

# Whangarei District Council Meeting

## Agenda

**Date:** Thursday, 26 September, 2019

**Time:** 10:30 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.

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## 4. Public Forum

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 September 2019  
**Reporting officer:** C Brindle (Senior Democracy Adviser)

### 1 Purpose

To afford members of the community an opportunity to speak to Council and to report on matters raised at public forums where appropriate.

### 2 Summary

Standing Orders allow for a period of up to 30 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application setting out the subject matter and the names of the speakers to the Chief Executive at least 2 clear working days before the day of the meeting.

#### Speaker

Speaker	Subject
Kyle Hanlon	Bicycle locks around Whangarei and ways we can implement them
Julia Alabaster	Concern about the deployment of 5G technology
Peter Gordon	Omana Road issues

#### Report on actions taken or comment on matters raised

Where practicable actions taken on matters raised by previous speakers are reported back to public forum.

Speaker	Subject
Fiona Elizabeth Mary Green on behalf of Whangarei vehicle dwellers	Whangarei vehicle dwellers – a fresh approach to their current plight, a fresh insight to their situation, ways of moving forward with council.
<b>Report</b> Ms Green spoke on behalf of the Whangarei vehicle dwellers, residents who live in vehicles, are law abiding citizens who contribute to the local economy. Council's Camping	

in public places bylaw requires vehicle dwellers to move to a different location every 3 days. The vehicle dwellers, whilst understanding the reason for the bylaw, would like to be able to overnight for at least 7 days, they request council review and consult on the bylaw with a view to extending the number of nights that self contained vehicles can remain in one place.

Ms Green considers the Freedom Campers Act 2011 overrides the council bylaw in terms of the 3 day overnight limit.

The vehicle dwellers are wanting to promote good links with council and are asking how this matter can be progressed.

Additionally, vehicle dwellers support paying rates, however acknowledge the difficulties around this as they don't own residential properties and have no fixed address. They are asking if council have any suggestions on how they may contribute.

*Response*

Rates are a tax on property, so vehicle dwellers, of no fixed abode, are not rateable. However, any fees or charges paid, contribute to funding council services and infrastructure.

The Camping in Public Places bylaw is due for review in 2022, when Council will direct the nature and scope of the review for public consultation.

Clare Elizabeth Saville

Speeders/dangerous driving Raurimu Avenue – requesting installation of safety measure. Presenting a petition in support.

Ms Saville presented a petition with over 200 signatures, including letters of support from two schools. The signers are requesting council install traffic calming measures in Raurimu Avenue because of the speeders and dangerous driving causing anxiety to residents.

*Response*

Council acknowledge receipt of the petition. Council have received similar requests through their CRM (Customer request management system). The request will be reviewed against the Slow Streets Policy and prioritised against similar requests for potential funding in future years.

Brian Trevor May

Rating Revaluations

- Rating revaluations – council are taking too long to respond

*Response*

Rating revaluations – the objections to rating valuations are being processed and are expected to be completed by 30 September. The delay was caused by the deferral of the 2018 general revaluation. The Valuer-General has been informed of the delay.

- Rates – commercial rates are too high, increases exorbitant, that's why there are so many empty shops in the CBD. Farmers rates are also too high. The community are not getting a good deal in Whangarei. Charging exorbitant rates must cease.

*Response*

Rates – the sector share of general rates has not changed for commercial properties following the 2017/2018 rates review. However, each property's share of the has been impacted by its change in land value following the 2018 general revaluation, compared to the sector average. In addition, the redefinition of Separately Used or Inhabited Parts of a Rating Unit (SUIP) has decreased the incidence of charge where a SUIP is



not being used or intended to be used. The rating of each CBD property has been impacted by both these factors, with both positive and negative movements based on each rating unit's characteristics..

- Chemical sprays - Council's use of weed killing chemicals that contain glyphosate, on sportsfields and road sides is a concern, it is polluting water ways and is a risk to people's health, can cause cancer. Council should use spray marker dye in their sprays.

*Response*

Whangarei District Council are following advice from the Environmental Protection Agency. They commissioned Dr Wayne Temple, a toxicologist and former Director of the New Zealand National Poisons Centre, to undertake a review of the evidence relating to the possible carcinogenicity of glyphosate. Based on the information currently available, the EPA considers that glyphosate products approved in New Zealand are safe to use when following the instructions on the label. Council's contractors are all required to follow the recommended application instructions and are regularly audited by Council staff.

- Mr Daisley – spoke at last month's public forum, no one has responded to him, this needs to be sorted.

*Response*

In 2015 Mr Daisley took legal action against Council regarding the matter he raised at public forum, this matter is still progressing through the Courts.

- Charges - difference in charges – vast difference in what council pay vs what Mr May is charged.

*Response*

Insufficient information provided, unable to formulate a response.

- Council culture one of bullying and harassment. Upcoming elections may result in a change of council and that may mean a change in culture.
- Confidential report – Confidential report still not released, details not released, not being open and transparent in regard to Mr Forlong's conduct.

*Response*

These matters have been raised by Mr May in previous public forums. Council acknowledge Mr May's comments.



**Item 5.1**
**Whangarei District Council Meeting Minutes**

**Date:** Thursday, 29 August, 2019  
**Time:** 10:30 a.m.  
**Location:** Council Chamber  
 Forum North, Rust Avenue  
 Whangarei

**In Attendance**
  
 Her Worship the Mayor Sheryl Mai  
 (Chairperson)  
 Cr Gavin Benney  
 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  
**Not in Attendance**
  
 Cr Crichton Christie

**Scribe**
  
 C Brindle (Senior Democracy Adviser)

**1. Karakia/Prayer**

Cr Morgan opened the meeting with a karakia/prayer

**2. Declarations of Interest**

Confidential Item 8.6 Whangarei Airport Location Update

**3. Apology**

**Moved By** Cr Greg Innes

**Seconded By** Cr Vince Cocurullo

Cr Crichton Christie (leave of absence)

That the apology be sustained.

**Carried**

**Public excluded**

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Anna Murphy

That council consider Item 1.5 Property Matter, in open meeting.

**Lost**

**4. Public Forum**

Fiona Elizabeth Mary Green - Whangarei vehicle dwellers

Clare Elizabeth Saville - Speeders/dangerous driving Raurimu Avenue.

Presentation of petition in support.

Brian Trevor May - Rating revaluations

**5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council**

**5.1 Minutes Whangarei District Council meeting held 25 July 2019**

**Moved By** Cr Greg Innes

**Seconded By** Cr Cherry Hermon

That the minutes of the Whangarei District Council meeting held on Thursday 25 July 2019, including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

**6. Decision Reports**

**6.1 Recommendations from the Community Funding Committee**

The motion was decided in parts.

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Phil Halse

That having considered the recommendations of the Community Funding Committee 14 August 2019 Council;

1. Approves the allocation of the Annual Operating Fund for 2019-2020 as follows:
  - a. Northland Society of Arts (Reyburn House) (\$28,000)
  - b. Ruakaka Recreation Centre (\$35,660)
  - c. Waipu Centennial Trust Board (Waipu Museum) (\$76,725).

**Carried**

2. Approves the allocation of the 2019-20 Partnership Fund as follows:

- a. About Time Group (under Northland Inc) – Rolling Ball Clock (\$110,000)

**Carried**

- b. Northland Vintage Machinery Club – Stage 2 Museum (\$60,000)

**Carried**

- c. Taiharuru Marae Inc – Marae Whare Wananga (\$150,000)

**Carried**

- d. Waipu Croquet Club – New Clubrooms (\$80,000)

**Carried**

## **6.2 Decision-making over the election period**

**Moved By** Cr Cherry Hermon

**Seconded By** Cr Sharon Morgan

That the Council:

1. notes that the final Council meeting will be held on 26 September 2019 and that all other normal meetings will cease then.
2. delegates to any two of the Mayor, Deputy Mayor, and chairperson of a committee, the power to make, on behalf of the Council, urgent decisions that may be needed between the final council meeting and the day the term of office of current members ends.
3. notes that if a significant matter requires consideration following the final Council meeting and up to the end of the term of current members, an extraordinary Council meeting will be called.
4. delegates to the Chief Executive, the full powers of Council, except for those responsibilities duties and powers specifically excluded in clause 32(1)(a)- h) of Schedule 7 of the Local Government Act 2002 or in any other Act, from the day after the Electoral Officer declares the result of the election until the convening of the first meeting of the new Council, scheduled for 31 October 2019.
5. delegates to the Mayor, and two Councillors, the power to make, on behalf of the Council, urgent decisions that may be needed between the first meeting of the new Council, scheduled for 31 October 2019, and the appointment of Deputy Mayor and committee chairpersons.

6. notes that if a significant matter requires consideration following the first meeting of the new Council and the appointment of Deputy Mayor and committee chairpersons, an extraordinary Council meeting will be called.
7. notes the areas currently identified where decisions may be required during the election period.
8. notes that if any urgent decision-making process is employed during this period it will be reported to Council or relevant Committee, as soon as practicable in the new Triennium.
9. notes that the Northland Civil Defence Emergency Management Group Committee continues during the election period.
10. approves Her Worship the Mayor to continue as Council's representative on the Civil Defence Emergency Management Group Committee and approves the incoming Mayor as the Council's representative on that committee until the incoming Council has appointed its new representative.

**Carried**

**6.3 Whangarei District Council Submission to the Productivity Commission draft report on Local Government Funding and Financing**

**Moved By** Cr Sue Glen

**Seconded By** Cr Sharon Morgan

That Council;

1. Approves the submission to the Productivity Commission.
2. Authorises the Chief Executive to make any minor amendments to text and graphics of the submission.

**Carried**

**6.4 Speed Limit Bylaw - Speed Limit Consultation**

**Moved By** Cr Greg Martin

**Seconded By** Cr Greg Innes

That the Council:

1. Adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019" for consultation.
2. 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.

3. Commences consultation in October 2019, following the completion of local body elections.
4. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the to the attached “Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019” and to approve the final design and layout of the documents prior to final printing and publication.

**Carried**

## **6.5 Hikurangi Bowling Club - Purchase of land**

**Moved By** Cr Greg Martin

**Seconded By** Cr Anna Murphy

That the Whangarei District Council,

1. Approves the purchase of 11 Park Street, Hikurangi legally described as Section 1 SO61246 NA75C/544 consisting of 0.2097 Ha for no more than \$264,000 plus GST if any;
2. Authorises the Chief Executive to finalise all terms and conditions relating to the sale and purchase of this property, as required to complete the transaction;
3. Authorises \$264,000 to be bought forward from the Sport and Recreation activity budget Land Acquisitions in Year 10 the 2018-2028 Long-term Plan.

**Carried**

## **7. Information Reports**

### **7.1 2019 Whangarei District Council Resident Satisfaction Survey**

**Moved By** Cr Greg Innes

**Seconded By** Cr Tricia Cutforth

That Council receives the information provided in the 2019 Whangarei District Council Resident Satisfaction Survey.

**Carried**

## 7.2 Expression of Interest ICC Women's Cricket World Cup 2021

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Cherry Hermon

That Council notes the information.

**Carried**

## 8. Public Excluded Business

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Greg Innes

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:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 25 July 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Amendment to Minutes		
1.3	Property matter		
1.4	Rent Arrears Waiver		
1.5	Property matter		
1.6	Whangarei Airport Location Update		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the minutes	



1.2	For the reasons as stated in the minutes	
1.3	To enable council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.4	To enable Council to carry on without prejudice or disadvantage commercial activities.  To enable council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(h)  Section 7(2)(i)
1.5	To enable Council to carry on without prejudice or disadvantage commercial activities.	Section 7(2)(h)

**Carried**

## **9. Closure of Meeting**

The meeting concluded at 12.47pm

Confirmed this 26<sup>th</sup> day of September 2019

Her Worship the Mayor Sheryl Mai (Chairperson)



## Item 5.2

## Whangarei District Council Meeting Minutes

**Date:** Thursday, 22 August, 2019  
**Time:** 9:00 a.m.  
**Location:** Council Chamber  
 Forum North, Rust Avenue  
 Whangarei

<b>In Attendance</b>	Her Worship the Mayor Sheryl Mai (Chairperson) Cr Gavin Benney Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Phil Halse Cr Greg Innes Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy
<b>Not in Attendance</b>	Cr Crichton Christie Cr Cherry Hermon

<b>Scribe</b>	<b>C Brindle (Senior Democracy Adviser)</b>
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1. **Karakia/Prayer**2. **Declarations of Interest**

*Cr Morgan declared a conflict of interest and left the meeting at 9.01am.*  
*Cr Morgan took no part in discussions or voting on Item 4.1.*

3. **Apologies**

Cr Crichton Christie and Cherry Hermon

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Greg Innes

That the apologies be sustained.

**Carried**

*Cr Cutforth joined the meeting at 9.01am.*

#### **4. Decision Reports**

##### **4.1 Hearing - Proposed Amendment to the Control of Vehicles on Beaches Bylaw 2009 - Langs Beach**

**Moved By** Cr Greg Innes

**Seconded By** Cr Phil Halse

That the Council,

1. Receives the submissions to the proposed amendment of the Control of Vehicles on Beaches Bylaw 2009.
2. Hears the submitters who wish to be heard in support of their submission to the proposed amendment of the Control of Vehicles on Beaches Bylaw 2009.

**Carried**

The submitters who were heard are listed:

Christine Birss, Lang Cove Residents Association

Robyn Hembry

Richard Stolwerk – Langs Beach Dune Restoration Group

Malcolm Morrison.

#### **5. Closure of Meeting**

The meeting concluded at 9.24am

Confirmed this 26<sup>th</sup> day of September 2019

Her Worship the Sheryl Mai (Chairperson)

## Item 5.3

**Whangarei District Council Meeting Minutes**

**Date:** Thursday, 5 September, 2019  
**Time:** 9:00 a.m.  
**Location:** Council Chamber  
 Forum North, Rust Avenue  
 Whangarei

**In Attendance** Her Worship the Mayor Sheryl Mai  
 (Chairperson)  
 Cr Gavin Benney  
 Cr Vince Cocurullo  
 Cr Tricia Cutforth  
 Cr Shelley Deeming  
 Cr Sue Glen  
 Cr Phil Halse  
 Cr Cherry Hermon  
 Cr Greg Innes  
 Cr Sharon Morgan  
 Cr Anna Murphy

**Not in Attendance** Cr Crichton Christie  
 Cr Greg Martin

**Scribe** C Brindle (Senior Democracy Adviser)

**1. Karakia/prayer****2. Declarations of Interest**

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

*Cr Morgan declared a conflict of interest and left the meeting at 9.01am.  
 Cr Morgan took no part in discussions or voting on Item 4.1.*

**3. Apologies**

Cr Crichton Christie (leave of absence) and Cr Martin (absent)

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Sue Glen

That the apologies be sustained.

**Carried**

#### 4. Decision Reports

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

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Anna Murphy

That council deliberate on the Control of Vehicles on Beaches Bylaw 2009.

**Carried**

*Following deliberations council resolved:*

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Shelley Deeming

That Whangarei District Council, at the 26 September Council meeting, confirms the amendments to the Control of Beaches Bylaw 2009 as proposed in the Statement of Proposal, including the following amendment:

*'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; or*
- d) exceeds the posted speed limits.'*

**Carried**

*Cr Hermon abstained from voting on Item 4.1.*

#### 5. Information Reports

There were no information reports.

#### 6. Closure of Meeting

The meeting concluded at 9.46am.

Confirmed this 26<sup>th</sup> day of September 2019

Her Worship the Mayor Sheryl Mai (Chairperson)

## 6.1 Adoption of the 2018-2019 Annual Report

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 September 2019  
**Reporting officer:** Delyse Henwood (Manager – Finance)

### 1 Purpose

To adopt Council's Annual Report and Summary Annual Report for the year ended 30 June 2019.

### 2 Recommendations

That the Council:

- a) Adopts the Annual Report and Summary Annual Report for the year ended 30 June 2019;
- b) Authorises the Chief Executive to make any minor editing amendments that are required.

### 3 Background

The Council is required to prepare and adopt an annual report each financial year under Section 98(1) of the Local Government Act 2002.

The purposes of an annual report are:

- to compare the actual activities and the actual performance of Council in the year with the intended activities and the intended level of performance as set out in respect of the year in the Long Term Plan; and
- to promote Council's accountability to the community for the decisions made throughout the year by the Council.

Council is also required to prepare a summary of the annual report which must contain a separate auditor's report relating to its compliance.

### 4 Discussion

The Annual Report and the Summary Annual Report for the year ended 30 June 2019 (to be circulated separately) have been prepared and are currently with Audit New Zealand for final review. At the time of writing this agenda several items were still being finalised and reviewed by Audit New Zealand. To meet our requirements under the Local Government Act copies of the Annual Report and Summary Annual Report will be circulated prior to the

meeting with any changes or amendments raised by Audit to be made available either prior to or at the meeting.

## **5 Significance and engagement**

The adoption of an Annual Report and Summary Annual Report is a specific requirement of the Local Government Act 2002. The process to be followed and items to be reported are covered by Part 6 of the Act. Once adopted, the Annual Report and Summary Annual Report will be available on Council's website.

## **6 Attachments**

### **Under separate cover**

1. Annual Report for the year ended 30 June 2019.
2. Summary Annual Report for the year ended 30 June 2019.

*Documents to be distributed under separate cover. Documents are available to the public on council's website or on request – contact Senior Democracy Adviser*



## 6.2 Confirmation of amendments to the Control of Vehicles on Beaches Bylaw 2009

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 September 2019  
**Reporting officer:** Shawn Baker (NTA Contractor)

### 1 Purpose

To adopt amendments to the Control of Vehicles on Beaches Bylaw 2009 relating to vehicles on Langs Beach and to make the updated Bylaw operative.

### 2 Recommendations

That the Council;

1. Confirms the amendments to the Control of Vehicles on Beaches Bylaw 2009 as set out in the Amendment to the Control Vehicles on Beaches Bylaw 2009 (Attachment 1).
2. Makes the amended Control of Vehicles on Beaches Bylaw 2009 operative on 18 October 2019 (Attachment 2).
3. Authorises the Chief Executive to make any minor amendments, including typographical / formatting / editing changes to the Control of Vehicles on Beaches Bylaw 2009, if required.

### 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 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 with public submissions sought between 15th July 2019 and 5pm on 12th August 2019. In addition to formal notification, Council also undertook a range of activities to publicise the proposed changes, including articles in the newspaper, direct notification of key community groups and undertaking a leaflet drop in the Langs Beach area. 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 4 submitters presented their submissions in person, all other written submissions were also received by Council.

Council held a deliberations meeting on 5<sup>th</sup> September to make decisions on the submissions received and the issues raised by submitters. The Committee considered all issues raised

by submitters. Council must now confirm the amendments to the Bylaw and make those amendments operative.

## **4 Discussion**

### **4.1 Amendments**

At its deliberations meeting on 5<sup>th</sup> September, Council considered all issues raised by submitters, including options for addressing those issues. Following debate, it was decided to adopt the proposed amendment to the Control of Vehicles on Beaches Bylaw 2009, as set out in the Statement of Proposal, with the following additional wording:

*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; or*
- d) Exceeds the posted speed limit*

In addition, it is recommended that the following additional explanation be included in the Bylaw to provide clarity around the additional clause. It should be noted that this explanation is for the purposes of clarity and does not impact on the effect of the Bylaw.

*Explanatory note: Vehicles may access the beach from the vehicle access point to the eastern end of the beach and boat launch point, provided that they observe the posted speed limit, all normal road rules and do not drive in a dangerous manner.*

The amendments to the Bylaw are set out in Attachment 1. The full Bylaw, including the amendments is set out in Attachment 2.

### **4.2 Operative Date**

Labour Weekend traditionally marks the start of the beach season in New Zealand, with a gradual increase in beach related activities and rise in holiday makers. It is therefore recommended that the amendments to the Control of Beaches Bylaw are made operative before Labour Weekend 2019 (28<sup>th</sup> October).

It is recommended that the operative date for the amendments be 18<sup>th</sup> October. This will provide sufficient time for public notification, any publicity and signage to be put in place. The 18<sup>th</sup> October will allow the amendments to become operative before Labour Weekend.

### **4.3 Next Stage**

The amendments to the Bylaw will be formally notified and the new Bylaw published on Councils website. Appropriate signage will be installed, and education and publicity will be undertaken.

Council staff will monitor the effect of the amendments over the summer period.

### **4.4 Options**

Council may either:

- Make the amendments to the Bylaw as recommended by the Deliberations meeting; or
- Decline to make the amendments to the Bylaw.

## **5 Significance and engagement**

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significant and Engagement Policy. The public will be informed via agenda publication on Council's website and through public notification and promotional material.

## **6 Attachments**

1. Amendments to the Control of Vehicles on Beaches Bylaw 2009
2. Control of Vehicles on Beaches Bylaw 2009, incorporating amendments.



### 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 in red on the map) to the north-western end of the beach.

No person may drive, ride or park, or otherwise bring any vehicle or trailer onto the part of Langs Beach that is south-east of the vehicle access point (as indicated in black on the map) 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; or
- d) Exceeds the posted speed limit.

*Explanatory note: Vehicles may access the beach from the vehicle access point to the eastern end of the beach and boat launch point, provided that they observe the posted speed limit, all normal road rules and do not drive in a dangerous manner.*







# ***Control of Vehicles on Beaches Bylaw 2009***

Made by Whangarei District Council by Resolution in Council 25 November 2009  
(amended on 26 September 2019 by Whangarei District Council with effect from 18 October 2019)



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## 1. Title

**1.1** This Bylaw is the Control of Vehicles on Beaches Bylaw 2009.

## 2. Commencement

**2.1** This Bylaw comes into force on 7/12/2009.

*Explanatory note: The Bylaw was first made in November 2009. It was reviewed and subsequently amended by Council in October 2016. The amendments to the Bylaw made in the 2016 review came into force on 21 October 2016. A further amendment was made to the Bylaw in September 2019 and that amendment came into force on 18 October 2019. Refer to Section 1 of 'Additional Information to the Control of Vehicles on Beaches Bylaw 2009'.*

## 3. Application

**3.1** This Bylaw applies to the Whangarei District.



## Part 1 Preliminary provisions

### 4. Purpose

**4.1** The purpose of this Bylaw is to protect, promote and maintain public health and safety, and protect the public from nuisance by regulating the use of vehicles on beaches in the Whangarei District.

### 5. Interpretation

**5.1** In this Bylaw, unless the context otherwise requires:

**Authorised agency** means Whangarei District Council, New Zealand Police, New Zealand Fire Service, any Emergency Ambulance Service, Northland Regional Council, Department of Conservation, any Central Government Department or Ministry, the National Institute of Water and Atmospheric Research and any surf life saving club registered with Surf Life Saving Northern Region.

**Beach** means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation.

**Council** means the Whangarei District Council.

**Dune** means any natural hill, mound or ridge of sediment, or any series of such, landward of a coastal beach or on the border of a large lake or river valley that is deposited by wind action or storm over wash, and sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control and includes three metres of the beach immediately adjacent to the toe of the dune, but does not include any private property or any land administered by the Department of Conservation.

**Enforcement officer** means:

- a) any person appointed by Council under section 177 of the Local Government Act 2002 as an enforcement officer
- b) any parking warden appointed by Council under section 128D of the Land Transport Act 1998
- c) any person defined as an enforcement officer under section 2(1) of the Land Transport Act 1998.

**Vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**5.2** Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without formality.

**5.3** The Interpretations Act 1999 applies to this Bylaw.

## Part 2 Vehicles on Beaches

### 6. Prohibitions

**6.1** All vehicles are prohibited on dunes at all times.

**6.2** Subject to exemptions provide for elsewhere in this Bylaw, all vehicles are prohibited in the areas identified in Schedule 1 at all times.

*Explanatory note: The provisions of Council's District Plan and other bylaws apply to all vehicles on beaches. This includes, but is not limited to, the Speed Limits Bylaw 2005, the Parking and Traffic Bylaw 2009 and the Public Places Bylaw 2014. The Land Transport Act 1998 defines a beach as a road and therefore all relevant traffic rules and regulations apply to any vehicles on beaches.*

## 7. Exemptions

**7.1** Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions or activities of that authorised agency may use a vehicle in any area identified as prohibited in Schedule 1 of this Bylaw.

**7.2** Council may issue exemption permits for the areas identified in Clause 6.2.

**7.3** Council may impose such conditions as are deemed necessary on any exemption permits issued.

**7.4** Council may revoke an exemption permit at any time.

## *Part 3 Enforcement, offences and penalties*

### 8. Offences

**8.1** Every person commits an offence against the Bylaw who:

- a) commits a breach of this Bylaw
- b) omits, fails or refuses to do anything required by this Bylaw.

**8.2** Nothing in this clause limits the liability of any person to be proceeded against for an infringement offence under section 138 of the Land Transport Act 1998 or sections 245 and 259 of the Local Government Act 2002.

### 9. Persons to provide details

**9.1** Where an enforcement officer has reasonable grounds to believe a person has failed to comply with any provision of this Bylaw the person shall, on demand by an enforcement officer, give his or her full name and full address.

### 10. Offenders to leave beach

**10.1** Where an enforcement officer has reasonable grounds to believe a person has failed to comply with any provision of this Bylaw, the enforcement officer may direct the person to immediately leave the beach, and the person may be further prohibited by that officer from re-entering the beach for a period of 24 hours.

### 11. Penalties

**11.1** Without limiting the liability of any person under any enactment, for a breach of this Bylaw, any person who commits an offence against this Bylaw is liable to:

- a) in the case of an offence against clause 6 or 7 of this Bylaw, a fine not exceeding \$500. If the offence is an infringement offence under the Land Transport Act 1998, the infringement fee fixed by that Act or regulations made under the Land Transport Act 1998 or any subsequent amendments to that Act or regulations.
- b) in the case of an offence against clause 9 or 10 of this Bylaw a fine not exceeding \$20,000.

## *Part 4 Savings, transitional provisions*

### 12. Existing exemptions to continue in force

**12.1** Every exemption issued under the Bylaw is subject to clauses 7.3 and 7.4 of the Bylaw.



# Schedule 1

## 1.1 Map 1 – Ruakaka Beach South

Vehicles are prohibited at all times between the entry point to the beach at Bream Bay Drive Pedestrian Accessway (as indicated on the map) and northwards to the Ruakaka River mouth.





## 1.2 Map 2 – Ruakaka Beach North

Vehicles are prohibited at all times between the point where the seawater supply line for NIWAs Northland Marine Research Centre intersects the beach (as indicated on the map) and southwards to the Ruakaka River mouth.

*Explanatory note: The start of the prohibited area is approximately 500 metres north of the pedestrian access point off Karawai Street.*





### 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 in red on the map) to the north-western end of the beach.

No person may drive, ride or park, or otherwise bring any vehicle or trailer onto the part of Langs Beach that is south-east of the vehicle access point (as indicated in black on the map) 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; or
- d) Exceeds the posted speed limit.

*Explanatory note: Vehicles may access the beach from the vehicle access point to the eastern end of the beach and boat launch point, provided that they observe the posted speed limit, all normal road rules and do not drive in a dangerous manner.*



# Additional information to Control of Vehicles on Beaches Bylaw 2009

This document is for information purpose only and does not form part of this Bylaw. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

## Section 1 History of Bylaw

Action	Description	Date of decision	Commencement
Make	Vehicles on Beaches Bylaw 2009	25 November 2009	7 December 2009
Amend	Vehicles on Beaches (Amendment No 1) Bylaw 2016	29 September 2016	21 October 2016
Amend	Vehicles on Beaches (Amendment No. 2 – Vehicles on Langs Beach) 2019	26 September 2019	18 October 2019

## Section 2: Related documents

Document	Description	Location
<b>Reports to Council/Committee/Panels</b>		
Appropriateness of Bylaw – Vehicles on Beaches	Appropriateness of a bylaw to address the perceived problem.	Q:\COUNCIL AGENDAS\Open\2009\Council\25 February\Open
Vehicles on Beaches Bylaw – Statement of Proposal	Statement of Proposal including draft Bylaw adoption for public consultation.	Q:\COUNCIL AGENDAS\Open\2009\Council\24 June\Open
Vehicles on Beaches Bylaw submission	Receive submissions and hear submitters who wish to be heard.	Q:\COUNCIL AGENDAS\Open\2009\Extra-Ordinary Council\1 September
Vehicles on Beaches Bylaw Workshop	Discussion of submissions received.	Q:\COUNCIL AGENDAS\Open\2009\Council Workshops\23 September
Making of Bylaw	Deliberations and decision to make final bylaw.	Q:\COUNCIL AGENDAS\Open\2009\Council\25 November\Open
Vehicles on Beaches Bylaw review	Briefing on analysis undertaken for review of Bylaw under s158 of the LGA.	<a href="http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Briefing-Programme-2016-06-01.pdf">http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Briefing-Programme-2016-06-01.pdf</a>
Review of Vehicles on Beaches Bylaw	Completion of review as required under s158 of the LGA and adoption of SOP for public consultation for proposed amendments to the Bylaw.	<a href="http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Agenda-2016-06-22.pdf">http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Agenda-2016-06-22.pdf</a>
Hearings Report	Receive submissions and hear submitters to be heard.	<a href="http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Extra-Ordinary-Whangarei-District-Council-Agenda-2016-08-16.pdf">http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Extra-Ordinary-Whangarei-District-Council-Agenda-2016-08-16.pdf</a>
Submission issues raised	Briefing report on submission issues raised for questions/clarification.	<a href="http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Briefing-2016-08-23.pdf">http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Briefing-2016-08-23.pdf</a>
Deliberations	Deliberations on submission issues raised.	<a href="http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Extra-ordinary-Whangarei-District-Council-Agenda-2016-09-07.pdf">http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Extra-ordinary-Whangarei-District-Council-Agenda-2016-09-07.pdf</a>
Amendments to Bylaw	Confirmation of amendments to Bylaw	<a href="http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Agenda-2016-09-29.pdf">http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Agenda-2016-09-29.pdf</a>

Document	Description	Location
Vehicles on Beaches Statement of Proposal	Statement of Proposal, including draft amendment for Largs Beach adoption of public consultation.	<a href="https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1137">https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1137</a>
Hearings Report	Receive submissions and hear submitters who wish to be heard.	<a href="https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1221">https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1221</a>
Submissions issues raised	Briefing report on submission issues raised for questions / clarification.	<a href="https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1237">https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1237</a>
Deliberations	Deliberations on submission issues raised	<a href="https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1243">https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=1243</a>
Amendments to Bylaw	Confirmation of amendments to Bylaw	Link to be provided
<b>Legislation</b>		
Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Land Transport Act 1998	Provides certain functions, duties, powers and penalties to make and enforce this bylaw.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretations Act 1999	Provides for certain matters related to the interpretation of bylaws.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

### Section 3: Delegations

Clause	Function, Duty, Power to be delegated	Delegated Authority	Delegation date	Delegation active date
6.2	Authorisation of exemptions	Regulatory Services Manager	29 September 2016	21 October 2016
6.2	Provision of keys for approved keyholders to access Ruakaka Beach through the gate adjacent to the Ruakaka Beach Surf Life Saving Patrol Building (authorisation of exemptions)	Customer Services Officers & Customer Services Representatives.  Keys will be issued in accordance with the operational policy approved by the Group Manager District Living.	29 September 2016	21 October 2016

### Section 6: Enforcement powers

Legislative provision	Description
Local Government Act 2002	<p>Section 239 Offences in respect of breaches of bylaws (other than alcohol bans)</p> <p>Every person commits an offence and is liable on conviction to the penalty set out in section 242(4) or (5) (as the case may be), who breaches a bylaw made under Part 8 (other than a bylaw made under section 147).</p> <p>Section 242 Penalties for offences</p> <p>(4) A person who is convicted of an offence against a bylaw made under Part 8 (other than a bylaw made under Part 8 referred to in subsection (5)) is liable to a fine not exceeding \$20,000.</p>

Land Transport Act 1998	<p>Part 9 Allows enforcement officers, including members of Police, to enforce the provisions of the Local Government Act 1974, the Local Government Act 2002, the Road User Charges Act 2012, the Government Rounding Powers Act 1989, the Railways Act 2005, the Land Transport Management Act 2003, and the Land Transport Act 1998, and any regulations and rules and bylaws in force under any of those Acts.</p> <p>Section 128E</p> <p>Allows parking wardens to enforce any stationary vehicle offence or special vehicle lane; may remove or direct the driver to remove any vehicle if it is obstructing the road, or it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public.</p> <p>Section 139</p> <p>Allows enforcement officers and parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011.</p>
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## Section 7: Offences and penalties

Bylaw Provision	Legislative provision	Description of offence	Maximum fine upon conviction	Infringement fee
Clauses 6 and 8.1(a) (stopping, standing or parking)	Land Transport (Offences and Penalties) Regulations 1999	Failure to comply with the relevant provisions of a bylaw made under section 22AB	\$500	\$40
Clauses 6 and 8.1(a) (driving a vehicle)	Land Transport (Offences and Penalties) Regulations 1999	Failure to comply with the relevant provisions of a bylaw made under section 22AB	\$1,000	\$150
		As prescribed in Schedules 1 and 1B of the regulations	Varies	Varies
Clauses 6 and 8.1(a)	Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011	As prescribed in Schedule 6 of the regulations	Varies	Varies
Clauses 8.1(b) and 9 or 10	Local Government Act 2002	Breach of Bylaw	\$20,000	NA



## 6.3 Temporary Road Closure – Tuia 250 Commemoration 2019

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 September 2019  
**Reporting officer:** Petra Gray (Community Events Coordinator)

### 1 Purpose

To seek approval of the proposal to temporarily close roads, to allow the Tuia 250 Commemoration to be held on Saturday 2 November 2019

### 2 Recommendations

That Whangarei District Council,

1. Approves the temporary closure of the following roads to ordinary traffic for the Tuia 250 Commemoration on Saturday 2 November 2019 in accordance with section 342 (1)(b) and Schedule 10 Clause 11 of the Local Government Act 1974.

#### **Saturday 2 November 2019**

**Reyburn House Lane**, from 60 Reyburn House Lane to where it meets Herekino Street and Lower Dent Street.

**Lower Dent Street**, from 160 Lower Dent Street to where it meets Herekino Street and Reyburn House Lane

**Herekino Street**, from 44 Herekino Street to where it meets Lower Dent Street and Reyburn House Lane

**Period of Closure:** 6:00am – 6:00pm

2. Delegates to the Chair of the Infrastructure Committee and General Manager Infrastructure the power to give public notices of these temporary road closures.

### 3 Background

Tuia 250 recognises and commemorates two extraordinary voyaging traditions and cultures – the exceptional feat of Pacific voyagers, their non-instrument navigation prowess and their decision to settle in Aotearoa many generations ago. It also commemorates the feats of European explorers, the technology they developed and their first encounters 250 years ago.

In 2018, joint project leads, Whangarei District Council and the Hihiaua Cultural Centre Trust were successful in obtaining funding from the Lotteries to host a community event in

Whangarei and provide experiences to commemorate, celebrate and explore the multiple histories of our region.

On the 31<sup>st</sup> October waka hourua (double hull boats) and a variety of tall ships will be docking at Port Nikau in preparation for the Tuia 250 event. On the 2<sup>nd</sup> November 190 crew from Hawaii, Tahiti and New Zealand will be welcomed with a mass haka powhiri for the manuhiri (guests) onto the Hihiaua Peninsula. Following the powhiri there will be a hakari (celebratory meal) as well as live entertainment, educational and interactive workshops. The InnoNative market will be on Reyburn Lane providing food and stalls for guests to visit.

This event demonstrates a collaborative approach between various sectors of the community including mana whenua and local government.

## **4 Discussion**

Consultation will take place with the business owners effected by this closure, this consultation will continue throughout the lead up to the event.

The Whangarei District Council - Venues and Events team are experienced in managing events like this including managing a successful Matariki at Hihiaua event in June at the same location with a similar road closure and will ensure the event is safe, well managed and a great day out for our community.

WDC Roding, NZ Police and NZTA have been consulted with and are all comfortable that this temporary road closure will not impede traffic unreasonably.

Kia Tupato will be engaged to submit a traffic management plan to Council for approval and For implementation on the day. Kia Tupato have experience working on this event and many others with Venues and Events.

### **4.1 Risks**

Whangarei District Council – Venues and Events and Hihiaua Centre Cultural Trust are working to eliminate or minimise risks as detailed in the Risk Management Hazard ID Register for the event.

All vehicle movement in and out of the event area during pack in and pack out will be strictly managed.

## **5 Significance and engagement**

The decisions or matters of this Agenda 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, Council News, Facebook and marketing by the event organisers.

## **6 Attachment**

1. Road Closure Request Letter and Map – Tuia 250 Commemoration

5 September 2019

Dear Petra

On Saturday 2<sup>nd</sup> November 2019 at Hihiaua Park, Whangarei the Tuia 250 commemoration will be taking place. The day will be celebrated with the InnoNative markets in Reyburn Lane, live music and entertainment and interactive educational workshops.

In order to assist us with the delivery of the event and to ensure the safety of the public, we would like to request partial road closures of the following streets from 6:00AM – 6:00PM on Saturday 2 November 2019.

Reyburn House Lane - from 60 Reyburn House Lane to where it meets Herekino St and Lower Dent St

Lower Dent St - from 160 Lower Dent Street to where it meets Herekino Street and Reyburn House Lane

Herekino St - from 44 Herekino St to where it meets Lower Dent Street and Reyburn house lane

Please refer to attachments.

Yours faithfully



Gemma Aspden  
Team Leader – Major Events Planning & Administration  
Whangarei District Council

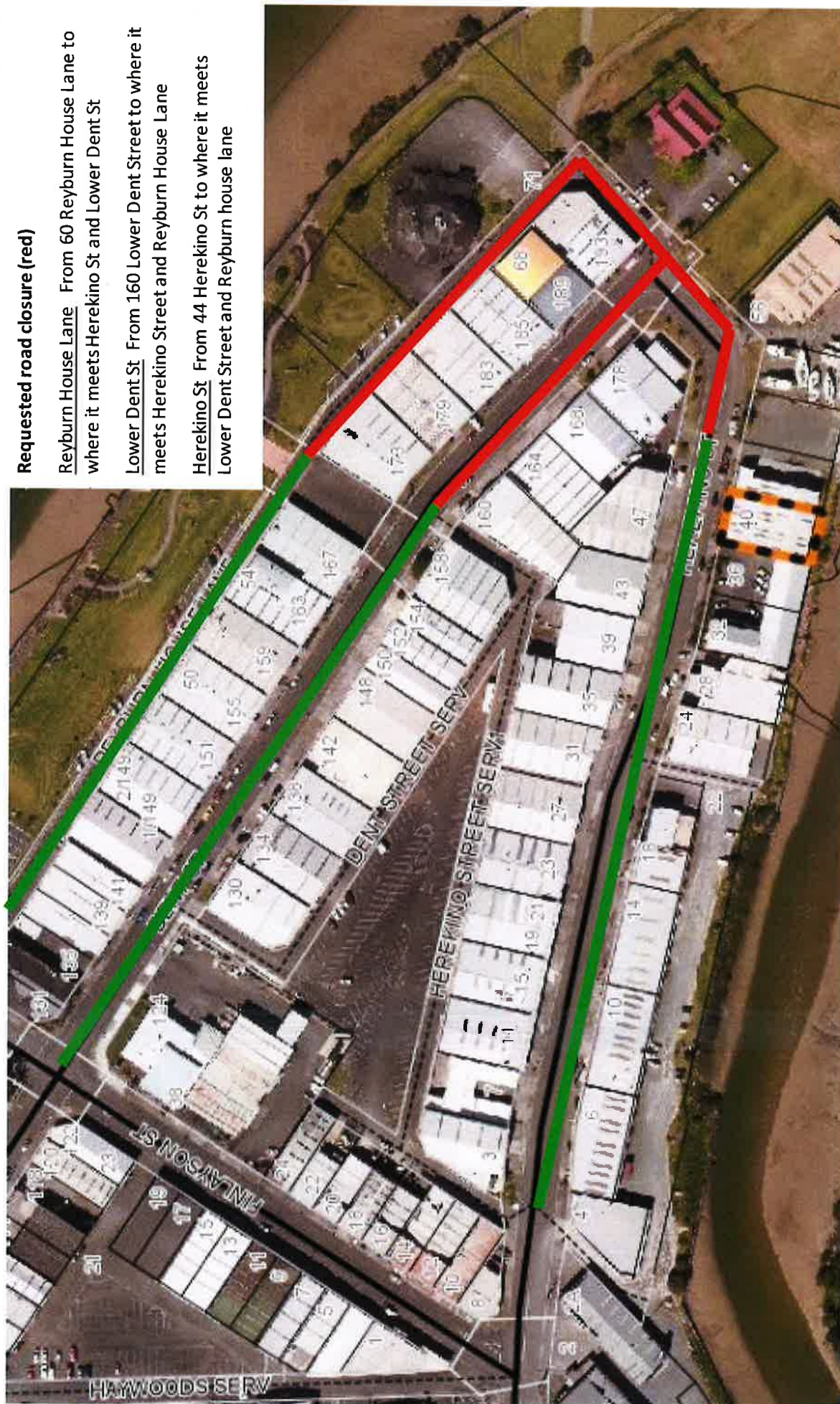
**Proposed Controlled Traffic Management point (green)**

**Requested road closure (red)**

Reyburn House Lane From 60 Reyburn House Lane to where it meets Herekino St and Lower Dent St

Lower Dent St From 160 Lower Dent Street to where it meets Herekino Street and Reyburn House Lane

Herekino St From 44 Herekino St to where it meets Lower Dent Street and Reyburn house lane





## 7.1 Valedictory speeches

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 September 2019  
**Reporting officer:** Rob Forlong (Chief Executive)

### 1 Purpose

To provide an opportunity for outgoing elected members to give their valedictory speeches.

### 2 Recommendation

That the Council

1. Notes the valedictory speeches from Deputy Mayor Sharon Morgan and Councillor Cherry Hermon, wish them all the best for their future endeavours and thanks them for their hard work and contribution to Council and the Whangarei District.

### 3 Executive Summary

This is the last council meeting of the term, valedictory speeches will be given by Deputy Mayor Sharon Morgan and Councillor Cherry Hermon, who are not seeking re election.

### 4 Significance and engagement

The decisions or matters of this Agenda 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.



**RESOLUTION TO EXCLUDE THE PUBLIC****Move/Second**

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:

<b>General subject of each matter to be considered</b>		<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for passing this resolution</b>
1.1	Confidential Minutes Whangarei District Council 29 August 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Property Matter		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

<b>Item</b>	<b>Grounds</b>	<b>Section</b>
1.1	For the reasons stated in the minutes.	
1.2	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations). S7(2)(g) to maintain legal professional privilege.	Section 7(2)(1)  Section 7(2)(g)

**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.*