findings</p>	GM T&E	In Progress	Bylaw implementation was delayed by 6 months, so 12 months of evidence not yet collected to provide robust and sufficient information. Will report to Council following the completion of 12 months of the bylaw being implemented, in March 2021.
8	29/08/2019	4.1	Independent Planning Functions Review	b) Requests the Chief Executive implement the recommendations provided by Barker & Associates and set out in Appendix 7 of the above report	CE	In Progress	Implementation remains on the Executive Team's priority list and will be reported to the September meeting of the Audit, Risk and Finance Committee.
9	26/09/2019	5.5	Development contributions for first response or community organisations	<p>a) Notes the status quo with regard to development contributions charged to a first response or community organisation and that, in this instance, no remission been given and they be directed to apply for the applicable grant on their building and resource consent</p> <p>b) Requests the Chief Executive review the Development Contributions Policy for consistent approaches for both first response services; and community organisations</p>	GM SGI	In Progress	<p>Fire Service has been contacted and understands it can apply for grants.</p> <p>Review of the Development Contributions will be part of the 2021/2031 Long Term Plan process.</p>
10	27/11/2019	5.7	Partial Road Stopping & Disposal – 35d Taranga View Road, Mangawhai	<p>a) Agrees that the subject land is not required for further public works.</p> <p>b) Agrees to investigate the road stopping application in terms of the Local Government Act 1974 (LGA) of part of Seacoast Road (0.1014 ha) approximately for potential sale and amalgamation to the adjoining property owner at 35d Taranga View Road, Mangawhai.</p>	GM IS	In Progress	Bond received and agreement signed. Staff are finalising road stopping.

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
				<p>c) Requests Council staff seek an appropriate bond from the Applicant to cover initial Council processing costs and commence LGA stopping process</p> <p>d) Confirms that the applicant is to meet all costs involved with road stopping application.</p> <p>e) Requests Council staff firstly seek Ministerial approval for the partial stopping in accordance with Sec 342 pf the LGA and if Ministerial approval granted;</p> <p>i. Authorise Council officers to initiate the road stopping process for the road land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.</p> <p>ii. Approve the disposal of the (subject land) to the Owners of 35d Taranga View Road subject to a successful road stopping process.</p> <p>f) Delegates the Chief Executive the authority to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the road land with the adjoining owner, 35d Taranga View Road, Mangawhai, provided any such agreement is conditional upon the road being stopped.</p>			
11	26/02/2020	4.5	Kaihu raw water supply	<p>a) Approves that financial assistance by way of loan be given to identified affected dwelling owners in the Kaihu area to allow them to install water tanks on their property.</p> <p>b) Notes that statutory land charge will not be required where the land is Maori land.</p>	GM SGI	In Progress	Loan documentation being prepared now that new quotes have been confirmed. Iwi liaison Manager reports that Iwi have agreed to supply first tankful of water. Likely to only be two residents that don't sign as there are issues
12	29/04/2020	4.4	Adoption of Statement of Proposal for draft Consolidated General Bylaw 2020	<p>a) Adopts the Statement of Proposal for the draft Consolidated General Bylaw 2020 including the draft Consolidated General Bylaw 2020 and Summary of the Statement of Proposal for consultation.</p> <p>b) Delegates the Chief Executive and the Mayor the authority to make editorial changes.</p> <p>c) Delegates Deputy Mayor Curnow (Chair), Councillor Larsen and Councillor Vincent to form the General Bylaws Panel to hear views, to consider both written and verbal submissions and to make recommendations on the draft Consolidated General Bylaw 2020 to Council.</p>	GM T&E	In Progress	The Bylaw is on this October Council agenda for decision.
13		4.6	Extension of Wastewater System to Spring Street	a) Approves, in principal, the extension of the Dargaville Wastewater Scheme (DWWS) to include the Springs Street residential area and for engagement and preparatory works to be continued in the 2020/21 financial year.	GM IS	In Progress	Project team and brief to be established and executed in July 2020

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
14	24/06/2020	4.1	Long Term Plan 2021/2031: Vision and Community Outcomes	a) Adopts the Vision, Mission and Community Outcomes (located at Attachment A) for inclusion in the 2021/31 Long Term Plan. b) Delegates the Mayor and Chief Executive the authority to make minor editorial changes to the Vision, Mission and Community Outcomes for the Long Term Plan 2021/2031.	GM T&E	In Progress	All LTP preparation and planning work will be aligned to the vision, mission and outcomes.
15	01/07/2020	2.1	Rotu intake slip repair	a) Approves a total budget of \$665,280 which includes \$90,480 for Contingency, Project Management and Monitoring, Surveillance and Quality Assurance (MSQA). b) Approves the award of the Rotu Intake Slip Repair Contract to United Civil Limited for \$574,799.99 plus GST. c) Approves the additional expenditure i. to be loan funded in 2020-2021 with a subsequential recovery from an increase in the general rate of \$99,792 in 2021-2022 and a \$188,496 increase in the water charges in each of the 2021-2022, 2022-2023 and 2023-2024 years. d) Notes that the additional unbudgeted operational expenditure of \$665,279.99 exceeds the guidelines (\$300,000) when assessing significance under the Significance and Engagement Policy. e) Agrees that although the decision is significant, due to the urgent nature of this work Council will not engage with the community but inform the public of the decision. f) Delegates the Chief Executive to inform United Civil of the Council decision and execute the contract.	GM IS	In Progress	Site has been established and works have commenced. September 2020 Update - Project not funded as part of the 3 Waters reform. Will continue to be part funded through loan recovered over next 3 years.
16	29/07/2020	5.1	Mangawhai Community Plan funding	a) Notes the report Mangawhai Community Plan – Funding for 2020/21. b) Notes that with the receipt of the PGF grant of \$2.4m, and pending the NLTF subsidy being received, sections 11, 12, 13, & 14 will now be able to be progressed. A paper outlining the impact of these funding streams will be presented to Council at its September Meeting. c) Approves allocation of an additional \$654,419 from Financial contributions. d) Supports the Chief Executive to commence the procurement of physical works as per the procurement business case which has previously been approved by Council.	GM IS	In Progress	Noted that the Provincial Development Unit (PDU) has advised that the projects have been <u>approved in-principle</u> for funding from the Government's COVID-19 Response September 2020 – MBIE funding expected to be resolved in October. Therefore a paper will be prepared for the November Council Meeting.
17		5.2	Private Plan Change 78: Internal Hearing Commissioner	a) Approves the appointment of Deputy Mayor Curnow as an Internal Hearing Commissioner for the Private Plan Change 78 hearing panel.	GM T&E	In progress	The PPC 78 hearing will be held in November. Cr del la Varis-Woodcock has declined the appointment as an alternate internal commissioner.

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
				b) Approves the appointment of Councillor Del la Varis-Woodcock as an Internal Hearing Commissioner for the Private Plan Change 78 hearing panel only for the circumstance that Deputy Mayor Curnow becomes unavailable. c) Notes that the two remaining Independent Hearing Commissioners will be selected using the Hearing Commissioners Policy.			Independent Hearing Commissioners have been selected using the terms of the Hearing Commissioner Policy.
18		5.3	Independent Commissioner Appointment Selection Panel establishment	a) Approves the establishment of a Selection Panel made up of the Mayor, Cr Vincent, and the Chief Executive or her Delegate, with a purpose of managing the recruitment and recommendation process to the Council, for the appointment of Independent Commissioners to the Kaipara District Council general list.	GM T&E	Complete	Council approved the new list of commissioners at the September Council meeting.
19		5.5	Long Term Plan 2021/31: Regional Economic Development	1. Supports the proposal (outlined in Attachment 1) for Northland Inc. to become a joint regional CCO; a) with a formal joint shareholders committee to provide oversight, b) with a funding arrangement that Northland Regional Council contribute 60% and Whangarei, Far North and Kaipara District Councils contribute 40% c) with that funding arrangement achieved over a six-year time frame aligned to the 2021-2031 Long Term Plan Cycle d) with public consultation to establish Northland Inc. as a joint regional CCO included and aligned to the 2021-2031 Long Term Plan 2. Supports, in principle, the development of a Regional Economic Development Strategy for inclusion in the 2021-2031 Long Term Plan Cycle, subject to scope, resources and funding. 3. Notes that recommendations 1 and 2 are subject to all of Northland's Council's agreement.	GM T&E	In progress	There is a report to this October Council meeting seeking the re-affirmation of the original decision due to the recent Whangarei District Council decision.
20		5.6	Significance and Engagement Policy – draft for consultation	a) Approves the legislative process, analysis and consultation approach outlined in Attachment A. b) Approves the Consultation Document provided in Attachment B. c) Delegates Cr Curnow, Cr Vincent, Cr Wilson-Collins to form the Significance and Engagement Panel to hear and consider community views, consider written submissions and to make recommendations to Council on final proposed amendments to Council's Significance and Engagement Policy d) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments	GM T&E	In progress	The policy is open for public consultation which closes on 3 September 2020. A hearing is scheduled for 27 October and the final policy will be brought to the November Council meeting.

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
				to the Consultation Document prior to final printing and publication.			
21	30/09/2020	5.1	Three Waters Review – Delivery plan and funding agreement	<p>a) Notes that the Funding Agreement cannot be amended or modified by either party and doing so would void the document.</p> <p>b) Delegates the Mayor the authority to sign the Funding Agreement located (at Attachment A) on behalf of the Council, for submission to the Department of Internal Affairs and Crown Infrastructure Partners.</p> <p>c) Notes that the Delivery Plan shows that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, which:</p> <ol style="list-style-type: none"> supports economic recovery through job creation; and maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance. <p>d) Approves the Delivery Plan located (at Attachment B) for submission to the Department of Internal Affairs.</p> <p>e) Delegates the Chief Executive the authority to finalise the Delivery Plan, if any feedback from central government is received, in order to obtain approval and release funding</p> <p>f) Notes that the agreed share of the regional pool is \$2,345,524 in accordance with the regional national formula, bringing the total available pool to \$4,691,048.</p>	GM IS	In progress	<p>September 2020 update</p> <p>Delivery Plan is being developed in consultation with CIP and DIA. Expected to be submitted mid October.</p> <p>The CIP will produce a recommendation report which will go to DIA for approval.</p> <p>The final Delivery Plan will be presented to Council at the November Meeting.</p>
22		5.2	Budget carry over from 2019/2020	<p>a) Approves the increase in financial budgets for the unfinished capital projects as set out in Attachment A to the “Budget carry-overs from 2019/2020” report, totalling \$5,432,911 and for the amounts to be added to the 2020/2021 Annual Plan project budgets to enable staff to complete the identified works.</p> <p>b) Approves the carrying over of operational project expenditure as set out in Attachment A to the “Budget carry-overs from 2019/2020” report totalling \$2,641,860 and for the amounts to be added to the 20/2021 Annual Plan project budgets to enable staff to complete the identified works.</p> <p>c) Approves the additional required loan funding of \$81,975</p>	GM SGI	Completed	Approved by Council and carry over capital works figures now included in forecast and being reported on
23		5.3	Contract 888 variation - Kaipara unsealed roading network improvements	a) Approves a contract variation of \$3,150,000 + GST to Contract 888 Road Maintenance And Renewals to implement the Unsealed Roding Network programme of works, as detailed in the Kaipara Roding Package	GM IS	In progress	September 2020 update- Funding agreement has been received by KDC and Council agreement to enter into Contract with MBIE being sought at the October meeting.

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
				Agreement 2 with the Ministry of Business, Innovation and Employment. b) Approves a contract variation of \$4,910,000 + GST to Contract 888 Road Maintenance And Renewals to implement the Unsealed Roding Network programme of works, subject to Council approval of a new funding agreement with the Ministry of Business, Innovation and Employment.			
24		5.4	Contract 963 - Waipoua River Road Sealing Physical Works delegation to award	a) Delegates authority to the Mayor and Chief Executive to approve the award of Contract 963 for Waipoua River Road sealing works subject to Te Roroa approving the award of the contract, and subject to the contract price being within the approved project budget of \$1,600,000 + GST. b) Notes that the project is 100% externally funded.	GM IS	In progress	
25		5.5	Alamar boat ramp and carpark improvements	a) Approves the allocation of Financial Contributions up to \$900k for the design and construction of the boat ramp car park. b) Approves the Procurement Plan for the construction of the car park. c) Delegates award of Contract to the CEO subject to the price being within the approved budget	GM IS	In progress	
26		5.6	Hakaru Closed Landfill leachate treatment improvements.	a) Approves the allocation of \$550,000.00 from the Hakaru Leachate Provisioning Reserve and approves the tender and contract award process to complete the physical works for the Hakaru Closed Landfill Leachate Treatment. b) Approves the attached Business Case/Procurement Plan. c) Delegates the Chief Executive to approve the contract for award once the tender process is completed.	GM IS	In progress	September 2020 Update – Registration of Interest has been issued to market
27		5.7	Mangawhai Wastewater Treatment Plant Balance Tank	a) Approves the Mangawhai Wastewater Treatment Plant Balance Tank Project with a total budget spend of \$2,100,000. b) Approves to bring forward the Mangawhai Wastewater Development Plant Upgrades budget totalling \$1,450,000 into Year 2021/2022. This will reduce expenditure of \$500,000 from Year 2024/2025 and \$950,000 from Year 2025/2026. c) Delegates the Chief Executive to approve the contract for award up to a contract price of \$2,100,000 (excluding GST) once the tender process has been concluded.	GM IS	In progress	
28		5.8	Dog Control Annual Report 2019/2020	a) Adopts the 'Kaipara District Council Dog Control Annual report for the 12 months ending 30 June 2020' (circulated as Attachment A to the above mentioned report) and forwards it to the Secretary for Local	GM CE	In Progress	Council adopted the report at the September 2020 Council meeting. Checking if the report has been sent to the Secretary for Local Government

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				Government, in terms of s10A(1) and s10A(2) of the Dog Control Act 1996. b) Delegates the Chief Executive and the Mayor to approve minor typographical changes that do not alter the intent of the information in the 'Kaipara District Council Dog Control Annual report for the 12 months ending 30 June 2020'.			
29		5.9	Treasury Policy	a) Approve the attached Treasury Policy to be included as part of the Long-Term Plan 2021- 2031 b) Delegates the CE and the Mayor to approve minor typographical changes that do not alter the intent of the information in the Treasury policy.	GM SGI	Completed	Changes made and final copy will be in draft LTP which is out for consultation
30		5.10	Whistleblowing Policy adoption	a) Approves the amended Whistleblowing Policy and Fraud Policy (Attachment A). b) Agrees to engage Price Waterhouse Coopers as the new whistle-blower service provider (Option 1) as recommended by the Audit, Risk and Finance committee.	GM P&C	Completed	
31		5.11	Climate Adaptation Joint Committee establishment and appointments	a) Agrees to establish the Joint Committee on Climate Change Adaptation under clauses 30 and 30A of Schedule 7 of the Local Government Act 2002, using the Terms of Reference (Attachment B of this report). b) Appoints Mayor Dr Smith to be the Kaipara District Council representative on the Joint Committee on Climate Change Adaptation. c) Appoints Cr Wilson Collins to be the alternate representative on the Joint Committee on Climate Change Adaptation. d) Agrees that Te Roroa and Te Uri o Hau will be engaged, to provide nominations for, the roles of primary Mana Whenua / Iwi representative and alternate Mana Whenua / Iwi representative, with a final recommendation to come to the Kaipara District Council for a decision by 16 December 2020.	GM T&E	In Progress	Staff are advising the NRC of the agreed KDC appointments. Staff are also formally notifying Te Roroa and Te Uri o Hau to provide nominations to Council for a decision in December.
32		5.12	Non-Elected Member Remuneration policy adoption	a) Adopts the Non-Elected Member Remuneration Policy located at Attachment A to this report. b) Notes the policy implementation timeframes and processes. c) Delegates the Mayor and Chief Executive the authority to make minor editorial changes that do not alter the intent of the policy	GM T&E	In Progress	This policy is being implemented in accordance with the report.
33		5.13	Speed Limit Review Consultation	a) Adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2018" for consultation. b) Confirms that the submission period for the speed limit review will open on 29th October and close on	GM IS	In Progress	The review is now being undertaken as presented.

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				<p>18th December, with hearings to be scheduled in February 2021.</p> <p>c) Undertakes consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002.</p> <p>d) Agrees to establish a Speed Limit Review Panel to receive and hear submissions and make a recommendation to the Kaipara District Council. It shall be made up of Cr Larsen, Cr Wethey, and Cr Wills.</p> <p>e) Delegates the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.</p>			

Public excluded items 28 October 2020

The following recommendation is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the particular interest or interests protected by section 7 of the Act.

On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is recommended:

Recommendation/Ngā tūtohunga

a) That the following items are considered with the public excluded:

Item	Grounds for excluding the public
<ul style="list-style-type: none"> Public Excluded Minutes from 30 September 2020. Unsealed Roads Contracts. 	<p>To protect the privacy of natural persons, including that of deceased natural persons (LGOIMA s7(2)(a)), to avoid prejudice to measures protecting the health or safety of members of the public (LGOIMA s7(2)(d)), to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (LGOIMA s7(2)(h)) and to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (LGOIMA s7(2)(i))</p>