

# Whangarei District Council Meeting

## Agenda

**Date:** Thursday, 5 September, 2019

**Time:** 9:00 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)  
Cr Gavin Benney  
Cr Crichton Christie  
Cr Vince Cocurullo  
Cr Tricia Cutforth  
Cr Shelley Deeming  
Cr Sue Glen  
Cr Phil Halse  
Cr Cherry Hermon  
Cr Greg Innes  
Cr Greg Martin  
Cr Sharon Morgan  
Cr Anna Murphy

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

1. Karakia/Prayer
2. Declarations of Interest
3. Apologies
4. Decision Reports
  - 4.1 Proposed Amendment to the Control of Vehicles on Beaches Bylaw 2009 (Langs Beach) - Deliberations 1
5. Information Reports
6. Closure of Meeting

## 4.1 Proposed Amendment to the Control of Vehicles on Beaches Bylaw 2009 (Langs Beach) - Deliberations

**Meeting:** Whangarei District Council  
**Date of meeting:** 5 September 2019  
**Reporting officer:** Shawn Baker (NTA Contractor)

### 1 Purpose

To deliberate on the matters raised in submissions and at the hearing meeting held on 22<sup>nd</sup> August 2019, on the proposed amendment to the Control of Vehicles on Beaches Bylaw 2009.

### 2 Recommendation

That Whangarei District Council, at its 29<sup>th</sup> September 2019 meeting, confirms the amendments to the Control of Vehicles on Beaches Bylaw 2009 as proposed in the Statement of Proposal.

### 3 Background

Council's Control of Vehicles on Beaches Bylaw (the Bylaw) was first made in 2009. The Bylaw was last reviewed at the end of 2016. At its meeting on 27<sup>th</sup> June 2019, Council decided to consult with the community on a proposed amendment to the Bylaw to restrict vehicle access on part of Langs Beach.

A full Statement of Proposal was publicly notified on 15<sup>th</sup> July 2019, see Attachment 1. To promote the consultation and encourage feedback, Council:

- Placed a public notice in the Whangarei Leader (Council Pages).
- Published information, including the Statement of Proposal on Council's website.
- Published two articles in the Whangarei Leader (Council pages) about the consultation.
- Notified local surf clubs, business associations and ratepayer groups by email.
- Hand delivered a leaflet about the consultation to letter boxes in Langs Beach and to local businesses.

The public submission period opened on 15<sup>th</sup> July 2019 and closed at 5pm on 12<sup>th</sup> August 2019 with a total of 51 submissions received.

A Council Hearings Committee was convened to receive all written submissions and to hear those submitters that wished to present their submission in person. The Hearing was held in Council Chambers on 22<sup>nd</sup> August 2019. A total of seven submitters wished to be heard, however only five of those submitters attended the meeting and were heard.

Council must now deliberate on the matters raised at the hearing and make a recommendation to either:

- Amend the Bylaw as proposed in the Statement of Proposal; or
- Amend the Bylaw in accordance with recommendations arising from the Hearings Committee deliberations; or
- Make no change to the Bylaw.

## 4 Discussion

### 4.1 Submissions and Hearing

A total of 51 submissions were received and are summarised below:

51	Total submissions received
43	Supporting the proposed amendments
8	Opposing the proposed amendments
7	Submitters wishing to be heard
1	Seeking amendments to the proposal

Of the seven submitters wishing to be heard, a total of five submitters attended the hearing, with one submitter representing himself and the Lang Cover Residents Association. See attachment 2 for the full list of submissions.

### 4.2 Matters raised in submissions and at the hearing meeting

The key matters, issues and themes that were raised in submissions, and at the hearing are set out below. Additional background, along with staff recommendations are also provided.

	Key Issue	Submitters
1.	Beach behaviour generally	
2.	Setting a lower speed limit on the beach and enforcing that speed limit	002, 007, 011, 012, 013, 016, 017, 018, 023, 024, 028, 032, 033, 034, 035, 043, 046, 049, 051
3.	Creating a new vehicle access point for launching boats nearer the boat launching area	001, 004, 010
4.	Restricting access only to vehicles launching or retrieving boats or actively engaged in fishing	005, 014, 023, 029, 031, 036, 039
5.	Allowing some vehicle access to the north-western part of the beach during winter and outside peak times.	010, 019, 020, 025,
6.	Prohibiting vehicles on other beaches, including Uretiti, Waipu Wildlife Refuge and Ngunguru Sandspit	038, 048

7.	Install improved signage and other physical barriers for areas where vehicles are banned.	017, 018, 032, 033, 034, 035, 039, 043, 049, 051
8.	Environmental Issues <ul style="list-style-type: none"> <li>• Coastal erosion</li> <li>• Dog bans</li> <li>• Impact on Dotterel nesting</li> </ul>	006, 010, 015, 026, 029, 047

Councils across New Zealand have different approaches to vehicles on beaches, with their Bylaws set up differently to Whangarei District Council. However, the consistent theme of those Bylaws is that, although the beach is defined as a road, it is on Council controlled land.

Auckland Council is the most explicit in this approach with a specific Bylaw for roads on Council land (outside of the Auckland transport network). These roads include roads in parks, carparks and beaches.

The approaches taken by different Councils provides the basis for some of the options discussed below.

## 5 Key Issues

### 5.1 Beach behaviour generally

The issue of beach behaviour, particularly of those in vehicles was raised extensively at the hearing and is a theme throughout the submissions. The issues range from speeding, littering, inappropriate or dangerous driving and other activities such as camping on the beach.

In accordance with the LTA 1998, all beaches are classified as a road. This is one of the reasons why, in Northland, vehicles are presumed to be able to access beaches, unless specifically prohibited or restricted.

Dunedin City Council Reserves and Beaches Bylaw utilises clauses relating to driver behaviour. This wording is common among several vehicles on beaches bylaws or their equivalent.

*No person in a reserve or on a beach may:*

*Drive, ride or park, or otherwise bring any vehicle or trailer into a reserve or onto a beach in a manner that:*

- I. Causes damage to the reserve or beach; or*
- II. Causes a nuisance to another person; or*
- III. Is dangerous, or might be dangerous to the public or any other person.*

In relation to Whangarei District Council's Vehicles on Beaches Bylaw, the wording would need some minor amendments. In addition, as the consultation only applied to Langs Beach, such a clause may only be able to be applied to Langs Beach.

**Option 1:** Make no changes to the Bylaw and rely on existing road safety law and other bylaws to ensure appropriate behaviour.

This option would essentially provide no additional ability for the community, Council enforcement officers or the Police to address nuisance or dangerous behaviour that has been reported by submitters and through complaints to Council.

**Option 2:** Recommend that a clause similar to that set out above is included within the Vehicles on Beaches Bylaw at its next full review.

This option would not provide any immediate relief to the Langs Beach community. Nor would it guarantee that such a clause would be adopted into any final full bylaw review.

**Option 3:** Recommend that the following clause be included in the proposed amendment to the Vehicles on Beaches Bylaw to read:

*No person may drive, ride or park, or otherwise bring any vehicle or trailer onto Langs Beach in a manner that:*

- a) Causes damage to the beach; or*
- b) Causes a nuisance to another person; or*
- c) Is dangerous; or might be dangerous to the public or any other person.*

This option would provide a legal basis to enforce poor driver behaviour and may assist in educational projects to improve beach behaviour, particularly signage that may be installed.

The option is consistent with the aim of the Bylaw, which is to support public safety by restricting vehicles in those beach areas where there are significant conflicts between vehicles and pedestrian beach users.

The option may not be able to be applied to all beaches as the Statement of Proposal and matters being consulted on relate specifically to Langs Beach. However, a future wider review of this Bylaw would be able to incorporate the wording to apply to all beaches.

This option would still allow vehicles on the southern part of the beach, including parking, picnics, fishing or other activities within the limitations of the clause.

**Staff Recommendation:**

Staff recommend Option 3 as an appropriate response to the issues raised by submitters in relation to the behaviour of vehicles on Langs Beach.

## **5.2 Setting a lower speed limit on the beach and enforcing that speed limit**

Langs Beach meets the definition of a Road in the Land Transport Act 1998. As the Road Controlling Authority, Council can set a speed limit on the beach.

The current speed limit on Langs Beach is 30km/h, which is consistent with speed limits on other beaches in the Whangarei District. The speed limit is set by the Whangarei District Speed Limits Bylaw 2019 and enforced by the NZ Police.

Council is currently undertaking a review of all speed limits on roads that Council is responsible for in the District. This is part of a wider regional project led by the Northland Transport Alliance; and is also part of the governments Safer Journey's Strategy.

Langs Beach falls within the Waipu – Mangawhai Review Area. There are cross boundary issues within this review area and as such, the review will be co-ordinated with Kaipara District Council. The current review programme anticipates that the review will be undertaken in mid-2020, with the aim of having any new speed limits in place before the 2020/2021 summer season. Consultation will be undertaken as part of the review process.

It is not recommended that Council utilise the current consultation and the Control of Vehicles on Beaches Bylaw to set a speed limit on Langs Beach. Setting a different speed limit under this Bylaw would conflict with Council's Speed Limits Bylaw, which would create enforcement issues.

In reviewing speed limits in the Speed Limits Bylaw, Council must consider a range of factors set out in the Setting of Speed Limits Rule 2017. Failure to consider these matters properly could result in the speed limit being un-enforceable.

**Staff Recommendation:**

Staff recommend that the submissions requesting a different speed limit be noted and that those submissions be considered when the upcoming review of the Waipu – Mangawhai road catchment area is undertaken in mid-2020.

**5.3 Creating a new vehicle access point for launching boats nearer the boat launching area**

The Control of Vehicles on Beaches Bylaw prohibits vehicles on some parts of some beaches within the district. It is beyond the scope of the Bylaw to create new accessways.

The creation of a new access point as suggested by submitters would require Council to purchase land and develop the appropriate facilities. This is a matter for Council's Long-Term Plan or Annual Planning process.

It is noted that the suggested access point is a shared open space area off Hector Lang Drive. This green space is privately owned by the Lang Cove Conservation Trust. The Trust seeks to retain this space as community open space and actively discourage vehicles using the site for access purposes.

One submitter suggested gating the access point and providing key access only, similar to Waipu Cove. The Waipu Cove situation is different because the gated access controls access through private property.

**Staff Recommendation:**

Staff recommend that submissions suggesting the development of a different access closer to the boat launching area be rejected as this is a Long-Term Plan issue.

**5.4 Restricting access only to vehicles launching or retrieving boats or actively engaged in fishing**

There is strong support for continued vehicle access for the purpose of launching and retrieving boats at the south-eastern end of the beach. There is also support for continued access for other vehicles that have a "purpose", such as boat launching or fishing, to be on the south-eastern end of the beach.

Council's throughout New Zealand take a different approach to vehicles on beaches that of Council's in the Northland Region. Generally, vehicles are banned from beaches through bylaws, except in specific circumstances, for example launching and retrieving small vessels. An example of this approach is Whakatane District Council that has a Bylaw with the following wording:

*7 Vehicles and vessels*

*7(1) Except with the prior written permission of the Council or an Authorised Officer, and in accordance with any conditions that may be required, no person shall park or drive any vehicle (excluding bicycles), motorcycle, or land yacht on any part of the beach.*

*7(2) Clause 7(1) shall not apply to:*

- a) Any vehicle driven along an authorised access way or parked in any authorised parking area; or*
- b) Any vehicle used solely for the purpose of launching or retrieving any vessel; and*
  - i. Provided that the vehicle uses an authorised access way to go onto and leave the beach; and*
  - ii. Moves across the beach to and from the water using the shortest practicable route; and*

*iii. Leaves the beach immediately once the vehicle has finished launching or retrieving a vessel.*

- c) Any land yacht being driven on the beach in areas which the Council may from time to time by publicly notified resolution designate for driving land yachts and which are identified by official Council signage.*

The above clause provides an example of how other Council's approach the issue. However, the above wording does not allow for vehicles to be parked on the beach once the vessel has been launched. In most cases, Whakatane District has sufficient off-beach parking for vehicles and trailers.

In restricting vehicles on the beach to only those that are launching and retrieving vessels would result in vehicles being used for access to transport fishing gear, such as Contiki's would be banned from the beach.

The consistent aspect of all Bylaws that allow access for launching boats only is that they include a wide range of exceptions. There is a risk that including this type of wording could result in un-intended restrictions, for example for mobility impaired people accessing the beach. Provision would also need to be made for surf lifesaving, emergencies and vehicles conducting Council authorised business.

**Option 1:** Include a clause for Langs Beach that states:

*No person may drive any vehicle, motorbike or quad bike on the southern part of Langs Beach [area to be marked on map] unless it is being used solely for the purpose of launching or retrieving any vessel or for land-based fishing purposes; and*

*i. Provided that the vehicle uses an authorised access way to go onto and leave the beach; and*

*ii. Moves across the beach to and from the water using the shortest practicable route to the launching point; and*

*Except if that vehicle is being used for surf lifesaving purposes, attending an emergency, engaged in law enforcement action (including fisheries), or otherwise authorised by Council.*

In addition to the above, an interpretation note would be required to provide certainty around what is meant by land-based fishing.

This option makes significant restrictions on vehicle usage on Langs Beach. The restriction would only apply to Langs Beach as a wider application of such a clause has not been contemplated in the Statement of Proposal or the consultation process.

The option gives rise to issues relating to exceptions, exemptions and unintended consequences.

**Option 2:** Implement the proposal as set out in the Statement of Proposal. That is, prohibit vehicles on the northern part of the beach, and allow access to the southern part of the beach.

**Option 3:** Implement the proposal as set out in the Statement of Proposal, alongside the inclusion of the general behaviour clause set out above. This option is expected to address the main issues raised by submitters.

**Option 4:** Implement Option 3 with an additional clause to state that:

*Vehicles used for launching or retrieving vessels shall move across the beach to and from the water using the shortest practicable route to the launching point.*

In implementing the general behaviour clause, this additional clause may be superfluous.



**Staff Recommendation:**

Staff recommend that Option 3 is adopted.

**5.5 Allowing some access to the northland part of the beach outside peak times**

Some submitters have suggested that some vehicle access to the north-western part of the beach still be allowed outside of peak times, for example, in the early morning, evening or during the winter. These submissions are seeking to allow for easy access to fish off the northern parts of the beach or to come ashore in an amphibious vessel (for example a Sea-legs boat).

Technically the Bylaw could allow for the access suggested. However, this would make the Bylaw more complicated, difficult to enforce and would likely give rise to increased complaints and community frustration.

**Option 1:** Implement the prohibition of vehicles on the northern part of the beach as set out in the Statement of Proposal (including amendments arising from this deliberation).

This option is supported by all but a few of the submitters.

**Option 2:** Implement the prohibition of vehicles on the northern part of the beach between a set date range. This would normally encompass late autumn and winter, outside public holidays.

In terms of implementation, wording could be included to exclude vehicles from the northern part of the beach between 1<sup>st</sup> October and 1<sup>st</sup> May. This date range would ensure a specific time period and would guarantee to encompass the moveable holiday of Easter.

**Option 3:** Implement the prohibition of vehicles on the northern part of the beach during a set period during the day, for example, between 0700 and 1800 each day.

This option may not address some of the key concerns of the community that led to the proposed amendment. The timing would be difficult to enforce as there could be any number of reasons why a vehicle is on the beach during the prohibited time. In addition, there are a wide range of people that access the beach in the early morning and later evening as that time period provides a unique tranquil beach experience.

**Option 4:** Combine the approach of Option 2 and 3. This option would lead to a complex provision that would be very difficult to enforce and confusing for the general public. Option 4 is therefore not recommended.

**Staff Recommendation:**

Staff recommend Option 1.

**5.6 Prohibiting vehicles on other beaches, including Uretiti, Waipu Wildlife Refuge and Ngunguru Sandspit**

Requests to prohibit or restrict vehicles on beaches other than Langs Beach is outside the scope of the amendment that was proposed.

If Council wishes to consider prohibiting or restricting vehicles on other beaches, a new Statement of Proposal and consultative procedure would be required. The Control of Vehicles on Beaches Bylaw must be reviewed before 2026 (10 years after its first review), although an earlier review can be undertaken.

**Staff Recommendation:**

Staff recommend that the submissions requesting controlling vehicles on other beaches be noted.

**5.7 Install improved signage and other physical barriers for areas where vehicles are banned**

The installation of signage and physical barriers is an operational issue and outside the scope of this Bylaw amendment.

**Staff Recommendation:**

Staff recommend that the submissions requesting additional signage and physical barriers be noted.

**5.8 Environmental Issues, including coastal erosion, dogs and dotterel nesting**

New Zealand Dotterel birds are endangered, only found in some areas in New Zealand and are known to nest on Langs Beach. The Department of Conservation has advised that in a normal year, there are up to six Dotterel nests on the beach. These are normally, but not always located on the northern part of the beach.

Nesting areas are normally fenced to prevent disturbance during the nesting season.

There is no substantive evidence that vehicles on the beach are causing or exacerbating coastal erosion. The primary issue appears to be where vehicles are gaining access to the beach from the established access point. Vehicles need to negotiate a section of soft sand before reaching the harder sand closer to the water.

Vehicles accessing the dune system, or the tow of the dune are likely to cause or exacerbate erosion. The Bylaw currently prohibits vehicles on the dune system of all beaches.

**Staff Recommendation:**

Staff recommend that the submissions relating to other issues such as Dotterel nesting, coastal erosion and other issues outside the scope of the proposed Bylaw amendment be noted.

**5.9 Next Stage**

The recommended decisions made by the Hearings Committee following deliberation on submissions will be incorporated into the Control of Vehicles on Beaches Bylaw. The amended version of the Bylaw will be presented to Council at its 29<sup>th</sup> September meeting to confirm the amendments and make the changes to the Bylaw.

Submitters will be notified of the amendments and decisions.

The amendments to the Bylaw will be made operative 1 month after Council makes the amendments. This allows sufficient time for the new provisions to be communicated to the public and signage installed.

Once the Bylaw is amended, an educational and publicity campaign will be needed to ensure the changes are understood.

### 5.10 Financial/budget considerations

There are no financial or budget implications arising from the proposed amendment to the Control of Vehicles on Beaches bylaw 2009.

### 5.11 Policy and planning implications

There are no policy and planning implications.

### 5.12 Options

The Hearings Committee may recommend to Council to either:

- Amend the Bylaw as proposed in the Statement of Proposal; or
- Amend the Bylaw in accordance with recommendations arising from the Hearings Committee deliberations; or
- Make no change to the Bylaw.

### 5.13 Risks

There are no ongoing risks associated with this decision.

## 6 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy as the purpose of this meeting is to hear submissions, no decisions are being sought. The public will be informed via agenda publication on Council's website.

## 7 Attachment

1. Statement of Proposal

**Submissions** – copies of all submissions are available in the 22 August Council agenda (page 7), located on **council's website**:

<https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1221>



# STATEMENT OF PROPOSAL

## *Proposed Amendments to the **Vehicles on Beaches Bylaw 2009***



Whangarei District Council is proposing to make an amendment to our Vehicles on Beaches Bylaw 2009 (as amended in November 2016) to address the issue of vehicles on Langs Beach. Bylaws have to be reviewed within five years of being made. The next full review of this Bylaw is due to be completed in November 2021. The amendments proposed in this Statement of Proposal are specific to Langs Beach and is not a full review of the Bylaw.

This document includes further information on the proposed amendments, including the reasons for the proposal, a draft of the proposed amendment and some statutory background information.

Before making any final decisions, we'd like to know your views.

The closing date for submissions is  
**Monday 12th August 2019**

Further information on how to make a submission is included in this document.

## Have your say

**We need your feedback by 5pm on Friday 12th August 2019.**

Your views on the proposed amendment to the Vehicles on Beaches Bylaw are important to us.

There are several ways you can have your say. A submission form is provided in this Statement of Proposal or you can download a submission form from our Website and email, post or deliver it to us. Please ensure that you state in your submission if you want to present your submission in person at a Council hearing.

## How to make a submission

You can make a submission online at: [www.wdc.govt.nz](http://www.wdc.govt.nz) or email us at [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (please put "Vehicles of Beaches Bylaw Submission" in the subject line).

Post your submission to:

Speed Limit Bylaw  
Whangarei District Council  
Private Bag 9023  
Whangarei 0148

Submissions can also be hand-delivered to Council offices in Forum North, Rust Avenue (Attention Shawn Baker, Roading Department).

Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter. The submissions, including all contact details provided, will be available to the public, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you consider there to be a compelling reason why your contact details and/or submission should be kept confidential, you should contact Council on 0800 932 463 or 09 430 4200.

## Timeline for considering the proposed amendment to the Bylaw

Submissions Period: **15th July – 12th August 2019**

Hearings (if required): **22nd August 2019**

Council amends Bylaw: **September 2019**

Any amendments come into force **October 2019**.

Information on the hearings process and what to expect if you want to attend the hearings to present your submission in person can be found on our website in the public consultations section.



# Statement of Proposal

## INTRODUCTION

Council's Vehicles on beaches Bylaw (the Bylaw) was first made in 2009. The Bylaw was last reviewed at the end of 2016. At its meeting on 27 June 2019, Council decided to consult with the community on a proposed amendment to the Bylaw to restrict vehicle access on part of Langs Beach.

Before finalising the proposed amendment to the Bylaw, Council wants to hear your views. This Statement of Proposal provides you with the background and reasons for the proposed amendments as well as the statutory issues Council is required to take into consideration.

A copy of the proposed amendment to the Bylaw is included in this document. If you want to compare the proposed amendment to the current Bylaw, this is available online at [www.wdc.govt.nz](http://www.wdc.govt.nz) or call us on 09 430 4200 or 0800 932 463 if you would like to be sent a copy.

## REASONS FOR THE PROPOSED AMENDMENT

Langs Beach is a small coastal community with easy beach access for pedestrians. There are often pedestrians utilising the beach throughout the year. The beach area is particularly busy during the summer months. The south-eastern end of the beach is also popular as a launch point for small boats accessing fishing grounds.

There has been increasing community concern that the growing popularity of the beach for both pedestrians and vehicles is giving rise to increased conflict between these uses.

The Vehicles on Beaches Bylaw aims to support public safety by restricting vehicles in those beach areas where there are significant conflicts between vehicles and pedestrian beach users. However, the Bylaw also aims to retain vehicles access for less busy beach areas that are suitable for vehicle access; to support the recreational needs of anglers, shellfish gatherers, the launching of small boats and other beach users.

Council recognises that the south-eastern end of Langs Beach is one of only a few relatively safe launching points for small boats between Ruakaka and Mangawhai. The proposed amendment to the Bylaw intends to strike a balance between the need to maintain vehicle access to launch small boats and the safety of pedestrian beach users.

To achieve a balance between competing uses, Council are proposing to restrict vehicle access to the beach area from the principle vehicle access point to the primary boat launching area. This will provide a safe pedestrian area without vehicles on the part of the beach that is most popular for pedestrians and families.



## PROPOSED AMENDMENT

Council is proposing to amend the Bylaw to include a new vehicle prohibition on part of Langs Beach that is north-west of the existing vehicle access by inserting the following words and map into Schedule 1 of the Vehicles on beaches Bylaw 2009.

### 1.3 Map 3 – Langs Beach

Vehicles are prohibited at all times from 20m northwest of the vehicle beach access off Cove Road (as indicated on the map) to the northwestern end of the beach.

*Explanatory note: Vehicles may access the beach from the vehicle access point to the eastern end of the beach and boat launch point.*



## STATUTORY CONSIDERATIONS

In accordance with the Local Government Act 2002, Council are required to determine whether the Bylaw (or the amendment) is the most appropriate way of addressing the perceived problem; where this is determined, Council must then determine whether:

- the Bylaw is the most appropriate form of the Bylaw; and
- the Bylaw gives rise to any implications under the New Zealand Bill of rights Act 1990.

### Addressing the perceived problem

In the case of the proposed amendment to the Vehicles on Beaches Bylaw, the perceived problem is a health and safety issue relating to incompatible uses of Langs Beach by swimmers, pedestrians and vehicles.

The proposed amendment provides an enforceable separation of incompatible uses of Langs Beach to ensure that beach users are able to access and utilise the beach safely. Similar prohibitions at beaches near Ruakaka have resulted in a significant reduction in complaints about vehicles on beaches in those locations. On this basis, it is determined that the proposed amendment to the Bylaw is the most appropriate way of addressing the perceived problem.

## **Appropriate form of the Bylaw**

The proposed amendment to the Vehicles on Beaches Bylaw is considered the most appropriate form. The amendment is consistent with the existing Bylaw which is customised to suit the specific circumstances of the District.

## **New Zealand Bill of Rights Act 1990**

The proposed amendment to the Vehicles on Beaches Bylaw has the effect of restricting the use of a public space. The restriction applies to an area where there is a known issue of concern regarding public safety. The restriction does not exclude access to the public space, only the manner of access. This restriction does not give rise to implications, either individually or cumulatively, under the New Zealand Bill of Rights Act 1990.

The Bylaw and the proposed amendment are consistent with the specific empowering provisions prescribed under the Local Government Act 2002.

## **Points to remember when making a submission**

- Please print clearly. The form should be easy to read and understood, it may need to be photocopied.
- You can use more sheets if you need to.
- We will respond in writing to every submission received. Please make sure that you give us your contact details so that our response gets back to you. An email address is best.
- All submissions are considered public under the Local Government Official Information and Meetings Act. Your submission could be published and made available to elected members and the public.
- Your submission won't be returned to you once it is lodged with Council. Please keep a copy for your reference.

## **How to get this form to us:**

### **Mail**

Vehicles on Beaches Bylaw  
Whangarei District Council  
Private Bag 9023  
Whangarei 0148

### **Email**

mailroom@wdc.govt.nz with "Vehicles on Beaches Bylaw Submission" in the subject line.

### **Online**

You can make a submission online at [www.wdc.govt.nz/bylaws](http://www.wdc.govt.nz/bylaws)

Submissions must be received by: **5pm Monday 12th August 2019.**

## Submission Form

### Proposed Amendments to Vehicles on Beaches Bylaw 2009

Thank-you for taking this opportunity to comment on our proposed changes to the Vehicles on Beaches Bylaw. We welcome your feedback. Be sure to get your submission to us by 5.00pm on Monday 12th August 2019.

Full name:

Postal address:

Contact telephone number:

Email:

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

Organisation name:

**Please share your views with us by ticking the relevant boxes.**

☐

Yes – I/we support the new proposed vehicle prohibited area at Langs Beach

☐

No – I/we do not support the new proposed vehicle prohibited area at Langs Beach

### Specific comments about the proposal:

Giving reasons for your view helps us better understand your submission and what you are seeking.

*Feel free to use extra paper if you wish.*

I would like an opportunity to present my submission in person:

☐

Yes

☐

No

*Note: Hearings are currently scheduled for Thursday 22 August. We will advise you of the location for any hearings.*

Signature of submitter; or authorised agent

Date

**NOTE:** Signature is not required if making your submission by electronic means



### RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

### Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

#### Move/Second

"That \_\_\_\_\_ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item \_\_\_\_\_.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because \_\_\_\_\_.

*Note:*

*Every resolution to exclude the public shall be put at a time when the meeting is open to the public.*